

## **KEY POLICY REVIEW – ABUSE AGGRESSION AND VIOLENCE POLICY**

Report of the Director of Housing and Customer Service

### **1. SUMMARY**

As an employer, Derby Homes complies with its statutory responsibilities under Health and Safety legislation. By producing a Violence and Aggression Policy, Derby Homes is also demonstrating its commitment that violent and aggressive behaviour towards staff, and contractors, will not be tolerated. Derby Homes' Abuse, Aggression and Violence Policy was formally introduced in 2009, following approval by Derby Homes' Health and Safety Forum. The Policy has now been reviewed taking into account legislative changes and recommended good practice.

### **2. RECOMMENDATION**

For the Committee to approve the updated Policy.

### **3. MATTER FOR CONSIDERATION**

- 3.1 Verbal and physical incidents at work form a small part of the health and safety risks that Derby Homes' staff face every day. They are by no means a frequent occurrence; however, there has been a marked increase in incidents from 21 in 2009 to 35 in 2011.
- 3.2 Although a Violence and Aggression Policy is predominantly a health and safety issue, there are other employer interests served by having a policy. The cost of violence to an organisation such as Derby Homes could include:
  - Increased absenteeism because employees are hurt, afraid or stressed
  - Low morale
  - Cost of legal compensation
  - Bad publicity.
- 3.3 The review has allowed the Policy to be updated to include the Equalities Act 2010 and to keep abreast of good practice and other developments. It also reinforces Derby Homes' commitment to a zero tolerance approach towards abuse of staff.
- 3.4 The Policy is attached in Appendix 1. For clarity, it has been separated from staff procedures.

#### **4. EQUALITIES IMPACT ASSESSMENT**

The Equality Impact Assessment is attached in Appendix 2.

#### **5. POLICY REVIEW IMPLICATIONS**

This is a key policy of Derby Homes and is included in the Key Policy Review Schedule. In accordance with minute 10/51 this policy will be reviewed no later than three years from the date of this meeting.

The areas listed below have no implications directly arising from this report:

Consultation  
Financial and Business Plan  
Legal and Confidentiality  
Council  
Personnel  
Environmental  
Health & Safety  
Risk

If Board members or others would like to discuss this report ahead of the meeting please contact the author, or Phil Davies, Chief Executive, [phil.davies@derbyhomes.org](mailto:phil.davies@derbyhomes.org) – Phone: 01332 888528

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Background Information: None

Supporting Information: None

## DERBY HOMES ABUSE, AGGRESSION AND VIOLENCE POLICY

### 1. Derby Homes Commitment

Derby Homes aims to offer the best services possible but in doing so, will not tolerate any act of violence or aggression towards staff or contractors whilst going about their duties.

Derby Homes acknowledges that staff who deal with distressed, anxious or angry customers can be at risk of physical or verbal abuse from time to time. Although such behaviour is infrequent, staff should not tolerate it as 'part of the job' or accept that it is an indication of failure on their part.

Derby Homes will:

- Identify people associated with the properties we manage who are involved in violence, threats or verbal abuse. We will attach a warning marker on our Housing Management System, in line with the Data Protection Act 1988.
- Contact the Police and prosecute the perpetrator if a member of staff is assaulted whilst carrying out their duties
- Consider taking legal action including injunctions and possession proceedings, where there is evidence that an action has led to a staff member feeling alarm or distressed
- Work with other agencies when violence or aggression is symptomatic of a medical condition
- support staff following an incident

### 2. Definition

Abuse, aggression or violence is defined as:

'an incident in which employees **feel** that they have been verbally abused, threatened or attacked in circumstances relating to their duties either in, or out of work'.

This includes:

- verbal abuse, including name calling, when an employee feels threatened
- physical attack - whether visible injury occurs or not
- damage to property belongings to employees or a contractor working on our behalf
- any work-related threat to an employee or their family, which happens away from the workplace.
- injuries caused by pets

Derby Homes has a duty under the Health and Safety at Work Act 1974 to minimise the risk of violence to all employees so far as is reasonably practicable.

This can be achieved by:

- ensuring appropriate risk assessments are carried out
- providing training and accurate information to employees at risk
- changing the work environment
- changing working practices

### **3. Managers Responsibilities**

Managers must:

- be aware of different types of abuse and violence and the impact on staff
- carry out risk assessments to identify circumstances which may lead to violent incidents
- be aware of reporting procedures.

Managers are responsible for:

- raising awareness of the policy
- arranging employee training
- being sensitive to the needs of employees and the risks they face in all aspects of their work
- putting preventative measures in place
- responding urgently to any identified risks involving abuse and violence
- supporting employees following an incident

### **4. Employees Responsibilities**

Employees have a duty under the Health and Safety at Work Act 1974 to:

- take reasonable care for the health and safety of themselves and others who may be affected by their acts or omissions
- co-operate with Derby Homes in carrying out its duties under health and safety law.
- raise any shortcomings/failings in health and safety with their line manager

Employees are encouraged to take responsibility for their own personal safety including complying with Derby Homes' policies and procedures

Employees should:

- ensure that they are aware of where information about individuals or incidents is stored and should follow the guidelines in the Lone Working Code.
- remove themselves from any situation where they feel threatened. They should also be alert to any escalating situations that colleagues are dealing with and be prepared to offer help if it is safe to do so.
- report all incidents.

It is important that employees report all incidents involving abuse, aggression or violence, including verbal abuse to their manager. Even if the situation seems trivial, it should still be reported to allow the system to be updated. By reporting, an employee is protecting others as well as themselves from possible recurrence or escalation.

The Customer Service Manager will record all assaults and maintain a file of incidents in order to establish trends. He/she will liaise with the Health & Safety Advisor to establish whether further precautionary measures are required, and identify training needs. This information will be reported to the City Board on a regular basis.

Employees who collect Petty Cash must be aware of their own safety. Appendix 1 gives guidelines for staff protection in these circumstances.

## **5. Counselling and Support**

Employees requiring support may choose to use the Right Core Care Service by contacting one of the counsellors. Officers in the Personnel section are always available to give confidential counselling to the victim of any attack. In all cases of assault, the Personnel Team must be informed immediately.

Alternatively, employees may wish to make their own counselling arrangements, if Derby Homes and the Right Core Care Service cannot meet their need. If so, they will be allowed compassionate leave to attend, and Derby Homes will meet the cost. The extent of financial support will depend on the needs of the employee and progress to recovery. The Personnel Officer will monitor this.

## **6. Legislation**

Derby Homes' complies with:

- The Health and Safety at work Act 1974
- The Management of Health and Safety at work Regulations 1999
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulation 1995 (RIDDOR)

Other relevant legislation:

The Equalities act 2010. The Act consolidates previous legislation such and The Equality Act 2006, which enacts the European Convention on Human Rights and the Disability Discrimination Act 1995. The Act introduces protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation

## **7. Monitoring and Review**

This policy will be reviewed in line with non-core activity reviews or when sooner if appropriate.



## Equality Impact Assessment form

### 1) Name the Strategy, Policy, and Procedure or Function being assessed.

Abuse, Aggression & Violence Policy (2012)

### 2) What are the aims of the strategy, policy, procedure or function being assessed?

Whose need is it designed to meet?

Are there any measurable elements such as time limits or age limits?

This policy is designed to support staff that may be subject to abuse, aggression or violence by customers whilst delivering the service.

The policy clearly defines what sort of behaviour constitutes the abuse, aggression and violence towards staff and lays out management, staff and organisational responsibilities when incidents of this nature occur.

### 3) Who has been consulted?

The minor changes in the draft will be scrutinised by the joint DH/DCC Health & Safety Forum in 2012.

### 4) Identify potential impact on each of the of the diversity 'groups' by considering the following questions. There may be other questions you need to think about which are specific to the strategy, policy, procedure or function you are assessing.

- Might some groups find it harder to access the service?
- Do some groups have particular needs that are not well met by the current service, policy, procedure or function?
- What evidence do you have for your judgement (e.g. monitoring data, information from consultation / research / feedback)?
- Have staff / residents raised concerns and or complaints?
- Is there any local or national research to suggest there could be a problem?

Please use the table below to record your findings / answers

<b>Strand</b>	<b>No Impact</b>	<b>Negative Impact</b>	<b>Positive Impact</b>	<b>Comments / Evidence</b>
Age			✓	See section 5 (below)
Disability			✓	“
Gender			✓	“
Race			✓	“
Religion & Belief			✓	“
Sexual Orientation			✓	“
Transgender			✓	“
Marital Status			✓	“

**5) Does the strategy, policy, practice or function promote equality of opportunity?**

- Does it link to Derby Homes Core objectives
- Can any positive impacts be promoted as best practice

The policy has a broad applicability and is aimed at protecting **any** Derby Homes member of staff who is subject to abuse, aggression or violence in the pursuance of their duties at work.

The reporting procedures expected of staff and management in this policy and investigative and reporting procedures required by Derby Homes when abuse, aggression or violence takes place will pick up if the behaviour is motivated by the discriminatory tendencies of any perpetrator.

The outcomes of this policy will be:

1. The appropriate level of support being made available to staff victims of abuse.
2. Monitoring of incidents to identify any trends surrounding particular customers and then taking action to prevent further abuse.
3. Building up of evidence to support legal action where abuse, aggression or violence is clearly motivated by discriminatory attitudes to the characteristics of age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex or sexual orientation protected by the Equalities Act 2010.

**6) If 'adverse Impacts' are identified is it?**

- Legal (i.e. not discriminatory)
- What is the level of impact?

**7) Are there any changes you could introduce which make this strategy, policy, procedure or function, work better for this group of people? Detail the actions planned and any further research or consultation required and how the actions will be monitored.**

N/A



**8) If actions / suggestions for improvement have been identified, what should the positive outcome be for Derby Homes customers?**

N/A

**9) Do you consider a full Equality Impact Assessment is required or do the actions identified and planned meet the adverse impacts identified?**

Since the policy in question is generic, a further more specific Impact Assessment is not required.

### **Monitoring**

<b>Review / New EIA (date or Timeframe)</b>	April 2012
<b>Name of person/s completing this form</b>	Mark Crown
<b>Date assessment completed</b>	
<b>Name (and signature) of manager approving EIA</b>	