

EMPLOYMENT COMMITTEE

THURSDAY 24 NOVEMBER 2011
3.00 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

	Page No
1. Apologies for Absence	
2. Declarations of Interest	
3. Minutes of the Meeting held on 15 September 2011	1 - 4
4. Appointment of Interim Director of Children's Services	5 - 8
5. Changes to Employee Policies and Procedures	9 - 44

Committee Members:

Councillors: Benton (Chairman), Lamb (Vice Chairman), Fitzgerald, Holdich, Seaton, Swift and Khan

Substitutes: Councillors: Walsh and Miners

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk



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**Minutes of a meeting of the Employment Committee
held at the Town Hall, Peterborough on 15 September 2011**

Members Present: Councillors Benton (Chairman), Lamb (Vice Chairman), Holdich, Swift, Khan

Officers Present: Gillian Beasley, Chief Executive
Helen Edwards, Solicitor to the Council
Mike Kealey, Head of Human Resources
Gemma George, Senior Governance Officer
Karen S Dunleavy, Governance Officer

1. Apologies for Absence

Apologies were received from Councillor Seaton and Councillor Fitzgerald.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting held on 28 July 2011

The minutes of the meeting held on 28 July 2011 were agreed as a true and accurate record subject to Councillor Khan being noted as being in attendance.

4. Appointment of Interim Director of Children's Services

The Employment Committee received a report from the Chief Executive on the action taken to appoint Adrian Loades, Director of Children's Services from Cambridgeshire County Council, as Interim Director of Children's Services for Peterborough City Council, with effect from 5 September 2011.

The report sought the agreement of the Committee to endorse the Authority's employment of Adrian Loades as Interim Director of Children's Services, thus ensuring that the Council maintained its statutory duty of s18 Children Act 2004.

Members were advised that Adrian Loades would work with Peterborough City Council on a secondment for around three months, and would be with the Authority for three days a week. The Assistant Director of Education & Resources, Jonathan Lewis would cover the remaining two days. Members were also advised that the Chief Executive was currently in discussions with an interim Director who was currently based at another authority. This Director specialised in the turnaround of failing departments, and had the support of Ofsted and DfE as a suitable appointment for Peterborough. His current assignment did not end until November 2011 and if the Chief Executive was able to secure his services, a report would be brought back to a further Employment Committee.

Members were advised by the Chief Executive that it was intended that the Interim Director of Children's Services, Adrian Loades would report his

findings to Members, Cabinet and Scrutiny on the work of the improvement team following the recent Ofsted inspection.

The following questions observations, comments were made by Members:

- Members sought clarification over the Ofsted report's findings regarding safeguarding children and what this meant for the role of Corporate Parents? *The Chief Executive advised Members that the Ofsted report showed that the work undertaken in relation to safeguarding children, through front line services, would require improvements. It was intended that the Improvement Team would work closely with those frontline services highlighted within the report, in order to introduce improvement measures. In the 2010 Ofsted report, the looked after children's service was given a good grading which reflects on the Council's corporate parenting role. Members were updated on the contribution made by the police, health and schools for safeguarding children, which had also been positively recognised in the recent Ofsted report. The focus for the new Interim Director of Children's Services would be to make improvements in the Contact Referral and Assessment Service (CRA) and to look at any other services supporting and working with CRA..*
- Councillor Holdich declared, for inclusion in the minutes, that he had been involved in the action taken by the Chief Executive, in his role as Cabinet Member for Education, Skills and University.
- The Committee was advised that the matters arising from the recent Ofsted Inspection were to be dealt with, and plans were underway to take control of the situation. The Chief Executive advised Members that there were good members of staff within Children's Service and that the Interim Director of Children's Services would work alongside these staff members in order to help recover the service areas.
- Members sought clarification over why it had taken Children's Services a long time to recognise that some services provided were at a critical level, when they were aware of the problems a year ago? *In summary, the Chief Executive advised Members that the performance had appeared to have improved within Children's Services and that that the notice to improve had been due for removal at the end of March 2011. However, there had been a slip in performance during June and July 2011. The Interim Director of Children's services would work with service areas to improve them following diagnostic work to be done by the Sector-Led Improvement Team.*
- Members sought clarification as to whether the Authority was sure that the appointment of an Interim Director for three months was enough to guarantee improvements within the service, and whether this appointment was good practice? *The Chief Executive advised Members that the Interim Director of Children's Services was to be supported by Ann Goldsmith, Sector-Led Specialist who specialised in the field of child protection. Members were informed that the two posts would focus on work to improve on the safeguarding. The Assistant Director of Education & Resources would be working to support the remaining areas of Children's Services. Members were also advised that an independent audit had been requested to*

introduce a dip sampling system of the work through Children's Services to check the practice on child protection files.

- The Committee expressed concern over the criteria used in the referral of child abuse or neglect cases and whether the Council should undertake a review of this criteria.
- Members raised concerns about the process for referrals and the thresholds used for domestic violence. *The Chief Executive advised that there had been concerns raised with regards to the Contact, Referral and Assessment Service but that all parts of the services including domestic violence which had been highlighted in the Ofsted report, would need to be investigated and this would be the responsibility of the Interim Director for Children's Services and supported by the work of the Sector Led Improvement Team.*

RESOLVED:

The Employment Committee endorsed the action taken by the Chief Executive and approved the appointment of Adrian Loades, Director of Children's Services at Cambridgeshire County Council, as Interim Director of Children's Services for Peterborough City Council with effect from 5 September 2011.

Reasons for the decision:

The Council had a statutory responsibility to appoint an officer as Director of Children's Services, under s18 Children Act 2004.

Chairman
3.00pm – 3.20pm

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EMPLOYMENT COMMITTEE	AGENDA ITEM No. 4
24 NOVEMBER 2011	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Gr.Uff. Marco Cereste – Leader of the Council and Cabinet Member for Growth, Strategic Planning and Economic Development Councillor Irene Walsh – Cabinet Member for Community Cohesion and Safety	
Contact Officer(s):	Gillian Beasley – Chief Executive	Tel. (01733) 452302

APPOINTMENT OF INTERIM DIRECTOR OF CHILDREN'S SERVICES

R E C O M M E N D A T I O N S	
FROM : Chief Executive	Deadline date : N/A
That the Employment Committee:	
<ul style="list-style-type: none"> 1) Appoints Malcolm Newsam as Interim Director of Children's Services; and 2) Delegates the agreement of Mr Newsam's terms and conditions, and any changes thereto, to the Chief Executive. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Committee from the Chief Executive following an earlier report dated 15 September 2011.

2. PURPOSE AND REASON FOR REPORT

2.1 To enable the Council to fulfil its statutory obligation under s18 Children Act 2004 to appoint an officer as Director of Children's Services.

2.2 This report is for the Committee to consider under its Terms of Reference No 2.3.1.1 "to appoint Directors and Heads of Service, and determine terms and conditions of employment".

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	No	If Yes, date for relevant Cabinet Meeting	N/A
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4. BACKGROUND TO THIS REQUEST

4.1 In September 2011 the Committee agreed to appoint Adrian Loades as the interim Director of Children's Services. This followed the resignation of the previous Director, John Richards, on 2nd September 2011, as a result of an Ofsted report published on 6th September 2011, which pronounced Peterborough's safeguarding service as "inadequate".

4.2 Adrian Loades was appointed as part of a sector led support programme to provide immediate expertise and support. His substantive role is at Cambridgeshire County Council and his appointment to Peterborough City Council was for a three month period.

- 4.3 As the Committee was previously made aware, the Chief Executive has been in discussions with a replacement for Adrian Loades. The approval of the Committee is now sought to appoint Malcolm Newsam as Director of Children's Services with effect from 28th November 2011.
- 4.4 Mr Newsam will join Peterborough City Council as a self-employed interim Director, through his company MCBN Management Consultants Ltd. He will not be an employee. Nevertheless, as he will be appointed as a Director, it is within the remit of Employment Committee's terms of reference to appoint him.
- 4.5 Mr Newsam is an experienced Director of Children's Services, firstly with the then Bedfordshire County council and has since taken assignments in this capacity with Essex County Council and Kent County Council. Mr Newsam has considerable experience of working with local authorities in similar circumstances to that of the council and securing sustainable improvement. He will work to achieve the improvements identified in the Ofsted report and the council's improvement plan, and will work with the Chief Executive to determine the optimum time to commence recruitment for a permanent Director of Children's Services.

5. CONSULTATION

- 5.1 The Chief Executive has consulted the DfE and lead members for Children's Services, all of whom are supportive of the appointment of Malcolm Newsam.

6. ANTICIPATED OUTCOMES

- 6.1 That the council fulfils its statutory responsibilities to appoint a Director of Children's Services and starts to address the issues raised in the Ofsted report and subsequent diagnostic work.

7. REASONS FOR RECOMMENDATIONS

- 7.1 The council has a statutory duty to appoint a Director of Children's Services.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The council could have made a temporary internal appointment, but this is considered inappropriate, as a fresh and experienced approach is needed to lead a team to address the failings reported in the Ofsted report.
- 8.2 Alternatively, the council could have immediately moved towards a permanent recruitment. This was rejected to secure the immediate leadership required for actions to be taken to address key issues, any necessary changes introduced and full consideration given to the most appropriate future shape of Children's Services.
- 8.3 Finally, the council could have extended the appointment of Adrian Loades, but he was made available on a three month basis and is taking on new responsibilities on his full time return to Cambridgeshire County Council.

9. IMPLICATIONS

- 9.1 The Legal implications are addressed in the body of the report.
- 9.2 There are financial implications in the short term, as the terms of contract for Mr Newsam are likely to exceed the budget for the salary of the Director of Children's Services. However, this will be covered by the additional sums have been made available to Children's Services to address the issues raised by the Ofsted report.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- Ofsted report published 6 September 2011
- Employment Committee report dated 15 September 2011

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EMPLOYMENT COMMITTEE	AGENDA ITEM No. 5
24 NOVEMBER 2011	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Gr Uff Marco Cereste – Leader of the Council and Cabinet Member for Growth, Strategic Planning and Economic Development Councillor Irene Walsh – Cabinet Member for Community Cohesion and Safety	
Contact Officer(s):	Mike Kealey - Acting Head of Human Resources Andy Baker – Health and Safety Advisor	Tel. (01733) 384500 (01733) 453526

CHANGES TO EMPLOYEE POLICIES AND PROCEDURES

R E C O M M E N D A T I O N S	
FROM : Trade Union Representatives	Deadline date : N.A.
<p>That the Employment Committee agrees to implement the following employment/Health and Safety policies:</p> <ul style="list-style-type: none"> i) Recruitment Policy (Appendix A) ii) Social Media Policy (Appendix B); and iii) Violence at Work Policy (Appendix C) 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Employment Committee following a referral from the Joint Consultative Forum on 31st October 2011.
- 1.2 In addition, the quarterly Peterborough City Council Directorship Safety Committee (meeting of July 2011) identified the need to progress the draft Violence at Work Policy. This was agreed by the Directorship Safety Committee and Corporate Management Team.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to ensure that the council maintains up to date and legal employment policies and to allow the council to help prevent and manage Violence at Work incidents experienced by employees and members of the public affected by the council's undertakings.
- 2.2 This report is for the Committee to consider under its Terms of Reference No. 2.3.1.2 'to determine employee procedures, including dismissal procedures' and 2.3.1.4 'to determine local terms and conditions of employment for employees'.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
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4. BACKGROUND

4.1 The policies below have been prioritised for approval due to the need to introduce policy that will ensure the appropriate use of new technologies and also to ensure employment policies remain up to date and legal.

4.2 i) Recruitment Policy – Appendix A

This Policy will replace the previous Recruitment & Selection Policy which was agreed at Employment Committee in March 2004. The current policy refers to equality legislation which has since been repealed. The recruitment process has now progressed to an online system (although applications may still be made off line).

The policy outlines clearly the council's commitment to the protection of children and vulnerable adults.

The existing policy consists of both policy and procedure. The new recruitment policy states clearly the key recruitment principles. Detail of the procedures and management guidance notes have been written to support the principles outlined in the policy. It would be advantageous for the revised policy to be agreed before the HR Support Team transfer to Serco. Work will continue between the council and Serco to agree the new recruitment and selection procedures.

4.3 ii) Social Media Policy Appendix B

This is a new policy which provides guidance to employees and managers on the appropriate use of social media and the risks associated with its use.

With the growing use of social media to promote services, this policy is written to reduce the risk of legal issues arising associated with the inappropriate use of social media. Liability can arise under the laws of defamation, copy-right, discrimination, contract, human rights, criminal justice act etc. as well as to ensure a professional image of the Council is projected at all times and raises the awareness employees responsibilities when using social media.

The policy covers both personal use of social media as well as professional use. Several employment law cases have arisen in the last 12 months arising from employees on personal social media sites saying things which have either divulged confidential information, damaged the organisations reputation, harmed relationships with customers or have been postings about colleagues at work amounting to harassment/bullying.

The policy reminds employees that social media activity in the workplace is not necessarily private and that PCC can discipline employees for conduct that breaches employee policies in the social media arena.

Where departments are wishing to promote council services through setting up a social media site, training will be delivered by the Communications Team. The Communications Team will hold a list of individuals trained within the council on the use of social media sites.

4.4 iii) Violence at Work (VAW) Policy – Appendix C

This is a new policy and guidance has been written to provide further practical information to employees and managers on how risks of incidents can be reduced.

The aims of the Violence at Work Policy and associated guidance is to:-

- Highlight the need to prevent employees being subjected to VAW (from members of the public);

- Stress the need for all VAW Incidents to be reported using the Council's online 'PRIME' incident reporting system;
- Help ensure that the keeping of sensitive data on assailants be in line with the Data Commission and the Council's Neighbourhood Window.

The target is for the VAW policy and associated guidance to be finalised and adopted by all directorates by the end of 2011.

5. CONSULTATION

- 5.1 The joint Trade Unions have been consulted and the statutory policies were agreed at the meeting of the Joint Consultative Forum on 31st October 2011. The council's legal department have also advised on the contents of the Policies.
- 5.2 In relation to the Recruitment Policy, the Safer Employment Group (Children's Services) has been consulted along with HR Support who are key users of this policy.
- 5.3 The Social Media Policy has been written with input from both IT and the Communications Department.
- 5.4 The Violence at Work Policy has been consulted on widely with, employees, managers, local and national union representatives via the DPCC directorship safety committee the Joint Consultative Forum and Corporate Management Team.

6. ANTICIPATED OUTCOMES

- 6.1 These proposed changes to policies and new policies will help to ensure that the council maintains up to date and legal employment practices.
- 6.2 Once approved by Employment Committee the VAW Policy and associated guidance and Social Media Policy will be launched with an awareness campaign in conjunction with the Communications Team.

7. REASONS FOR RECOMMENDATIONS

- 7.1 These proposed changes to policies and new policies will help to ensure that the council maintains up to date and legal employment practices and ensure compliance with the Health and Safety at Work etc Act 1974 and subordinate health and safety legislation and approved code of practice and guidance with respect to health and safety at work of employees.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The policies were considered against (a) those published by some other local government employers, (b) template policies from legal bodies plus (c) the existing policy, to ensure it was a sensible, fair approach which took account of current legislation.

9. IMPLICATIONS

- 9.1 These policies will be reviewed on an ongoing basis and will be amended from time to time to ensure legal compliance.

10. BACKGROUND DOCUMENTS

- 10.1 Initial Equality Impact Assessments have been compiled for the Recruitment and Social Media policies which are available on request. No adverse impacts were identified and therefore progression to a full assessment was not required.

Background documents for the Violence and Work Policy and associated guidance documents are as follows:-

- 'ENTO' Standards for Violence at Work, Health and Safety Executive
- Tackling Violence at Work, Health and Safety Executive
- The Neighbourhood Window – (Information Sharing Agreement), Helen Todd, PCC
- Equality Impact Assessment, August 2011, PCC

RECRUITMENT & SELECTION POLICY

1. Purpose of the Policy

Recruitment and selection decisions are of key importance to enable the best possible person-to-job fit which will contribute significantly to the Council's strategic priorities and enable effective delivery of its commitments.

Peterborough City Council's Recruitment & Selection Policy will:

- Be fair and consistent. Recruitment decisions will be based solely on the applicant's abilities and individual merit as measured against the essential criteria for the job. Qualifications, experience and skills will be assessed at the level that is relevant to the job.
- Only list qualifications as essential criteria where there is a statutory or otherwise justifiable requirement for the post holder to hold the qualification in order to perform the duties of the role.
- Be used in accordance with the Council's Equality & Diversity policy and ensures the Council does not discriminate in its recruitment practices on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- Conform to statutory requirements and agreed best practice.
- Enable recruitment activity to be conducted in a systematic and efficient manner.

This authority is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

2. Scope

This policy applies to the internal and external recruitment and selection of all staff, including relief, temporary and fixed term contract appointments.

Employees and members involved at any stage of the recruitment and selection of staff should be aware of and adhere to the contents of this policy.

Any external consultants, recruitment agencies or third party suppliers who assist in the recruitment process in any way, must act in accordance with this policy. The recruiting manager is responsible for providing such parties with this policy prior to their involvement with the recruitment process.

3. Monitoring

Equal opportunities monitoring is normally carried out during the recruitment process and is for the purpose of ensuring the Council's compliance with its statutory duties to promote equality in the workplace.

To monitor compliance with and the effectiveness of this policy and the recruitment and selection procedures, a member of the Human Resources department can elect to be present at any stage of the recruitment process.

The council will keep all documents relating to the recruitment process for 6 months from the date an appointment decision is notified and in accordance with the council's retention policy.

4. Policy Principles

- 4.1 When a vacancy arises, managers should first consider whether the duties, responsibilities and work hours have or could be changed or whether recruitment is needed at all. Managers should consider if the post would be suitable for the council's apprenticeship scheme. This is to ensure greater operational efficiency and/or service provision.
- 4.2 Line managers must ensure a current job description and person specification is produced before recruitment activity starts. The grade must have been agreed through the job evaluation panel.
- 4.3 Financial approval for the establishment of a new post or the filling of a vacancy must be obtained before the recruitment process begins.
- 4.4 Heads of Service/Directors are responsible for ensuring that members of their team who recruit people, familiarise themselves with and follow this policy and the Recruitment & Selection procedures. Recruiting managers who act outside of this policy without seeking approval may face disciplinary action.
- 4.5 All Line Managers who take part in selection interviews must have attended the Council's Recruitment & Selection, and Interviewing Skills training or sit on a panel where at least one member of the panel has attended this training.
- 4.6 When recruiting to posts where the duties involve working with children, recruiting managers must ensure compliance with the Key Safeguarding in Employment Standards as operated and endorsed by the Safeguarding Board (this usually includes Personal Interviews that must only be conducted by personnel trained in this technique). At least one member of the panel should have undertaken Safer Employment training and passed the assessment. There may also be a children/young people recruitment panel involved in the selection and decision making process.
- 4.7 If the nature of the post warrants it consideration will be given to extending the use of Personal Interviews to posts outside of Children's Services.
- 4.8 Anyone with a close personal or familial relationship with an applicant must declare this in advance and not take part in the recruitment process at any stage in accordance with the Council's Code of Conduct.
- 4.9 The Employment of Ex-Offenders Policy will be made available to all applicants required to disclose spent and unspent convictions at the outset of the recruitment process.

- 4.10 All disabled applicants who meet the essential criteria requirements of the job as set out in the job description and person specification will be guaranteed an interview. Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of their disability.
- 4.11 Recruitment for posts at or above SCP 60/Grade 15 will be directly managed by a nominated member of the HR Management Team.
- 4.12 All vacancies must be advertised internally in order to provide staff with opportunities for career development and support the retention of skills and expertise, unless exceptional circumstances exist, for example, a post has been ringfenced to an “at risk” employee. The central register of staff awaiting redeployment (the ‘at risk’ register) should be reviewed before the recruitment process begins, usually by the HR Business Partner.
- 4.13 Generally, internal advertisements will appear for a minimum of 7 calendar days and external advertisements for 14 calendar days. Decisions to vary this can only be made by a Director in agreement with the Head of Human Resources or their nominated deputy.
- 4.14 Applicant(s) details, who meet the essential criteria on the person specification and at interview, will be kept for six months. Recruiting Managers may directly approach and offer one of these applicants a position if an identical position to the one that they were interviewed for arises within the six month period. In this instance the recruiter does not need to re-advertise.
- 4.15 Selection method(s) will be determined based on the requirements of the position set out in the person specification. This could include but is not limited to:
- structured interviews
 - presentations
 - work based exercises or
 - a combination of exercises to test knowledge, skill and ability
- Applicants will be told about selection methods to be used when they are invited to interview.
- 4.16 All applicants will be notified of the outcome of their application and offered feedback usually by the recruiting manager.
- 4.17 For posts working with children and vulnerable adults the standard template application form must be completed by all applicants for an advertised post. For all other posts the applicant may complete the application form and upload their Curriculum Vitae and/or supporting letter of application if required.
- 4.18 Satisfactory employment and/or education references, proof of qualifications, and satisfactory medical information, must be obtained prior to employment commencing. However, medical information will not be sought before an offer of employment has been made.

- 4.19 All applicants will be expected to provide written information that confirms their eligibility to work in the UK and (where necessary) in the role they have applied for.
- 4.20 Additional steps (including criminal record checks) will be taken for recruitment to posts working with children and other vulnerable groups to ensure the statutory duty to safeguard is upheld. The relevant checks required will be notified to the applicant during the recruitment process. The council will not knowingly employ in regulated activity or use as a volunteer a person who is barred from this work. Any individual doing, or attempting to do, work from which they have been barred is committing an offence and will be reported to the relevant enforcement agencies.
- 4.21 The council reserves the right to implement and undertake further applicant vetting procedures prior to appointment to protect the council from losses of any kind. Any vetting requirements will be notified to the applicant at the commencement of the recruitment process.
- 4.22 The council may use internet searches to perform due diligence on candidates in the course of recruitment. This will only be carried out in accordance with our data protection and equalities obligations.
- 4.23 All employees will receive a departmental induction within their first weeks of employment and attend a corporate induction training session ideally within the first few months of joining the council. Unless specifically agreed otherwise, all appointments are subject to a six month probationary period.
- 4.24 Where Qualification or Membership to a professional organisation is considered to be an essential criteria then the Council will pay the annual fees as appropriate.

5. Further information

The Recruitment & Selection Procedure is available on Insite and further advice is also available from Human Resources. Internal or external applicants with concerns about recruitment decisions or the process should write to the Head of HR.

SOCIAL MEDIA POLICY

1. Introduction

Peterborough City Council (“the council”) recognises that social media provides an effective platform for discussion and information sharing amongst employees and service users. Nevertheless, the council also recognises that the use of social media can pose risks to its reputation and compliance with legal obligations.

The purpose of this policy is to minimise risk, avoid loss of productivity and to ensure that the council’s ICT resources and communications are used appropriately.

This policy covers all individuals working at all levels and grades including senior managers, officers, directors, volunteers, homeworkers, part-time and fixed-term employees, casual and agency staff (“users”). This policy also applies to third parties with access to our electronic communication systems and equipment.

This policy does not form part of an employee’s contract of employment and it may be amended from time to time.

This policy should be read in conjunction with the council’s [Information, Communications and Telecoms \(ICT\) Policy](#), [Equality and Diversity Policy](#), [Employee Code of Conduct and Disciplinary Policy \(including Disciplinary Rules\)](#) <hyperlinks to be inserted>.

2. Scope

This policy deals with the use of all forms of social media including Facebook, LinkedIn, Twitter, Wikipedia and all other social networking sites and all other internet postings including blogs.

It applies to the use of social media for both business and personal purposes whether or not during office hours or otherwise. The policy also applies regardless of whether or not the social media is accessed using the council’s ICT facilities and equipment or that of the users.

Breach of this policy may result in disciplinary action being taken in accordance with the council’s [Disciplinary Policy and Procedure](#) <hyperlinks to be inserted> and for external service providers, a review of contractual arrangements. Users may also be required to remove internet postings which are deemed to constitute a breach of this policy.

3. Key Principles

The following sections of the policy provide users with common-sense guidelines and recommendations for using social media responsibly and safely.

- Protecting Peterborough City Council's business reputation:
 - Users must not post disparaging or defamatory statements about Peterborough City Council and/or its:
 - Service users;
 - Suppliers; or
 - Other affiliates and stakeholders.
 - Users are personally responsible for what they communicate in social media and should remember that what they publish may be available to a wide audience over a lengthy period of time.
 - Users should not post comments which could be construed as sensitive, objectionable or inflammatory to include political opinion.
- Respecting intellectual property and confidential information:
 - Users should not do anything to jeopardise the council's obligations under the Freedom of Information and Data Protection Acts and should therefore refrain from disclosing any information which could be construed as personal, confidential and/or exempt from public disclosure.
 - Users should not misappropriate or infringe the intellectual property of other companies and individuals which could create liability for Peterborough City Council as well as themselves.
 - Users should not use Peterborough City Council's logos, brand names, slogans or other trademarks without permission.
- On professional accounts, the council's logo and other branding elements should be used where appropriate to indicate the council's support however permission must be sought from the Communications Team first. The logo should not be used on social networking applications which are unrelated to or are not representative of the council's official position.
- Users should keep their business and personal social media accounts totally separate and should avoid accepting friend requests to business accounts from personal friends and vice versa. Upon leaving the council, the user/ users manager is required to inform the E-Communications Officer of their leaving date via the Marketing Team email address and that person will be deleted from the account. The user is responsible for finding an alternative person to take their place in maintaining the accounts.

- In any circumstance where a user is uncertain as to the appropriateness of any statement or posting they should refrain from making the communication until it has been discussed with the Communications Team.
- Where social networking applications are being managed by council representatives, appropriate feedback and complaints information must be published in a prominent place which is easily accessible.

4. Personal Use

Occasional use of social media for personal activities at the office is permitted provided it does not involve unprofessional or inappropriate content and does not interfere with an employee's primary job responsibilities and/or productivity. Employees who are unclear on the definition of occasional use should clarify this with their line manager.

The council does not encourage users to write about their work in any way and would prefer them not to do so. Nevertheless, if users choose to, they should do so in accordance with the key principles (refer to section 3) and the following additional considerations:

- Users who identify themselves as connected with Peterborough City Council, should ensure that their profile and any related content are consistent with how they would wish to present themselves to colleagues and customers.
- Any personal blogs or other personal posts must contain a disclaimer that makes it clear that "the opinions expressed are solely those of the author and do not represent the views of Peterborough City Council." Users must write in the first person and use a personal e-mail address when communicating via social media.
- When using social media, Users should respect their audience and refrain from making any detrimental comments about colleagues and/or Peterborough City Council and its partners.
- Some social sites provide for members to write recommendations or referrals for friends/associates. If a user does this as a representative of the council, it may give the appearance that the council endorses the individual being recommended which can create a liability. For this reason the council prohibits users from making such recommendations or referrals.
- Users who may not directly identify their association with Peterborough City Council when using social media for personal purposes at work or at home, should be aware that content they post on social media websites could still be construed as relevant to this.
- Users should not write or report on conversations, meetings or matters that are meant to be private or internal to Peterborough City Council.
- Users should be aware that they may be held personally liable for any unauthorised, inappropriate or illegal use of social networking sites.

- All users need to be aware that applications may be closed for a defined period before local and national elections in order to comply with legislation which affects local authorities.

5. Applying this Policy and Gaining Relevant Approvals

Users whose duties require them to speak on behalf of the council in a social media environment, must seek approval from the Director of Communications or Head of Communications and may be required to undergo training and have certain requirements and restrictions imposed with regard to their activities.

If users are contacted for comments about the organisation for publication anywhere, including any social media outlet, the approval of the Director of Communications or Head of Communications is required.

- To access social media sites line managers must firstly contact the Marketing Team to discuss why the use of social media is required.
- Consideration must be given to what, how and who will be able to provide regular content to the group, page or feed and respond to feedback. Unused social media streams that are not updated can be damaging to the council's reputation. The council already has an established presence on Facebook and Twitter and consideration should be made as to whether officers can achieve their aims through these social media channels first.
- After initial discussion this must be followed up with a written request briefly explaining the business reasons for needing access to social media. This should be forwarded to marketing@peterborough.gov.uk. Where approval is given the request will be forwarded to ICT asking them to supply the user with access to the correct media. Where access to social media is given and an account set up for 'business use only' the username and password will be registered with Marketing. Please note ICT will not give access to any social media site without marketing approval.
- As part of the setting up process, the E-Communications Officer must be made an administrator of the group and any groups or pages set up should also be linked to the E-Communications Officers accounts.

6. Professional Use

If social media is used in a professional capacity at work as part of their job role, users should do so in accordance with the key principles (refer to section 3) and the following additional considerations:

Users must:

- Not use any social media tool for council business unless they have received appropriate training and are registered on the approved business social media user list held by the Communications Team;
- Not use any social media tool for party political purposes or specific campaigning purposes as the council is not permitted to publish material which 'in whole or part appears to affect public support for a political party' (Local Government Act 1986) or use the sites for the promotion of personal financial interests, commercial ventures or personal campaigns.

APPENDIX B

- Read and comply with the Terms of Service document when they sign up to become a user of a social networking site.
- Identify themselves – this means disclosing their name and role – when discussing Peterborough City Council or council related matters;
- Not post any confidential or proprietary information without prior written permission from their head of service.
- Not post anything related to colleagues, customers, clients, business partners, suppliers, vendors or other stakeholders without their written permission.
- Ensure that their profile and any content they post are consistent with the professional image they present to clients and colleagues.
- Be mindful that what they publish will be public for a long time and might be available to read by the masses and can't be retracted once published;
- Not write or report on conversations, meetings or matters that are meant to be private or internal to the council;
- Not cite or reference customers, partners or suppliers without their written approval. Where users do make a reference, where possible link back to the source and if users are unsure whether a particular post or upload might violate anyone's copyright or trademark, ask the Communications Team before making the post/upload;
- Not provide reference for individuals on social or professional networking sites as this creates a legal liability for both the author and the council;
- Make sure that professional use of social media adds value to the environment in which they are participating and to the council's delivery of services to Peterborough residents;
- Provide worthwhile information and perspective;
- Be aware that content on such social media websites may be subject to Freedom of Information requests.
- Reputation is built on three things: what people say about you; what you say about yourself and how your actions and behaviours reflect what you stand for. Peterborough City Council's reputation is heavily influenced by its people and what is published will reflect on our reputation. Therefore employees should not post comments about sensitive business-related topics, such as the council's performance as these comments can damage the council's reputation.
- Ensure that anything posted respects copyright and is consistent with the relevant legislation and rules including Data Protection Act 1998, Privacy and Electronic Communications Regulations 2003, Advertising Standards Authority Committee of Advertising Practice (ASA CAP) code and the Code of Recommended Practice on Local Authority Publicity. It is the responsibility of

the employee to make sure that they are familiar with how these apply to professional use of social media. If in doubt in the first instance employees should consult with the Communications Team;

7. Monitoring and review of this policy

The council will monitor the use of social networking sites to ensure that any internet use by employees complies with its ICT policy. Therefore, employees should have no expectation of privacy in any social media post conversation or message, or any other kind of information or communications received or transmitted. Employees consent to such monitoring by their use of social media resources and systems.

8. Further Information

Enquiries or requests for information from social media, including requests from bloggers, should be forwarded to the media team for a response (media@peterborough.gov.uk). Officers must not respond directly to such enquiries without express permission from the media team.

Employees who are uncertain or concerned about the appropriateness of any statement or posting or wishing to report any misuse of social media or content that disparages or reflects poorly on the council should contact their Line Manager or HR Business Partner in the first instance.

Peterborough City Council's

Violence at Work Policy Statement

In an organisation as large and diverse as Peterborough City Council, employees may be exposed to potentially violent and threatening situations in the normal course of their duties. Employees are not expected to accept violence as part of their normal work activities.

The Health and Safety at Work Act 1974 requires Peterborough City Council to ensure the health, safety and welfare of its employees whilst at work and this extends to taking all reasonable action to eliminate or minimise violence to staff. Within the same legal framework, employees have a legal duty to take reasonable care for the health and safety of themselves and others and to cooperate with their employer to ensure legal compliance.

Peterborough City Council will therefore:

- Make it widely and explicitly known that it will not accept or tolerate violent or threatening behaviour towards its staff or anyone else acting on its behalf;
- Take appropriate preventative action to minimise potential risks, through environmental design, work procedures, risk assessments, instructions, information and training;
- Take effective and appropriate steps to deal with violent incidents by investigating all reported incidents, reviewing the service provided to the assailant and taking all further appropriate legal action that is possible;
- Be fully supportive to staff who experience violence at work;
- Work in partnership with the Police and other agencies to identify assailants and take steps to distribute information relating to those persons in order to prevent or discourage repeat violent offences.

This policy statement is supplemented by written guidance for both managers and employees, in addition to existing procedures and information, risk assessments, instruction and training.

Management will work with Trade Union health and safety representatives to develop this policy and guidance.

Chief Executive

Date:

Peterborough City Council

Violence at Work to Employees: Manager's Guide

Contents

1. Introduction
2. Definition of Violence at Work
3. Health and Safety Law
4. Managers Responsibility
5. Risk Assessments
6. Health and Safety Training
7. Room Booking Procedure
8. Reporting Incidents
9. The Violence at Work Register
10. Enforcing Authorities
11. Post Incident Support
12. Information Sharing
13. The Data Protection Act
14. Further Reading

1 Introduction

This guidance has been produced under Peterborough City Council's (PCC) Health and Safety Policy. This document should be read in conjunction with the council's Violence at Work Policy.

This document aims to provide PCC managers with information and guidance to ensure the development of safe systems of work relevant to departmental activities surrounding lone working and incidents of violence at work.

Where policies, additional guidance or changes to systems of work have an impact on health safety and welfare, there must be full consultation with Trade Union Safety Representatives via the Directorship Safety Committee which will be an ongoing process.

If there are any queries please do not hesitate to contact healthandsafety@peterborough.gov.uk or by telephone (01733) 453526, 453529 or 453520.

2 Definition of Violence at Work

PCC has adopted the Health & Safety Executive's (HSE) definition of violence at work, which is:

“Any incident, in which a person is abused, threatened or assaulted in circumstances relating to their work”.

For example:

- Physical violence upon the employee, whether causing injury or not;
- Threat of violence to an employee;
- Verbal abuse to an employee;
- Threat of violence in writing addressed to or about a named employee;
- Offensive gestures and/ or foul and abusive language whether by personal confrontation, via the telephone or other communications, e.g. email, social media sites; and
- Criminal damage to personal and/ or PCC property and/ or equipment.

This list is not prescriptive nor exhaustive and other types of behaviour which are of a comparable nature may also amount to abuse or threatening behaviour.

Remember - people have different perceptions about behaviour they find threatening or offensive. It is therefore important that we all treat each reported incident seriously.

3 Health & Safety Law

Whilst there is no specific health and safety legislation dealing directly with managing violence at work, there is a legal framework which requires managers to ensure the health, safety and welfare of staff whilst at work i.e. taking all reasonable actions to eliminate or minimise violence at work.

Within the same legal framework, employees have a legal duty to take reasonable care not to endanger themselves or anyone who may be affected by their acts or omissions.

There are five areas of health and safety law, which are relevant to violence at work; these are:

- **The Health and Safety at Work etc Act** - PCC has a legal duty under this act to ensure, so far as it is reasonably practicable, the health, safety and welfare at work of their employees.
- **The Management of Health and Safety at Work Regulations** - PCC has a legal duty to assess the risks to employees and must make arrangements for the effective management of health and safety through adequate:
 - Planning;
 - Organisation;
 - Control measures;
 - Monitoring and review of above.

Risk assessments should, where appropriate, include control of the risk of employees' exposure to reasonably foreseeable violence at work.

- **The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)** - PCC must inform the Health and Safety Executive of any accident at work to any PCC employee resulting in death, major injury or incapacity for work for over three days. This includes any violence at work incidents. The Internal Health and Safety Team will always submit such RIDDOR reports on all PCC employees' behalf (see section 10).
- **Safety Representatives and Safety Committees and Health and Safety (Consultation with Employees) Regulations** - PCC must consult with its employees in reasonable time on matters that may substantially affect their health and safety, under the Safety Representatives and Safety Committees Regulations. One of the roles of Union Safety Representatives is to investigate incidents reportable under RIDDOR, where the interests of employees they represent are involved.

4 Managers Responsibility

Below are some key points to assist you as managers to control, eliminate and minimise the impact of violence at work against your staff:

- Ensure that risk assessments covering violence at work and lone working are undertaken;
- Regularly review these risk assessments and safe working practices, as a minimum this should be undertaken annually;

- Provide staff with information on the findings of the risk assessments and safe working practices;
- Ensure employees receive suitable training on prevention and dealing with violence at work where a need is identified (see section 6);
- Ensure you as managers are familiar with PCC incident reporting procedures for violence at work (see section 8 and the council's Health and Safety Policy);
- Ensure your staff are aware of incident reporting procedures;
- Ensure all violence at work incidents are reported via the Prime Reporting system located on Insite;
- Ensure that all physical violence incidents are reported to the Police;
- Ensure that staff who have experienced violence at work receive ongoing support with access to appropriate counselling where required or requested;
- Ensure violence at work incidents are investigated and take appropriate action to minimise recurrence – e.g. review risk assessments; and
- Offer support to all staff and provide reasonable assistance in any actions that they may wish to take.

5 Risk Assessments

As mentioned above, managers have a legal duty to ensure the health, safety and welfare of employees under their control. Managers must ensure risk assessments are carried out and identify potentially violent situations or persons and take any reasonable actions required to reduce or control the level of risk to their employees.

Further information on how to carry out a risk assessment can be found on Insite in the Managers Health and Safety Toolkit or in the PCC's Risk Assessment Manual. For further information or advice please contact healthandsafety@peterborough.gov.uk.

6 Health and Safety Training

If violence at work has been identified as a risk to an employee during their working activities then suitable and sufficient training should be provided to them to undertake their responsibilities safely.

You should ensure that any training supplied should cover the risks identified in the management risk assessment, such as spotting signs of aggression, helping to dissolve violent situations, how to get out of a potentially dangerous situation etc.

In addition you should ensure all employees are familiar with the Violence at Work Policy, its associated guidance and the council's Incident Reporting Procedure.

Information on all health and safety policies and associated guidance can be found on the Health and Safety pages on Insite, listed under the Information Library.

If you require help and advice on sourcing training in regard to the prevention of violence etc please contact Internal Health and Safety and/or Training and Development for advice.

7 Room Booking Procedure

When inviting members of the public who are potential assailants into the authority for meetings etc, be sure to select an appropriate meeting room. You may decide to select a room with a panic alarm, CCTV coverage, or one with a viewing panel, so you can be easily seen by other council employees. You should openly encourage all employees whom you are responsible to suitably assess the appropriateness of interview rooms before confirming any appointment with a potentially violent individual.

The room bookings procedure can be found at the following link:

<http://insite/sites/bookings/facilities/default.aspx>

8 Reporting Incidents

Managers must ensure that systems and procedures are in place, for the reporting of all violent incidents within their area of responsibility and be proactive in encouraging employees to report all violence at work incidents to their manager.

All incidents should be reported using the council's on line reporting system Prime. This is easily accessible to employees by two means:

- Via Insite - The link to Prime is listed under the Services menu on the right hand side of the homepage, entitled Accident and Incident Reporting.
- Via the internet - If employees are working away from the office, or from another location, as long as there is an internet connection an incident can be reported. Simply open the internet browser and type www.primesafety.net/pccanon.

Managers have also been provided with unique usernames and passwords to enable you to access Prime for the purposes of editing, review and investigation of any incidents reported by your employees. If you are a manager and have not got access to the manager's area of Prime please contact the Internal Health and Safety Team to create an account.

9 The Violence at Work Register

The Internal Health and Safety team receives violence at work incident reports via the Prime system. Where further investigation and/ or recommendations are considered necessary, this will be carried out by the relevant manager with support from Internal Health and Safety.

Each incident reported is reviewed on a case by case basis, and through consultation with the affected employee/s and their manager/s, a decision will be made as to whether a person should be included on the violence at work register.

What information goes on the violence at work register?

Information held includes the alleged assailants name, address and details of the incident, excluding names of affected persons. It will also detail any police advice, crime reference numbers or PCC premises exclusions in place.

How to I access the register?

The Violence at Work Register is accessible to all PCC employees. It currently has its own dedicated page on Insite, which can be viewed by following this link

<http://insite/Information%20Library2/InfoLibraryPages/CategoryDetails.aspx?CatID=472>

Why is the register useful?

The register enables employees and their managers to suitably assess whether they are at risk during their working activities. For example, if a member of public is invited into the authority for an interview, the employee and manager can review the register beforehand to see if that person has an inclusion on the register. If an inclusion exists, together they can form a decision as to whether that person is interviewed at a specific safe location, e.g. a room with a panic alarm, interviewed in pairs, or not invited into the premises at all etc.

Where do I go if I have a question about the register?

All enquiries in regard to inclusions on the Violence at Work Register should be directed to the Internal Health and Safety Team.

10 Enforcing Authorities

It is the responsibility of Internal Health and Safety to report the more serious employee incidents, known as 'RIDDOR' incidents, to the HSE. Internal Health and Safety will liaise with the relevant line manager regarding a post incident investigation.

The following types of incident must be reported to the Police:

- Any physical violence at work to PCC employees;
- Any face to face incident where an attack is threatened and there is an ability to carry out the threat at that time; and
- Any separate more serious offence of making a threat to harm a PCC employee, or their family etc, or to damage property where the potential assailant does not need to be in a position to carry out the threat immediately.

Where any or all of the above occurs, the manager must ensure that the Police are notified of the incident as a matter of urgency.

However, please be advised that the Police will not investigate the violence at work incident unless they are requested to do so by the PCC employee (i.e. victim of violence at work).

11 Post Incident Support

It is important for the line manager to support any employee involved in an incident involving violence. An employee who suffers a violent incident at work must be treated sympathetically and their immediate needs attended to.

The post incident procedures carried out by your manager should:

- Determine whether or not to involve the Police;
- Include the completion of an incident report via Prime; and
- Formulate an action plan and arrange a debriefing meeting to review the effectiveness of the action plan and procedures.

Counselling, support and compensation

Occupational Health: If requested, or deemed necessary by the manager, you should refer the employee to the Occupational Health team for post incident support, possibly including counselling.

Victim Support: Victim Support is a national Charity for people affected by crime. Their volunteers are specially trained to give information, practical help and emotional support to help people find their strength after a crime. The help they give is confidential, free and available to everyone.

You can reach Victim Support on 0845 45 65 995. Their offices are open 08.00 – 20.00 Monday to Friday and 10.00 – 14.00 Saturday and Sunday. This information has been sourced from The Victim Care Manager (East of England), Janet Lunn. You can reach Janet via email at janet.lunn@victimsupport.org.uk or visit their website www.victimsupport.org.uk.

The Criminal Injuries Compensation Authority (C.I.C.A): This is a non departmental body of the Ministry of Justice which is set up to compensate blameless victims of violent crime. As this is a public body the service they provide is free of charge and available to any person, citizen of the United Kingdom or not, who has been injured as a result of a violent crime within the United Kingdom. Below is list of criteria that needs to be met in order to apply to C.I.C.A.

- The incident has to have been reported to the police (or other authority where appropriate) as soon as possible after the incident has taken place. Generally cases that have been reported after a 24 hour time period will raise queries as to why it took so long and if the delay hindered the investigation of the police to prosecute.
- The person applying must have had medical attention for their injuries.
- The application must be made to the C.I.C.A within two years of the incident having taken place and having been reported, although in some circumstances this time limit can be waived (historical abuse, applicants under 18 at the time of the incident up until the age of 20, medically verifiable reasons for being incapable of applying)
- The incident must have taken place within the United Kingdom.
- The applicant must help the police in any way requested to help bring the perpetrator to justice.
- The applicant must have been the innocent victim of this crime

For a more detailed look at the eligibility please see the Criminal Injuries Compensation Scheme 2008 which can be found on our website <http://www.cica.gov.uk/en-gb/Can-I-apply/>

There are three ways in which a person can apply for compensation, the first is via C.I.C.A's online application process (<http://www.cica.gov.uk/Apply-online/>), you as a manager and working in a supporting capacity would most likely find this to be the easiest way to apply. Firstly you would need to create an account; it is advisable to just use a couple of accounts to prevent the loss of log in details. Once this is done you may submit as many applications as required through this portal and with those login details.

The application itself is fairly simple, you require the:

- crime reference number
- date of incident and
- date of reporting,
- the Injured persons personal details,
- the address and postcode of the police station it was reported too
- the addresses of the medical practices the applicant has attended in relation to there injuries and dates of attendance (GP contact details are mandatory regardless of if they attended or not)

The process is the same for the telephone applications; however the paper applications are slightly different and can be viewed on their website.

C.I.C.A's investigations can take some time to complete, so before applying ensure you read all of the information concerning the investigation process on C.I.C.A's website <http://www.cica.gov.uk>.

12 Information Sharing

It is essential that managers make employees aware of potentially violent situations, and also be conscious of other people, such as colleagues, services and partners that may have contact or involvement with a potentially violent member of the public. This information will be available to employees through the Neighbourhood Window, so that preventative measures can be put into place.

The Neighbourhood Window will show on a geographical map where potential volatile members of the public are reported and discretion must be used regarding the sharing of this information. However, the Neighbourhood Window will not be available to all staff so it is also essential that records e.g. on paper or computerised records should contain information to act as an alert to staff that there is a risk of violence at work.

It is difficult to be prescriptive in this area to the extent of information that should be provided, and this will be dependant on individual circumstances. However, the important issue is that relevant

information should be passed on to employees, both within PCC and externally, where there may be a risk to their safety.

Critical information such as particular triggers, previous behavioural patterns and relevant background information should be provided to avoid other PCC employees being placed in a violent situation at work.

Due to the importance of sharing this information with other PCC employees, services and partners an Information Sharing Agreement has been created to aid the transferral of this information. This agreement has been signed by the partners and is published on Insite for referral.

(Insite Link for the Neighbourhood Window to be inserted here when available)

13 The Data Protection Act

The following information has been sourced from the Information Commissioner's Office (ICO).

The Data Protection Act – Section 29(3) re: Sharing of Information – Prevention of Crime. Data Protection Good Practice Note - The use of violent warning markers

Violent warning markers are a means of identifying and recording individuals who pose, or could possibly pose, a risk to the members of staff who come into contact with them. We understand that, in practice, a flagged piece of text is attached to an individual's file. These markers should be used very carefully and should contain the reasons for identifying individuals as being potentially violent. These markers are likely to record information relating to:

- the apparent mental stability of an individual; or
- any threatening actions, incidents or behaviour they have or are alleged to have committed.

This means personal data, and often sensitive personal data, will be included in a violent or potentially violent warning marker and so must comply with the Data Protection Act 1998 (the Act).

Compliance with the Act – fairness

The first data protection principle requires that the processing must be fair and lawful. This means that a decision to put a marker on an individual's file must be based on a specific incident or expression of clearly identifiable concern by professional, rather than general opinions about that individual.

The individual should pose a genuine risk and the decision should be based on objective and clearly defined criteria and in line with a clear and established policy and review procedure. The criteria should take into account the need to accurately record any incident.

For consistency, you should make sure your Head of Service or Director is responsible for making these decisions. Decisions should be reviewed regularly. When making a decision this person should take into account:

- the nature of the threat
- the degree of violence used or threatened, and
- whether or not the incident indicates a credible risk of violence to staff

For the processing to be fair, you should normally inform individuals who have been identified as being potentially violent soon after you make the decision to add a marker to their record. It should be part of your procedure to write to the individual setting out why their behaviour was unacceptable and how this has led to the marker. You should tell them:

- the nature of the threat or incident that led to the marker
- that their records will show the marker
- who you may pass this information to, and
- when you will remove the marker or review the decision to add the marker

There may be extreme cases where you believe that informing the individual would in itself create a substantial risk of a violent reaction from them. For example, because of the nature of the incident or the risk to another individual. In these cases it may not be sensible to inform the individual as described earlier. If this is the case, you must be able to show why you believe that by informing the individual of the marker there would be a substantial risk of further threatening behaviour. You should make all decisions on a case-by-case basis and keep records.

Compliance with the Act - processing conditions

The Act states that you should not process personal data unless you can meet one of the conditions in schedule 2 of the Act, and for sensitive personal data, one of the conditions in schedule 3. As employers have a duty of care towards their staff, for example, under health and safety legislation, the appropriate schedule 2 condition to allow processing of information in markers is that processing is necessary to comply with any legal obligation imposed on the data controller (which in this case would be the employer). The appropriate schedule 3 condition is that processing is necessary to comply with any legal obligation imposed on the data controller in connection with employment.

The individual's rights

The Act gives individuals the right to make a subject access request. In most circumstances, you should reveal the fact that there is a violent warning marker on the individual's record. Although in most cases you should already have informed the individual. However, you should make this decision on a case-by-case basis and consider any other individuals (third parties) that may be included in the information. For more information about this, please see our (ICO) guidance 'Subject access requests involving other people's information'.

There may be rare cases where you will need to consider whether the following points may actually cause serious harm to the physical or mental health or condition of that individual:

- revealing the existence of the marker
- revealing the information in the marker, or
- what the individual may infer from the existence of the marker

In these cases, you must get specialist advice from Internal Health and Safety and the council's Information Officer in respect to data protection. For some of these cases there may be relevant statutory instruments that modify the provisions in the Act that relate to the individual's rights.

Requests from individuals to stop processing their personal information

Section 10 of the Act gives individuals the right to require you to stop processing their personal information if this is likely to cause them substantial and unwarranted damage or distress. If an individual gives you a section 10 notice relating to a violent warning marker then you should be aware that you may ultimately have to justify creating the marker in court.

Passing the information to other organisations

From a legal point of view, the appropriate schedule 3 condition for processing mentioned earlier will not cover disclosing the marker information to other organisations, as the condition relates to a legal obligation on the employer for their own staff, not other organisations' staff. However, where there is a good reason for providing the information to another organisation, for example, to alert them to the potential risk to their staff, this will be justified even though no Schedule 3 condition obviously applies. In these cases, our focus is on whether the processing is justified and not unfair.

The senior nominated person in the organisation should determine this on a case-by-case basis where there is a credible risk that an unlawful act, such as an assault, will occur. They should only provide the information to an individual of a similar level in the other organisation.

If you pass the information on to another organisation, you should inform the individual, unless that would be a serious risk to the person or another individual as described earlier. If you review the marker and decide to change or remove it, you should then inform the other organisations you previously sent the information to.

Retention

The fifth data protection principle states that personal information should not be kept longer than necessary. You must make sure violent warning markers are removed when there is no longer a threat. This should be part of the standard review procedure. The retention period is likely to depend in part on:

- the original level or threat of violence
- how long ago this was
- the previous and subsequent behaviour of the individual

For more information please refer to ICO's guidance, from which this text has been sourced.

14 Further Reading

- Violence at Work – Employees Guide (PCC).
- Violence at Work (A guide for employers) (IND (G) 69 L (Available on Insite-Health and Safety)
- Preventing Violence to Staff (ISBN 0 11 8854674 – (HSE Books)
- ENTO Occupational Standards for the Management of Work Related Violence - <http://insite/sites/intranet/InformationLibrary/Files/ENTO%20Management%20of%20Violence%20Standards.pdf>

Peterborough City Council

Violence at Work: Employees Guide

Contents

1. Introduction
2. Health and Safety Law
3. Employee Responsibilities
4. Definition of Violence at Work
5. The Forms of Violence at Work
6. Procedures after an Incident of Violence
7. Incident Reporting
8. The Violence at Work Register
9. Post Incident Support
10. Recognising the Potential for Violence
11. Interviewing and Offsite Visits
12. Communication and Interviewing Skills
13. Room Booking Procedure
14. Removing yourself from a potentially violent situation
15. If you are Attacked
16. Lone Working
17. Dark Nights in the Community
18. Travelling by Foot
19. Victims of Stalking
20. Witnessing Violence at Work
21. Dealing with Aggressive Animals
22. Personal Alarms
23. Other things to be aware of
24. Personal Alarms
25. Further Measures

1. Introduction

This document is a supplementary guide, developed in conjunction with the council's Violence at Work Policy.

This guidance has been produced to assist Peterborough City Council employees whose job involves working in environments or situations where violent behaviour may be encountered. Its aim is to provide practical and useful information for the prevention and handling of violence at work.

If there are any queries please do not hesitate to contact your manager or the Internal Health and Safety Team at healthandsafety@peterborough.gov.uk or by telephone (01733) 453526, 453529 or 453520.

2. Health and Safety Law

There are a number of pieces of health and safety legislation that cover violence at work. These include the Health and Safety at Work etc Act 1974, the Management of Health and Safety at Work Regulations 1999 and the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

If you wish to know more about these in relation to violence at work please speak to your manager and/or the Internal Health and Safety Team.

3. Employee Responsibilities

Below are some key points that cover your responsibilities with regard to violence at work:

- Ensure that you have read and understood any risk assessments covering violence at work;
- Ensure you have been provided with information on the findings of the risk assessments and safe working practices;
- Ensure you undertake any identified training provided for PCC employees re preventing and dealing with violence at work
- Ensure you are familiar with the council's incident reporting procedure for violence at work (see sections 6);
- Ensure you report all violence at work incidents via the Prime Reporting software located on Insite (see section 7); and
- Ensure that all incidents of physical violence are reported to the Police

4. Definition of Violence at Work

PCC has adopted the Health & Safety Executive's (HSE) definition of violence at work, which is:

“Any incident, in which a person is abused, threatened or assaulted in circumstances relating to their work”.

For example:

- Physical violence upon the employee, whether causing injury or not;
- Threat of violence to an employee;
- Verbal abuse to an employee;
- Threat of violence in writing addressed to or about a named employee;
- Offensive gestures and/or foul and abusive language whether by personal confrontation, via the telephone or other communications, e.g. email; and social media sites; and
- Criminal damage to personal and/or PCC property and/or equipment.

This list is not prescriptive nor exhaustive and other types of behaviour which are of a comparable nature may also amount to abuse or threatening behaviour.

Remember - people have different perceptions about behaviour they find threatening or offensive. It is therefore important that we all treat each reported incident seriously.

5. The Forms of Violence at Work

Most people accept that physical force against an individual is an example of violence, but violence can take many other forms, including verbal abuse and threats of violence. It can also be expressed in a number of forms which include verbal communication, either in person or via the telephone and through written correspondence such as letters, emails, social media sites and faxes.

If you experience a verbal assault or threat of violence by any of these means you should report it like any other violence at work incident. Violence at work is not tolerated in any form.

6. Procedures after an Incident of Violence

If you experience violence at work you should do the following:

- Report the incident to your manager as soon as possible;
- Complete an online incident report form via the council's online reporting system Prime; and
- In the event of physical violence the Police must also be notified.

As well as reporting the incident, it is just as important for you to feel supported following an assault. Forms of support you receive could include:

- Immediate comfort from a peer or manager;
- A routine and sympathetic debriefing when appropriate by your manager or a nominated person;
- A possible referral or access to, specialist help and support e.g. Occupational Health, counselling etc; and
- Any feedback on any follow-up actions, e.g. liaison with the police.

For further information on the types of post-incident support available to you please speak to your manager and/or Internal Health and Safety for advice.

7. Incident Reporting

It is essential that all incidents of work related violence are reported to the Internal Health and Safety Team. Refer to the paragraphs below for more information on the council's reporting procedure.

How do I report an incident?

All incidents should be reported using the council's online reporting system Prime. This is easily accessible to employees by two means:

- Via Insite - The link to Prime is listed under the Services menu on the right hand side of the Insite homepage, entitled 'Accident and Incident Reporting';
- Via the internet - If employees are working away from the office, or from another location, as long as there is an internet connection an incident can be reported. Simply open the internet browser and type www.primesafety.net/pccanon.

For the purposes of editing, reviewing and investigating any incidents reported by their employees, managers have also been provided with unique usernames and passwords to enable them to access Prime. When reporting on Prime ensure you select your managers name where prompted. If your manager's name does not appear on the list provided, simply select 'not in list' and someone from Internal Health and Safety will contact you for more information.

Once you have followed the Prime link you will need to select one of the available forms.

What should be reported on what form?

Acts of physical violence towards employees should be reported using an Employee Accident Form, as a physical injury should exist.

Incidents such as verbal abuse or a threat of violence, criminal damage or damage to council property are all incidents not involving an injury. As such they should be reported using the Incident not Involving Injury Form.

What happens to my report?

Once you submit your form, all reports go direct to the Internal Health and Safety Team for review. Incidents involving damage to property will also be sent to Strategic Property. In addition if you select a manager from the drop down list when prompted, they will also be sent an email summary of your report for their information or action.

Once your form has been reviewed by Internal Health and Safety, your report will either be kept for information, initiate a further investigation performed with your manager or will be included in the council's Violence at Work Register.

Internal Health and Safety receives violence at work incident reports via the Prime system. Where further investigation and/or recommendations are considered necessary, this will be carried out by the relevant manager with support from Internal Health and Safety.

Please be advised that if an inclusion on the council's Violence at Work Register is determined as necessary, for the protection of other employees, you will always be consulted before any alleged assailant is included.

8. The Violence at Work Register

What information goes on the register?

The Internal Health and Safety Team reviews every incident report submitted via Prime. Each incident is reviewed on a case by case basis, and through consultation with the affected employee/s and their manager/s, will decide whether a person should be included on the violence at work register.

Information held includes the alleged assailants name, address and details of the incident, excluding names of affected persons. It will also detail any Police advice, crime reference numbers or PCC premises exclusions in place.

How do I access the register?

The Violence at Work Register is accessible to all PCC employees. It currently has its own dedicated page on Insite, which can be viewed by following this link:

<http://insite/Information%20Library2/InfoLibraryPages/CategoryDetails.aspx?CatID=472>

Where do I go if I have a question about the register?

All enquiries in regard to inclusions on the Violence at Work Register should be directed to the Internal Health and Safety Team.

9. Post Incident Support

It is important for your manager to support you if you become involved in any incident involving violence at work.

The post incident procedures carried out by your manager should:

- Determine whether or not to involve the Police;
- Include the completion of an incident report via Prime; and
- Formulate an action plan and arrange a debriefing meeting to review the effectiveness of the action plan and procedures.

There are a number of options available to you in regard to counselling, support and compensation:

- **Occupational Health:** Employees can be referred by their manager to the Occupational Health team for post incident support, possibly including counselling.
- **Victim Support:** Victim Support is a national Charity for people affected by crime. Their volunteers are specially trained to give information, practical help and emotional support to help people find their strength after a crime. The help they give is confidential, free and available to everyone.

You can reach Victim Support on 0845 45 65 995. Their offices are open 08.00 – 20.00 Monday to Friday and 10.00 – 14.00 Saturday and Sunday. This information has been sourced from The Victim Care Manager (East of England), Janet Lunn. You can reach Janet via email at janet.lunn@victimsupport.org.uk or visit their website www.victimsupport.org.uk.

- **The Criminal Injuries Compensation Authority (C.I.C.A):** This is a non departmental body of the Ministry of Justice which is set up to compensate blameless victims of violent crime. As this is a public body the service they provide is free of charge and available to any

person, citizen of the United Kingdom or not, who has been injured as a result of a violent crime within the United Kingdom. Please speak to your manager if you wish to explore C.I.C.A further.

10. Recognising the Potential for Violence

The most effective way of dealing with violence at work is prevention. You can do this by watching out for changes in a client's behaviour including:

- Increased agitation
- Tone of voice
- Unusual calmness
- Tearfulness
- Invasion of your personal body space
- Pacing and stamping
- Shouting
- Hostility
- Changes in body language

Always try to listen attentively and effectively and look for early warning signs of the potential for violence. If a threat of violence is made, terminate the meeting immediately and inform your manager.

11. Interviewing and Offsite Visits

Below are a number of practical pieces of advice when performing visits to a persons home or conducting an interview at a PCC premises.

Offsite Visits

When you go out on site, **ALWAYS** ensure that there is:

- A visible record of your location, for instance a staff destination board or diary accessible to colleagues in the office;
- An expected time of return to base and if you are unable to meet this call the office with your new estimated return time; and
- An agreed method of communication to base (this may include the use of a mobile phone).

You can also do a number of the following:

- Check to see if there is any information available on clients before you see them by accessing the council's Violence at Work Register and any other database that may be available in your department e.g. Flare, Raise;
- Do not see known 'potentially violent' people on your own, aim to work in pairs where identified risks are high;
- In potential high risk cases seek opportunities to meet the client in the office or a neutral public premises;
- Do not keep people waiting unnecessarily; if you know you're going to be late, make every effort to call the client;
- Make a mental note of exits to the premises or room;
- Plan calm verbal exit strategies in advance, such as 'I just need to get a file from the car';
- Try to sit near the door or your chosen exit, do not place the client between you and your exit;
- Keep to main living areas of a clients premises and out of bedrooms or kitchens where possible, as these areas have potential access to weapons e.g. knives;
- Try not to take too much with you into the property e.g. files and tools in case you need to leave quickly;

- Always park your car in well-lit area and where possible reverse into a parking space as this will enable you to make a quick exit if needed; and
- Know what time your public transport is to avoid waiting on streets.

Office / Interview Room

- **Always** be nearest to the exit when interviewing or in a room with any customer or client;
- Try to have chairs at a slight angle when interviewing, (face to face can be taken as confrontational);
- Do not have unwarranted interruptions;
- Do not see known 'potentially violent' people on your own;
- Do not let people know if you are alone in the office, whether by phone, email or in person;
- Ensure you know how to use technology that is available such as panic alarms; and
- If CCTV is available ensure it is working and being monitored. You may also choose to contact CCTV before an interview commences to ensure the situation is being monitored accordingly.

12. Communication and Interviewing Skills

It is important to ensure that you communicate effectively to reduce the likelihood of violence occurring.

Ensure that you:

- Speak clearly, slowly and make the purpose of your meeting clear from the start;
- Appear calm and relaxed - breath normally;
- Do not lose control - if you feel anxious suggest taking a break;
- Be assertive and take control – but ensure you demonstrate empathy saying you recognise that the person is upset and you want to help;
- Calm the individual - say you cannot help while being shouted at;
- Try to defuse the situation and look for a resolve - ask questions, give reassurance;
- Maintain normal eye contact - if you are stared at, do not stare back;
- Keep your distance - violent people need more personal space;
- Do not hurry unduly - levels of aggression tend to decrease with the passage of time;
- Take action before the situation gets out of control – for example prepare an exit strategy if there is a potential for violence, for example say you need to 'get information' or 'get assistance/advice'; and
- Sound an alarm (if available) - get away from potential danger if no other options are available.

In regard to your own body language and posture:

- Keep your distance - at least an arms length;
- Avoid standing directly in front of the individual - this may be perceived as confrontational;
- Stand at a sideways angle and weight evenly balanced over each foot - this provides a smaller target area and enables you to move more easily out of danger when in a face to face situation with no barriers; and
- Do not touch the individual, even if they are tearful, the person may strike out.

13. Room Booking Procedure

When inviting members of public who are potential assailants into the authority for meetings etc, be sure to select an appropriate meeting room. You may decide to select a room with a panic alarm, CCTV coverage, or one with a viewing panel, so you can be easily seen by other council employees.

The room bookings procedure can be found at the following link:

14. Removing yourself from a potentially violent situation

Sometimes prevention techniques are not enough to diffuse a potentially violent situation. If you need to remove yourself from a situation follow these pointers:

- Look for the various exits available, keep talking and move towards them;
- Do not turn your back; and
- Use a diversionary tactic such as 'I will need to talk to my manager before agreeing to that issue' or "let me just go and get the appropriate forms so I can help you'.

Ensure you alert your manager that you have terminated the meeting, so that further appropriate action can be taken.

15. If you are attacked

Unfortunately there are occasions where you may be subjected to a physical assault. If you are attacked:

- Try to get away safely if you can;
- Use only 'reasonable force' or only force that is absolutely necessary to disengage yourself from the attacker; and
- If you cannot disengage yourself from a grip call for help from colleagues, or if alone shout 'call the Police' rather than 'help' as this will alert passers by that you require Police assistance.

Remember: victims can become aggressors themselves, your aim is to get away from the situation not to assault the assailant.

16. Lone Working

Many people find themselves alone in the workplace. It is important that you make arrangements to ensure you are safe at all times. Carry out the following if you are working alone:

- Ensure other people know who you are meeting, when and where;
- Establish a buddy system, where someone else can be contacted everyday with an itinerary of who they are meeting and at what times;
- Consider calling someone once your visitor arrives, telling the buddy you will get back to them at a certain time after the visitor has left. This acts as both an information call for you colleague and a deterrent to the visitor; and
- Be careful to not tell anyone you are working alone in the workplace, this applies to people who call or email you.

17. Dark nights in the community

From time to time employees may find themselves working in the dark. Consideration should be given to the following:

- Always plan ahead. Make sure you know where you are going and how you are going to get there;
- If you are catching a bus or a train, find out the times to avoid waiting for long periods at bus stops or stations;
- If you are planning to take a taxi, then either book it before going out, or take the number of a licensed cab company with you;
- When walking stick to busy well lit streets. Avoid danger spots like quiet or badly lit alleyways or isolated car parks;

- If you do have to pass danger spots, think about what you will do if you feel threatened, like heading for a busy place;
- Keep a personal alarm to hand;
- Take a mobile phone. It is also a good idea to take some spare change or a phone card to enable you to make a phone call;
- Make arrangements to check in with managers or your designated buddy;
- Ensure you are wearing safe clothing and footwear so you can escape in a hurry; and
- If you suspect you are being followed trust your instincts and take action. As confidently as you can cross the road turning to look who is behind you. If you are still being followed keep moving and make your way to a busy area a tell people what is happening. If necessary call the Police.

18. Travelling by Foot

When travelling by foot in the community consider the following:

- Avoid passing stationary cars with engines running and people sitting in them;
- Try to keep both hands free and don't walk with your hands in your pockets;
- Always take a route you know best and try to use well lit, busy streets, even if it adds to your journey time;
- Walk facing oncoming traffic to avoid curb crawlers. If a car does pull up suddenly alongside you, turn and walk the other way, you can turn much faster than a car;
- Do not wear a personal stereo or chat on your mobile phone when walking as you will not be able to hear approaching danger;
- Beware of someone who warns you of the danger of walking alone and then accompanies you. This could be a ruse to get you alone;
- Never accept lifts from strangers or someone you do not know very well, even if you are wet, tired or running late; and
- Try not to keep all your valuables in one place.

19. Victims of Stalking

Sometimes a person can become fixated on one employee in the council. This may not necessarily manifest itself as violence, but could include persistent complainants, intimidation, or in worse case scenarios being stalked during and after work.

If you suspect you are being stalked at work you should inform your manager immediately so they can assess your safety at work.

In addition you should:

- Phone or visit your local Police station, no matter how trivial the harassment may seem. This will enable them to record your complaint, log, monitor and build a profile of the alleged offender. Make sure you ask for the name and number of the officer you speak to;
- Keep a record of all events, telephone calls, emails etc noting as much detail as possible, including the times and dates of the incidents;
- Try to obtain photographic evidence or video evidence of your stalkers actions. The authorities CCTV department may be able to assist;
- Do not delete emails or throw away letters or parcels received from the alleged offender. Try to handle them as little as possible and if possible place them in paper/card envelopes to preserve them. Try not to use plastic sleeves as moisture can collect inside them and remove evidence;
- The police advise that you read all mail you receive in case it contains threats, indecent or offensive language;
- Inform your colleagues so they too can keep a record of sightings and notify you of any anything they may see or notice. Colleagues will also be able to support you, and prevent calls and persons etc reaching you;

- Inform the manager of Peterborough Direct for additional advice, as they may be able to limit the alleged offender's access to you by telephone;
- Try to alter your daily routines so your movements do not become predictable;
- If possible ask friends or colleagues to accompany you;
- Always let someone know what your plans are when they change;
- Although it may be hard, try not to show emotion to your stalker, do not confront them and never agree to meet them; and
- If you do come into contact with them aim to get away and ideally move to a busy public place.

20. Witnessing Violence at Work

Remember, there are things you can do to support your fellow colleagues in potentially violent situations.

Things to look out for include:

- If you overhear an interview getting out of control, call for assistance;
- Discreetly interrupt the interview to break the tension;
- If you overhear a threat made (i.e. you are in reception and here a service user say they are going to sort out the worker) - inform the interviewer immediately;
- When an alarm sounds in an interview room, staff should follow the established agreed procedures;
- The colleague should be removed from danger;
- The Police should be called; and
- The objective is always to escape to safety.

21. Dealing with Aggressive Animals

There are occasions where people may encourage their dogs to behave aggressively towards employees. In these cases the dog is being used as a threatening weapon, exploiting the fact that it is a less culpable threat than personal violence but just as frightening.

The single most important thing you can do is arrange and organise your appointments in advance. Where achievable first invite the client to our premises, eliminating any contact with an animal altogether. If the owner is not agreeable to this, before visiting any client's premises make an appointment in advance and ask them to tie up any dogs during your visit. If your visit is absolutely necessary and the client is not agreeable to these arrangements, exercise caution. Visit with a colleague for additional support and leave immediately if an animal is used for the means of intimidation or as a weapon. Police advice should then be sought.

Before entering any property with a dog try the following:

- Check for signs that a dog may live there, such as bones, a kennel, chewed up articles or dog droppings;
- If there is evidence of a dog, rattle the gate or make a noise, calling or whistling etc. If the dog appears never enter the property unless you are 100% confident the dog is not aggressive. If the dog is barking or silent but excessively staring do not enter the property;
- If there is barking but it does not get any closer after a reasonable time, you can assume that the dog is tied up;
- Always walk in a calm and confident manner. Dogs cannot smell fear but they are experts in reading body language;
- If a dog is chained up do not assume that the chain is attached, or it may be longer than you think or even break;
- When knocking on a door stand well back. If there is a dog inside the owner may not be quick enough to prevent the dog reaching you;

- Never run unless you are confident that you can outrun the dog to a safe haven. Otherwise, your initial reaction should be to remain still, avoiding eye contact;
- All threatening gestures such as yelling at the dog, waving ones arm or rushing at it should be avoided, as erratic nervous movements may cause the dog to advance; and
- Approaching suddenly, bending over the dog or patting it on the head or back are dominant and threatening gestures and as such should be avoided. Crouching, speaking gently, avoiding eye contact and patting around the chest or neck are all non threatening gestures.

If you are attacked by an aggressive dog:

- If you believe it is a full on attack, reach down and grab a handful of stones or shingle and throw it at the dog to break its charge;
- If this fails grab your clipboard or briefcase or whatever is to hand and offer it to the dog, keeping it well away from your body. The dog may grab hold of it and give you time to escape;
- If you are knocked to the ground remain motionless in a foetal position and protect your face by crossing your arms above your head; and
- Only strike a dog as a last resort and never kick a dog whilst it is facing you as it will likely grab your leg.

22. Personal Alarms

All employees are able to obtain a personal alarm for free, supplied by Internal Health and Safety, including replacements for broken or faulty alarms.

The purpose of the alarm is to shock or disorientate an attacker, giving you vital seconds to get away.

You should aim to carry your alarm with you at all times, particularly if you are walking alone in the community. It should be within easy reach (not at the bottom of your bag), or even held in your hand. If your work requires you to have both hands free then you could attach your alarm to a lanyard or a belt, or an easily accessible pocket.

You should also test your alarm periodically to ensure the battery is still working and does not require replacing. Additionally if your alarm becomes damaged or lost you should seek a replacement. You should also ensure you know how your alarm works.

The most common misconception is that the alarm is used to alert passers by. Unfortunately you cannot rely on personal alarms to do that for you as they may not be anyone within earshot, or worse, ignored. Remember even if your alarm is sounding you should aim to escape quickly and call for help. You are much more likely to get help if you shout 'call the Police' as this makes it clear you are in danger and need help.

Never wait around to check if you alarm has had the desired effect – just go!

23. Other things to be aware of

There are a number of other things you should consider in order to prevent incidents of violence at work:

- Your appearance – first impressions are important in any job involving brief interactions with the public as they can set the tone of the interaction.
- Stress – If you are stressed from heavy work loads or working when you are not well is thought to reduce the level of tolerance of employees in difficult situations.
- Cash being handled – Staff who handle cash are potential targets for robbery. Remember if you find yourself in the rare situation of being mugged or attacked hand over the money.

- Waiting and queuing – Having to wait a long time in a queue reduces the level of tolerance in some individuals.
- Privacy – where information has to be given of a confidential nature a good deal of stress can be caused to applicants or claimants if they cannot communicate privately.

24. Further Measures

Other preventative measures could include:

- Discussing incidents that have occurred at team meetings to find ways to prevent re-occurrences
- Training courses on lone working, conflict management and violence awareness.
- Private prosecutions - these can be taken by individual employees against their assailant. The employee should deal with this matter in conjunction with a solicitor and support by management on this should be given.

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