



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

ETHICAL GOVERNANCE & PERSONNEL COMMITTEE

30 JANUARY 2020

WARDS AFFECTED: ALL WARDS

POLICY ON THE MANAGEMENT OF UNACCEPTABLE AND VIOLENT CUSTOMER BEHAVIOUR

Report of Community Safety and Performance Manager

1. PURPOSE OF REPORT

- 1.1 To present the council's Policy on the Management of Unacceptable and Violent Customer Behaviour.

2. RECOMMENDATION

- 2.1 The Policy on the Management of Unacceptable and Violent Customer Behaviour be approved.

3. BACKGROUND TO THE REPORT

- 3.1 Every incident directed against employees or against anyone lawfully acting in the interests of the council is regarded as serious and there is a commitment to ensure that the risk of harm to employees and others is eliminated or minimised. The council will not tolerate behaviour which is deemed to be unacceptable, abusive, threatening or violent to its staff or any third party acting on its behalf.
- 3.2 The attached policy sets out the framework for how the council will respond to and manage unacceptable and violent behaviour towards staff and others acting legally on the its behalf.
- 3.3 This policy has been put together following consultation and discussion with staff, key council departments and relevant links to other council policies have been included in the policy.
- 4.0 Points of note
- 4.1 Councillors are not covered by this policy. It was considered, but it was felt that at this point in time this is untenable due to the fact that currently there is no way of effectively giving councillors access to the Unacceptable Behaviour and Violent

Persons List and that any other potential methods suggested to date would cause data protection/data management issues. A separate discussion will be held with the Member Development Group in relation to managing member safety.

4.2 A key element that came out of the consultation with staff was that staff felt that, due to growing numbers on the Unacceptable Behaviour and Violent Persons List, it would be better to flag working systems in departments and that this would increase the ability of staff to recognise and act on any risks highlighted by the Unacceptable Behaviour and Violent Persons List. This is something that was not part of the previous policy but is included in the proposed policy. The method and responsibility for flagging systems is made clear within the policy and has been signed off by Legal Services and the council's Information Governance Officer.

4.3 It is recognised that there are strong links with other council policies and therefore discussions have taken place with other managers on how the policies best link with each other, in particular policies for customer services and health and safety. These have been taken into account during the formation of this policy.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 None

5. FINANCIAL IMPLICATIONS [CS]

5.1 None

6. LEGAL IMPLICATIONS [MR]

6.1 The council, as an employer, has a duty of care to its employees, which means it should take all steps which are reasonably possible to ensure their health safety and well being. Legally, the council must abide by relevant health and safety and employment law, as well as the common law duty of care.

7. CORPORATE PLAN IMPLICATIONS

7.1 The Policy on the Management of Unacceptable and Violent Customer Behaviour supports the Corporate Plan priority ambition of 'helping people to stay healthy, active and protected from harm'.

8. CONSULTATION

8.1 Consultation has taken place with staff via the staff forum and via e-mail, Corporate Services (legal, information governance, customer services, member services, HR), Community Services (housing, community safety) and Environmental Health (health and safety).

9. RISK IMPLICATIONS

9.1

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Councillors are not covered by this policy	Member Development Group to consider member safety	SLT

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 This is an internal policy. However the policy clearly states that any actions will be proportionate and that behaviour of some customers may be due to certain circumstances, for example mental health. The policy encourages recognition of vulnerability and positive action to safeguard customers.

11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: Appendix 1

Contact Officers: Rachel Burgess Community Safety (x 5746)

Executive Member: Councillor Michael Mullaney

APPENDIX 1- Hinckley and Bosworth Borough Council's Policy on the Management of Unacceptable and Violent Behaviour.



Hinckley & Bosworth Borough Council

POLICY ON THE MANAGEMENT OF UNACCEPTABLE AND VIOLENT CUSTOMER BEHAVIOUR

JULY 2019

REVIEW DATE: JANUARY 2022

Contents

1 INTRODUCTION	Page 3
2 PURPOSES AND OBJECTIVES	Page 3
3 DEFINITION OF UNACCEPTABLE OR VIOLENT CUSTOMER BEHAVIOUR	Page 4
4 IMMEDIATE RESPONSES TO POTENTIALLY UNACCEPTABLE OR VIOLENT BEHAVIOUR	Page 5
5 MANAGING UNACCEPTABLE OR VIOLENT BEHAVIOUR	Page 5
6 ADDITIONS OF CUSTOMERS TO THE UNACCEPTABLE BEHAVIOUR AND VIOLENT PERSONS LIST	Page 6
7 NOTIFYING STAFF AND THIRD PARTIES OF ADDITIONS TO THE PUVPL	Page 6
8 REVIEWING DECISIONS	Page 7
9. MANAGING PERSONAL RISK	Page 8

1 INTRODUCTION

1.1 Hinckley and Bosworth Borough Council is committed to providing customers with excellent services. One of the most effective ways to manage the risk of violent incidents is to prevent them happening in the first place. Good customer service is an important factor in good health and safety practice when dealing with the public. Effective and efficient business delivery is a key control measure in managing customer or claimant's expectations and behaviour. However;

1.2 The Council will not tolerate behaviour which is deemed to be unacceptable, abusive, threatening or violent to its staff or any third party acting on its behalf.

1.3 Every incident directed against employees or against anyone lawfully acting in the interests of the Council is regarded as serious and there is a commitment to ensure that the risks of harm to employees and others as above are eliminated or minimised. The policy expects every manager to ensure that risk assessments and control measures for dealing with customers, claimants and others, both in the office and off site, are in place, up to date and adhered to. Managers must ensure that risks are minimised through training, ensuring the provision of safe office layouts and implementing well-known and well-rehearsed procedures for dealing with threatened or actual incidents and that where appropriate the Council's health and safety Lone Worker Framework is followed.

1.4 Individual employees also have a part to play, particularly in relation to the reporting of incidents. It is the responsibility of all employees to comply with any control measures in place to reduce the risk of incidents occurring.

2 PURPOSE AND OBJECTIVES

2.1 The purpose of this policy is to define what the Council considers to be unacceptable or violent customer behaviour and to ensure consistency and fairness when dealing with such behaviour.

2.2 The policy provides details on the options available to the Council when dealing with such behaviour, explaining the process which it will follow and the possible consequences to the customer which may include being placed on the Unacceptable Behaviour and Violent Persons List.

2.3 The policy ensures:

- Consistency and fairness when dealing with unacceptable and violent customer behaviour
- That "need to know staff" are made aware of potential health and safety risks from customers feed into service lone worker risk assessments
- Personal information of customers is processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulation

3 DEFINITION OF UNACCEPTABLE OR VIOLENT CUSTOMER BEHAVIOUR

3.1 Unacceptable or violent behaviour may include one, two or more isolated incidents of the behaviour complained of or an accumulation of those incidents or that behaviour over a longer period.

3.2 Unacceptable or violent customer behaviour is any incident that causes employees or others as above or has the potential to make such persons feel upset, threatened, frightened or physically at risk and is/could be directed at them because of their work.

Examples can include:

- **Violence**
- **Verbal abuse**
- **Abuse of a discriminatory nature e.g., sex, race, disability, religion, age**
- **Threats, which are implied or otherwise**
- **Intimidation**
- **Sexual innuendo**
- **Harassment**
- **Unwelcome attention**
- **Attempted or actual assaults - spitting that makes contact with the body is classed as an assault**
- **Damage to property**
- **Employees filmed, photographed or recorded in the workplace or working off-site, without their express consent**
- **Threats made in writing or via email**
- **Information about employees posted on social media e.g. face book**
- **False accusations**
- **History of violence that still poses a risk**
- **Health and Safety risk at address e.g. dangerous dog, potentially violent visitors at address, needles**
- **Risk of violence due to health issues/ substance misuse issues**

The list is not exhaustive. Any other incident that makes an employee feel uncomfortable, vulnerable or threatened must be reported.

3.3 Unreasonably persistent complainants will be dealt with via the Council's Persistent Complainants Policy. However, there will be occasions where the individual will need to be dealt with in line with this policy alongside the Persistent Complainants Policy in order to inform staff of any potential risks or any restrictions placed upon the customer's contact with the organisation.

4 IMMEDIATE RESPONSES TO POTENTIALLY UNACCEPTABLE OR VIOLENT BEHAVIOUR

4.1 If a customer is abusive or threatening whilst in the office or on the telephone members of staff should clearly state that such behaviour will not be tolerated.

If the behaviour continues, the customer should be asked to leave the building and, if safe to do so, the member of staff should remove themselves from the situation.

For telephone calls, members of staff should advise that they are going to disconnect the call if the behaviour continues. Details of how to manage abusive calls can be found in the Council's Abusive Caller Process at <http://intranet/custserv/SitePages/Home.aspx>

For face-to-face situations in the building, staff should be aware of the location of panic alarms and use secure interview rooms where appropriate. Panic alarms must be used if staff feel physically threatened or unable to deal with the level of abuse. The Panic Alarm Procedure can be found at <http://intranet/custserv/SitePages/Home.aspx>

4.2 It is important that staff that only have contact with customers via email or letter are able to identify unreasonable, abusive or threatening language and follow this policy and procedures.

4.3 For incidents off site:

4.3.1 All members of staff or others lawfully working for the council who work off site, either in the community or visiting customers at home, should be aware of and follow the procedure set out in the Council's Lone Worker Framework. If appropriate, service-specific Lone Worker procedures should be produced and communicated to staff.

4.3.2 It is particularly important that:

- Risk assessments are carried out and that the Unacceptable Behaviour and Violent Persons List is checked before a visit.
- Office-based staff are aware of the whereabouts of staff working off-site
- Staff working off-site must have a way of contacting the office in an emergency

4.3.3 In an emergency situation, where staff feel at significant threat all effort must be made to remove themselves from danger and call 999.

5 MANAGING UNACCEPTABLE OR VIOLENT BEHAVIOUR

5.1 The Council recognises that any decision to classify a customer's behaviour as unacceptable or violent could have consequences for them, including in rare circumstances restricting their access to services. It will, therefore, seek to ensure it acts appropriately and proportionately in the application of this policy.

5.2 The Council has a zero tolerance approach towards violence or threats of violence towards its staff and will always encourage staff to report such incidents to the Police on 101 or 999 in an emergency.

5.3 All customer incidents or intelligence relating to a customer's risk of violence towards staff must in the first instance be reported by the member of staff via the customer incident reporting form available on the council's intranet.

<http://intranet/commsafety/SitePages/Staff%20incident%20reporting%20form.aspx>

5.4 Staff incident reports are directed to the Staff Safety Team. The Staff Safety Team will then review the incident, along with any other intelligence or previous incidents, and make a decision on any action required. Action may include (this is not an exhaustive list):

- No further action
- A warning letter to the customer to advise them that the behaviour will not be tolerated and the consequences of any similar behaviour in the future
- Addition to the Unacceptable Behaviour and Violent Persons List

5.5 If any action is chosen which restricts the customer's access to council services, it is important to ensure there is an identified and clearly communicated method of contact available for the customer.

5.6 The behaviour of some customers may be due to a specific circumstance or difficulty, such as a mental health condition, substance misuse issue or other disability. Any unacceptable behaviour should be reported via the staff incident reporting form with details of vulnerabilities. Where this is the case, staff must also raise any concerns about a customer's vulnerability via the relevant channels e.g. via their line manager or safeguarding processes.

6 ADDITIONS OF CUSTOMERS TO THE UNACCEPTABLE BEHAVIOUR AND VIOLENT PERSONS LIST

6.1 The decision as to whether an individual should be added to the Unacceptable Behaviour and Violent Persons List will be taken by the dedicated Council Staff Safety Team.

6.2 A decision to add a customer to the Unacceptable Behaviour and Violent Persons List must be preceded by the receipt of a staff incident report.

6.3 Once a decision has been made to add a customer to the Unacceptable Behaviour and Violent Persons List, the Staff Safety Team will write to the customer to:

- Detail the action it has taken and why
- Detail consequences of further unacceptable and/or violent behaviour
- Explain what it means for the customer's future contacts with the council
- Advise on how long any restrictions will last and when the decision will be reviewed

There will be cases where it is believed that informing the customer of their inclusion on the Unacceptable Behaviour and Violent Persons List will not be appropriate, such as:

- Where it is believed that informing the customer would in itself escalate the risk of unacceptable and/or violent behaviour
- Where the information regarding the risk is given to the council from a partner agency

In these circumstances the customer will not be informed, but a clear record must be made by the Staff Safety Team as to why this decision has been made.

7 NOTIFYING STAFF AND THIRD PARTIES OF ADDITIONS TO THE UNACCEPTABLE BEHAVIOUR AND VIOLENT PERSONS LIST

7.1 All “need to know staff” will have access to the Unacceptable Behaviour and Violent Persons List and will be updated automatically when customers are added or removed from the list.

7.2 The decision to notify third parties will be taken on a case by case basis and will be made by the Staff Safety Team not by individual officers.

7.3 Third parties who may be notified by the Staff Safety Team may include:

- Contractors working on the Council’s behalf, although this will depend on the role of the contractor and any likelihood that they may come into contact with the individual
- Other agencies, such as Housing Associations
- Neighbouring authorities if, as part of a shared service, staff may be likely to come into contact with the individual
- Co-located partners who may be likely to come into contact with the individual.

The decision to notify third parties should be documented.

7.4 Internal council systems can be flagged to advise officers to check the Unacceptable Behaviour and Violent Persons List for customers on the list but flags should simply advise to check the Unacceptable Behaviour and Violent Persons List and not contain any details on the marker. If departments elect to flag systems in this manner they must have a dedicated officer who will keep systems up to date (remove old flags and add new ones in a timely way). It is the responsibility of the department adding the flags to keep them up to date.

8 REVIEWING DECISIONS

8.1 When any restrictions are put in place a review date must be set. This will be based on the circumstances of the case - a minimum period of six months is deemed to be appropriate.

8.2 The status of the customer should be reviewed by the Staff Safety Team and will take into account any future contact or new issues which have been raised.

8.3 If a customer had been informed of their inclusion on the Unacceptable Behaviour and Violent Persons List the customer will be informed of the decision of their review.

8.4 Relevant staff and other organisations who were informed of the restrictions should be advised of the outcome of the review.

9.0 MANAGING PERSONAL RISK

9.1 All employees must have completed the appropriate level of Health and Safety training. Training provides the skills and knowledge to help to anticipate and defuse potential incidents, avoid triggering a violent incident and help employees to keep safe during an incident.

9.2 Employees must not persist in trying to defuse an incident when they should be retreating from the situation or summoning help or support.

9.3 Risk assessments must be reviewed regularly and recommended procedures must be adhered to by all employees all of the time.

9.4 Everyone who works off-site or travels must also apply the relevant health and safety guidance and controls.

9.5 Other relevant corporate policies should be adhered to alongside this policy:

- Health and Safety Policies and Framework
- Lone Worker Framework
- Reception Staff Safety Policy
- Abusive Caller Process
- Panic Alarm Procedure
- Persistent Complainant Policy
- Data Protection Policy