

**FALKIRK COUNCIL**

**Subject: REFERRAL FROM JOINT CONSULTATIVE COMMITTEE**  
**Meeting: EXECUTIVE**  
**Date: 1 DECEMBER 2015**  
**Author: DIRECTOR OF CORPORATE & HOUSING SERVICES**

**1. INTRODUCTION**

- 1.1 The purpose of this report is to seek approval of the policies which were referred to the Executive, by the Joint Consultative Committee on 11 November 2015.

**2. POLICIES FOR APPROVAL**

- 2.1 At its meeting on 11 November 2015, the Joint Consultative Committee agreed to refer the following policies to the Executive for approval.

**Lone Working Policy**

- 2.2 This policy has been reviewed to take account of a Fatal Accident Investigation relating to Western Isles NHS where an employee died in the course of her employment.

- 2.3 The findings of the Fatal Accident Investigation have a potential impact on all management systems for employers who may have drivers out in severe weather conditions. Further guidance on how to manage changing weather alerts and ensure a system is in place for cascading weather alerts has also been prepared along with updated Risk Assessments.

- 2.4 In addition, the policy has been reordered and the responsibilities section simplified.

**Management of Violence & Unacceptable Actions Policy**

- 2.5 This policy has also been reviewed with general amendments in the order and simplification of the list of responsibilities. In addition, reference to 3rd party harassment provision has been removed as this was recently repealed.

**Time off for Trade Union Duties and Activities Policy**

- 2.6 This policy ensures that appropriate levels of special leave are provided to trade union representatives in order for them to carry out trade union duties & activities.

- 2.7 The policy has now been reviewed in accordance with the HR policy review timetable and revised as follows:

- Inclusion of provisions for consideration of requests for time-off to participate in duties at a national level;
- Reference to time off for non recognised trade unions to reasonable time off to attend disciplinary or grievance meetings, provided their union has certified them as being capable of acting as the employee's companion;
- Updated trade union membership levels with, where relevant, resultant changes to time off arrangements.

### **3. RECOMMENDATION**

- 3.1 It is recommended that the Executive approves the immediate implementation of the policies as noted in section 2 above.

.....  
**DIRECTOR OF CORPORATE & HOUSING SERVICES**

Ref: AAB011215 – Referral from JCC

Author: T Gillespie, ext 6239, K Algie, ext 6223

Date: 11/11/15

### **BACKGROUND PAPERS**

Nil

## **FALKIRK COUNCIL**

**Subject: TIME OFF FOR TRADE UNION DUTIES AND ACTIVITIES POLICY**  
**Meeting: JOINT CONSULTATIVE COMMITTEE**  
**Date: 11 NOVEMBER 2015**  
**Author: DIRECTOR OF CORPORATE & HOUSING SERVICES**

### **1. INTRODUCTION**

- 1.1 The Council's Time Off for Trade Union Duties and Activities Policy ensures that appropriate levels of special leave are provided to officials and representatives of the unions in order for them to carry out trade union duties & activities.
- 1.2 This Policy has now been reviewed in accordance with the HR policy review timetable and the purpose of this report is to advise Committee of updates to this Policy.

### **2. TIME OFF FOR TRADE UNION DUTIES AND ACTIVITIES POLICY**

- 2.1 The policy has been revised as follows:
- Inclusion of provisions for consideration of requests for time-off to participate in duties at a national level;
  - Confirmation that representatives of trade unions that are not recognised for collective bargaining purposes are entitled to reasonable time off to attend disciplinary or grievance meetings, provided their union has certified them as being capable of acting as the employee's companion;
  - Updated trade union membership levels with, where relevant, resultant changes to time off arrangements.
- 2.2 A copy of the revised policy is attached for Committee's consideration.

### **3. RECOMMENDATION**

- 3.1 It is recommended that Committee agree the changes to the Time Off for Trade Union Duties and Activities Policy and refer it to the Executive for approval.

.....  
**DIRECTOR OF CORPORATE & HOUSING SERVICES**

Date: 8<sup>TH</sup> October 2015  
Contact Name: Gail Dick, Human Resources Business Partner

LIST OF BACKGROUND PAPERS  
None



# **FALKIRK COUNCIL**

## **TIME OFF FOR TRADE UNION DUTIES & ACTIVITIES POLICY**



## CONTENTS

		Page No.
<b>PART 1</b>	<b>Policy Statement</b>	3
<b>PART 2</b>	<b>Policy</b>	
2.1	Introduction	3
2.2	Scope	4
2.3	Duties & Activities	4
	Time Off for Trade Union Duties & Activities	4
	Trade Union Training	5
	Health & Safety Representatives	5
	Union Learning Representatives	6
	Industrial Action	7
2.4	Time Arrangements	7
	Allocated Time Off for Officials	7
	Time off for Other Representatives, H&S Representatives and Union Learning Representatives	8
	Time Off for Trade Union Members	9
	Amount of Time Off Permitted	9
	Refusal of Time Off	10
2.5	Payment for Time Off	11
2.6	Facilities	11
<b>PART 3</b>	<b>Implementation and Review</b>	
3.1	Implementation	12
3.2	Review	12
<b>APPENDICES</b>		
1	Request form	13
2	Time off arrangements	14

## **PART 1**

### **1.1 POLICY STATEMENT**

A Collective Agreement is in place between Falkirk Council and the following recognised trade unions of Falkirk Council, namely: EIS, GMB, SSTA, UCATT, UNISON and UNITE. The intention of the agreement is to ensure that appropriate levels of special leave are provided to officials and representatives of the unions in order for them to carry out trade union duties & activities.

The Time Off for Trade Union Duties and Activities Policy implements the agreement in full and applies to all employees of Falkirk Council. Its main aim is to promote fairness, equity and order in the treatment of individuals and in the conduct of employee relations.

The policy confirms Falkirk Council's commitment to encouraging participation, through effective consultation and communication and the sharing of decision making. This includes consulting and negotiating with recognised trade unions on a wide range of issues. For this to be productive, it is recognised that reasonable time off facilities for union duties, activities, health & safety, learning representative responsibilities and appropriate training should be available to trade union officials, representatives and members.

The Time Off for Trade Union Duties and Activities Policy also ensures that Falkirk Council's employee relations operate within, and comply with, the legal framework of employment law, namely: the Trade Union & Labour Relations (Consolidation) Act 1992. This gives officials and members of recognised trade unions certain statutory rights to reasonable time off from work for various trade union duties and activities, and Section 43 of the Employment Act 2002, which established rights for Union Learning Representatives. The policy also complies with the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.

## **PART 2 POLICY**

### **2.1 INTRODUCTION**

This policy is designed to offer practical advice in the operation of requesting and managing time off for trade union duties and activities.

Employers and trade unions have a joint responsibility to ensure that agreed arrangements specify how reasonable time off for union duties, activities, learning representative and health & safety representative responsibilities and appropriate training, can operate to their mutual advantage. It is essential to have clear guidance against which applications for time off can be determined. Given the variations in the roles of trade union officials, the size of services and level of membership, the policy cannot provide precise details to deal with every request for time off. It does however provide specific leave allocation for one official from each recognised trade union. In addition, the general principles on how to determine the reasonableness of a request for time off for trade union representatives and members are given.

Requests for time-off to participate in duties at a national level will be considered in consultation with the Head of Human Resources and Business Transformation and will be subject to service delivery.

## **2.2 SCOPE**

Officials and members of trade unions recognised by Falkirk Council should be permitted reasonable time off during working hours to carry out certain trade union duties and activities. There is no minimum qualifying period of service.

Officials are employees who have been elected or appointed to be a representative of all or some of the trade union members within Falkirk Council. This includes branch officers, shop stewards and health & safety representatives. Nominated learning representatives of recognised unions are also covered by this document, as are trade union members employed by Falkirk Council.

A trade union is only “recognised” where it is recognised for the purposes of collective bargaining. The unions currently recognised by Falkirk Council for the purposes of collective bargaining on behalf of all employees of Falkirk Council are: EIS, GMB, SSTA, UCATT; UNISON and UNITE.

## **2.3 DUTIES & ACTIVITIES**

### **2.3.1 Time Off for Trade Union Duties and Activities**

Trade union duties are issues which relate directly to the organisation and/or its employees, while trade union activities are issues which relate directly to internal trade union work. It is noted however that the dividing line between trade union duties and trade union activities may often not be absolutely clear cut. In appreciation of this difficulty, subject to recognition, officials and representatives should be allowed reasonable paid time off for undertaking trade union duties concerned with negotiation, or duties concerned with functions related to or concerned with:

- terms & conditions of employment or the physical conditions in which employees are required to work;
- engagement or non-engagement or termination or suspension of employment or the duties of employment, of one or more employee;
- allocation of work or the duties of employment as between employees or groups of employees;
- matters of discipline, grievance and employment tribunals;
- trade union membership or non-membership;
- facilities for trade union representatives;
- machinery for negotiations or consultation and other procedures;
- arranging workplace meetings and ballots to discuss the outcome of negotiations with the employer;
- carrying out the role of a trade union learning representative;
- carrying out the role of a health and safety representative.

Representatives of trade unions that are not recognised for collective bargaining purposes are entitled to reasonable time off to accompany an employee at a disciplinary or

grievance hearing, so long as their union has certified them as being capable of acting as the employee's companion.

In addition, subject to recognition, representatives should be allowed reasonable paid time off for undertaking trade union activities which have an impact on employees of Falkirk Council. Time off will only be paid where it is confirmed that no reimbursement for loss of earnings will be made by the relevant trade union for the time. Examples of such activities may include:

- attendance at a workplace meeting to discuss and vote on the outcome of negotiations with the employer;
- voting on properly conducted ballots on industrial action;
- Branch or District meetings of the trade union convened during normal working hours where issues relevant to Falkirk Council are under discussion, in addition to Union business;
- recruitment of members who are Falkirk Council employees;
- internal union work where work undertaken has an impact on Falkirk Council employees;
- meetings of the executive committee or annual conference where issues being discussed are relevant to Falkirk Council.

For any activities which relate solely to internal trade union matters, and have no impact on Falkirk Council employees, unpaid time off, (rather than annual leave), may be considered appropriate. This particularly relates to occasions when reimbursement for loss of earnings is made to representatives by trade unions to attend meetings such as Branch or District meetings.

### **2.3.2 Trade Union Training**

Trade union representatives, including learning representatives, are more likely to carry out their duties effectively if they possess skills and knowledge relevant to their duties.

All new trade union representatives will be entitled to be paid for a maximum of 10 days in order to undergo approved induction training, regardless of the number of hours worked per week.

Reasonable paid time off to undergo relevant training should therefore be considered. Payment arrangements are detailed in Section 2.5.

Training should be in aspects of industrial relations, health & safety, or employee development. It must be relevant to the duties of the representative, and be matters which are relevant to the list of trade union duties outlined above.

Any training should be approved by the TUC or the recognised union and, where available, a syllabus indicating the contents of the course should be submitted with the request for this time off.



### **2.3.3 Health & Safety Representatives**

Health & safety representatives of a recognised trade union are entitled to appropriate paid time off to carry out health & safety functions and duties and to attend relevant training courses.

Health & safety representatives would be expected to attend meetings scheduled to discuss and negotiate issues relating to the health & safety of workplaces and employees. Reasonable paid time off should be granted to attend these meetings.

Health & safety representatives have the right to accompany managers on health & safety audits or inspections as required by legislation. These inspections may be:

1. on a routine basis every three months; or
2. where there has been a significant change in conditions of work; or
3. following a notifiable accident, dangerous occurrence or notification of a notifiable disease.

A proposed annual programme of routine inspections may be prepared by the relevant health & safety representatives for a particular area for agreement with management.

While it is good practice that inspections are carried out on a joint basis, it is recognised that situations may arise in relation to 2 and 3 above where a health & safety representative may want to undertake immediate inspection. In such circumstances the representative will inform management to allow for a joint inspection to be undertaken, but it is recognised that there are times when a manager may not be available and it may be necessary for an inspection to proceed without a management representative being present.

Managers will ensure that Health & Safety Representatives are advised of a notifiable accident, dangerous occurrence or notifiable disease as soon as possible.

### **2.3.4 Union Learning Representatives**

A learning representative is a nominated representative who focuses on the learning agenda in the workplace. Typically, they will give advice and guidance to members and answer queries about courses or learning opportunities in the Council.

Learning representatives are allowed reasonable paid time off for the following functions:

- analysing learning or training needs;
- providing information and advice about learning or training matters;
- arranging learning or training;
- promoting the value of learning or training;
- consulting the employer about carrying out any such activities;
- preparation to carry out any of the above activities;
- undergoing relevant training (in accordance with 2.3.2 above).

Given that in many cases within Falkirk Council there are established training and development programmes for employees, learning representatives should liaise with the

Employee Development Section of Human Resources, or the relevant line manager, to ensure that respective training activities complement each other and to avoid duplication.

To qualify for time off, the representative must be sufficiently trained to carry out the duties of a learning representative, either:

- at the time when their trade union gives notice to the Council in writing that they are a learning representative, or,
- within six months of that date.

In the former case the trade union should, in their notification, advise what training/ experience the individual has which means they are able to fulfil the role of learning representative.

In the latter case the trade union should notify the Head of Human Resources and Business Transformation in writing that the employee will be undergoing the required training and what this training will be. When training has been successfully completed, the union should confirm this to the Head of Human Resources and Business Transformation. Confirmation should also be given that this training is sufficient to enable the individual to fulfil the role of learning representative. The six month training period may be extended to take account of any significant unforeseen circumstances. If training is not completed within the agreed timescales then the Head of Human Resources and Business Transformation will agree with the trade union whether it is appropriate for the employee concerned to continue as a learning representative.

To satisfy the training requirement an employee must be able to demonstrate that they have received sufficient training to enable them to operate competently in one or more of the areas of activity of a learning representative, ie:

- analysing learning or training needs;
- providing information and advice about learning or training matter;
- arranging and supporting learning or training;
- promoting the value of learning or training.

A learning representative could be considered to have gained appropriate training by completing a training course approved by the TUC or the recognised union, or by demonstrating that they have previously gained the relevant experience and expertise to operate effectively as a learning representative. Experience and expertise gained in areas such as teaching, counselling, providing careers advice and guidance or employee development may be relevant, as may a period of extensive on-the-job training and experience gained in shadowing an experienced learning representative.

### **2.3.5 Industrial Action**

Time off facilities should be granted to trade union officials involved in negotiations with Falkirk Council relating to industrial action. There is no right to time off for trade union activities which themselves constitute industrial action.

## **2.4. TIME OFF ARRANGEMENTS**

### **2.4.1 Allocated Time Off for Officials**

A specified number of days paid time off is afforded to each trade union to cover trade union duties, activities and training. The allocated time off can be taken by one official or split between more than one person.

The allocated time off for each trade union will be based on membership levels as at 1 October each year. Each union should therefore notify Human Resources by 31 October each year of their membership levels and of the name(s) of the nominated official(s) who will be afforded the time off.

Human Resources will be responsible for consulting with services on whether each representative nominated can be given the time off in full or not and then confirming with each service and trade union the details of those who have been allocated time off. Where appropriate a cover facility may be provided for nominated officials who are allocated the proposed time off for each respective union.

Any amendments to the nominated representative must be notified to the Head of Human Resources and Business Transformation at least one month in advance, otherwise time off may be forfeited.

Members of the JCC will be provided with an additional ½ day for each JCC meeting which takes place to ensure adequate time to prepare and attend. The Depute Convenor of the JCC and Secretary of the JTUC will be provided with a further ½ day for each scheduled Informal JCC.

The time allocated should provide trade union officials with appropriate paid time off to cover both duties and activities and can be used as necessary by each official, but is mainly to cover the following:

- corporate and service based consultative and negotiating meetings with management;
- attendance at discipline hearings, grievance hearings, employment tribunals and preparatory meetings with their members, where they are required to represent the member;
- attendance at union meetings with the purpose of preparing for negotiations on matters which their union is recognised by Falkirk Council;
- meetings to communicate the outcome of negotiations with management to members;
- Branch or District meetings of the trade union convened during normal working hours where Union business is under discussion;
- meetings of the executive committee or annual conference or training courses;
- trade union learning representative duties;
- health and safety representative duties.

It is the responsibility of the trade union official and his/her line manager to come to an agreed arrangement for taking the specified time off. This should be recorded on the request form at Appendix 1.

The time off allocated, as detailed above, does not however allow for additional trade union duties required to deal with exceptional circumstances. In such circumstances, the facility time may be reviewed in order to accommodate this and ensure adequate participation and involvement.

#### **2.4.2 Time Off for Other Representatives, H&S Representatives and Union Learning Representatives**

All other representatives will be afforded time off on an ad hoc basis, subject to the exigencies of the service and in accordance with Section 2.3 above.

Applications for time off to pursue duties and activities relevant to the representative's role should be made as far in advance as possible.

Applications should be made on the request form (Appendix 1) and addressed to the appropriate line manager. The request should indicate the purpose of such time off, the intended location, and the timing and duration of time off required. It should be understood however, that in a minority of cases, it may be unreasonable for a representative to disclose details of the reason for the meeting, eg, in order to respect the confidentiality of an individual employee where they could be readily identified by the information imparted. It would not be expected however, that this should occur on a regular basis.

Where a trade union is organising an event which requires a number of representatives to take time off at one particular time, one request should be made to the Head of Human Resources and Business Transformation indicating the names of the representatives and respective services. This should be sent at least 15 days prior to the event taking place. Human Resources will then consult with services on whether the request can be accommodated in full or not and will then confirm the allocated time off with the trade union.

Failure to comply with this procedure may result in the time off being refused or payment for the period of time taken/requested being withheld.

#### **2.4.3 Time Off for Trade Union Members**

Trade union members may require time off to undertake trade union activities as detailed at 2.3.1 above or to attend preparatory meetings for disciplinary and/or grievance hearings or to access the services of a union learning representative.

Where appropriate, members should try to arrange meetings out with normal working hours. In exceptional circumstances, where this is not possible, or appropriate, i.e., to attend disciplinary or grievance hearings, time off with pay will be granted to attend meetings. All other leave will be unpaid and considered to be trade union activities.

Applications should be made on the request form (Appendix 1) and addressed to the appropriate line manager. The request should indicate the purpose of such time off, the intended location, and the timing and duration of time off required. It should be understood however, that in a minority of cases, it may be unreasonable for a member to disclose details of the reason for the meeting, eg discussing claims of harassment by their

immediate line manager, until such times as they have discussed this with their trade union representative.

#### **2.4.4 Amount of Time Off Permitted**

The amount and frequency of time off should be reasonable in all circumstances.

Line managers need to consider each application for time off on its own merits, seeking guidance from Human Resources as appropriate. Consideration should be given to the purpose of the request and the amount of time off the employee has already received.

The amount of time off permitted needs to take account of the requirement to maintain service delivery. In order to maintain a balance in time off being requested across the Council, if a request is made for a representative from one service area to be given time off to undertake trade union duties or activities in another service area, their line manager may, where they consider this to be appropriate, explore whether a representative from the second area could instead cover these activities. Trade unions should also consider whether there are occasions when it may not be necessary for all representatives of a particular service area to attend a meeting, eg, whether attendance at service based forums could be rotated rather than for all of representatives from that service attending each meeting.

The employee's absence record should also be taken into account, although consideration should be given to the requirements of the disability provisions of the Equalities Act 2010 in this regard. All time off should be recorded on the Resourcelink system which will assist in monitoring.

All time off should be granted subject to service delivery needs and safety considerations. In agreeing any time off, consideration should also be given to travelling time. Falkirk Council will not be responsible for travel and subsistence allowances in respect of officials undertaking trade union business.

Any time off should be reasonable, and be relevant to the number of members the trade union is representing, to any agreed consultative arrangements in place and any significant changes or workplace issues which are ongoing. In the case of requests made by learning representatives, consideration will also be given to existing training arrangements within the workplace. Unions will be expected to be reasonable in their requests for time off with the aim of ensuring minimum disruption to the services of the Council.

Consideration should be given to allowing part-time or shift working representatives who are required to attend meetings out with their normal working time the opportunity to take the time back. Where meeting arrangements can be flexible however, the representative would normally be expected to make these for a time during which they would normally work and request the time off as normal, otherwise any time taken may not be claimed back.

Where a union representative works night shift and is required to attend day time training or carry out union duties, consideration may be given to allowing an element of paid time off either the night before or after the course.

Where a representative normally works shifts or during weekends, evenings or nights and is required to attend regular meetings or training over a number of weeks, consideration

should be given to re-arranging the shifts with an aim of minimising the disruption to service provision for the period concerned. The same approach should be taken for part-time employees who are required to attend regular meetings out with their normal working pattern.

#### **2.4.5 Refusal of Time Off**

After careful consideration, requests for time off for trade unions duties or activities can be refused. The line manager must however be able to justify this decision. Where a difficulty in allowing time off is experienced, the line manager should discuss this with the relevant head of service and with Human Resources. Once a final decision is reached the line manager should advise the employee verbally of the decision as soon as possible. If the request is refused the head of service should also confirm the decision in writing, explaining why the request has been refused.

Where the employee considers the refusal to be unreasonable, they can make a formal complaint. All complaints should be made in writing to the Head of Human Resources and Business Transformation, within 5 days of receipt of the written refusal. The Head of Human Resources and Business Transformation will make appropriate arrangements to deal with the complaint.

### **2.5 PAYMENT FOR TIME OFF**

Where time off with pay has been granted in accordance with Section 2.3.1 the amount of pay will be, either:

- the amount that the employee would have earned had they worked during the time off taken; or
- where earnings vary, an amount calculated by reference to the average hourly earnings for the work they are employed to do.

The above will include any contractual overtime, but will not include any payment for non-contractual overtime which they would have received had they been working.

There is no right to paid time off where a trade union duty or training occurs on a day when the employee would not otherwise have been in work unless the employee is a shift worker who needs to perform representative or training duties during normal working time. Employees who work part-time and who are required to attend training or to undertake trade union duties on a day on which they would not normally work, would be entitled to be paid the rate equivalent to the time spent on the training course if staff who work full time would be entitled to be paid. Payment is subject to a maximum of the equivalent daily and weekly pay for a full-time employee on the same terms and conditions of employment. Where an employee would not normally be rostered to work on the day of the training or undertaking trade union duties their line manager could, as an alternative, agree to the employee's shifts being changed so that they would be treated as though they had worked on the day on which training or undertaking trade union duties takes place, and so are paid accordingly.

## **2.6 FACILITIES**

No permanent facilities at present are provided to trade union representatives for the purposes of conducting trade union business.

Where necessary, managers/headteachers should make appropriate facilities available to officials in order to perform their trade union duties efficiently. Where appropriate, and taking account of available resources, such facilities shall include accommodation for meetings, access to a telephone, notice boards (including the intranet) and, where the volume of the officials' work justifies it, the use of office facilities. Any accommodation provided, should be appropriate to the number of union members and level of trade union workload.

In addition, learning representatives may use the Learning Resource Centre, Municipal Buildings, Falkirk to meet with employees to discuss their learning/development needs. Information on booking arrangements can be sought from the Employee Development Section of Human Resources. The Learning Resource Centre can also be used as a source of learning materials. Further information can be found on the Learning Zone of the intranet.

## **PART 3 IMPLEMENTATION AND REVIEW**

### **3.1 IMPLEMENTATION**

Managers, Directors, Chief Officers, Human Resources and trade unions will be responsible for ensuring the appropriate implementation of this policy.

Trade unions will be responsible for notifying Human Resources of their membership numbers, and nominated representatives to use allocated time by 31<sup>st</sup> October each year and Human Resources will be responsible for implementing the required checking and notification procedures in this regard.

### **3.2 REVIEW**

This policy will be reviewed by the Head of Human Resources and Business Transformation in conjunction with service directors and trade unions as appropriate.

This Policy has been Equality Impact Assessed and no adverse impact has been identified.

## Request for Time Off for Trade Union Duties and Activities

Name: ..... Trade Union: .....

Date of Request *	Time Off Required			Reason **	Authorisation	
	Date	Time From/To	Location		Signed	Date

\* Notice of a request for time off should be provided as far in advance as possible.

\*\* Reason for the request should be provided unless this is not possible due to confidentiality considerations. Please note whether the duty or activity is requested as a trade union representative, union learning representative or health & safety representative.



**Allocated Time Off as at November 2014**

<b>TRADE UNION</b>	<b>MEMBERSHIP NUMBERS</b>	<b>PROPOSED LEAVE ALLOCATION</b>	<b>%</b>	<b>TIME OFF ARRANGEMENTS (DAYS)</b>
UNISON	1812	100		260
UNITE	503	30		78
UCATT	160	10		26
EIS	1436	80		208
GMB	803	40		104
SSTA	179	10		26

## **FALKIRK COUNCIL**

**Subject: LONE WORKING POLICY/ MANAGEMENT OF VIOLENCE & UNACCEPTABLE ACTION**

**Meeting: JOINT CONSULTATIVE COMMITTEE**

**Date: 11 NOVEMBER 2015**

**Author: DIRECTOR OF CORPORATE & HOUSING SERVICES**

### **1. INTRODUCTION**

- 1.1 The Lone Working Policy and Management of Violence and Unacceptable Actions at Work Policy have both been reviewed in line with the HR Policy review timetable. In addition the Lone Working Policy has been reviewed to take account of a Fatal Accident Investigation relating to another Council. This report provides an update on the changes to both policies.

### **2. LONE WORKING POLICY**

- 2.1 On 24 April 2011 an employee of Western Isles NHS died in the course of her employment. A Fatal Accident Inquiry followed in November 2014, the findings of which have a potential impact on all management systems for employers who may have drivers out in severe weather conditions.
- 2.2 The Inquiry found that the employer did not have sufficiently robust procedures for identifying when weather conditions were deteriorating and taking appropriate action in the event of deteriorating weather conditions. The risk assessment was also found to be inadequate to demonstrate sufficient control measures.
- 2.3 As a consequence, the Lone Working Policy has been reviewed. Further guidance on how to manage changing weather alerts and ensure a system is in place for cascading weather alerts has also been prepared along with updated Risk Assessments.
- 2.4 The policy has been updated to reflect the need for systems to be in place during changing/difficult weather conditions. In addition, the policy has been reordered and the responsibilities section simplified.

### **3. MANAGEMENT OF VIOLENCE & UNACCEPTABLE ACTION**

- 3.1 This policy has been reviewed with general amendments in the order and simplification of the list of responsibilities. In addition, reference to 3<sup>rd</sup> party harassment provision has been removed as this was recently repealed.

### **4. RECOMMENDATION**

- 4.1 It is recommended that Committee agree the changes to these Policies and refer to Executive for approval and immediate implementation.

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**DIRECTOR OF CORPORATE & HOUSING SERVICES**

Date: 6<sup>th</sup> October 2015

Contact Name: Tracey Gillespie, extension 6239

**LIST OF BACKGROUND PAPERS**

None



# **FALKIRK COUNCIL**

## **LONE WORKING POLICY**



## **INDEX**

	<b>SECTION</b>	<b>PAGE</b>
1.	<b>INTRODUCTION</b>	<b>3</b>
2.	<b>POLICY STATEMENT</b>	<b>3</b>
3.	<b>SCOPE</b>	<b>3</b>
4.	<b>DEFINITION</b>	<b>3</b>
5.	<b>MANAGING THE RISKS</b>	<b>4</b>
6.	<b>SUPPORT FOR EMPLOYEES</b>	<b>5</b>
7.	<b>ROLES &amp; RESPONSIBILITIES</b>	<b>6</b>
8.	<b>MONITORING &amp; REVIEW</b>	<b>9</b>
<b>APPENDIX 1</b>	<b>Personal Safety - Issues to be aware of</b>	<b>10</b>

## 1. INTRODUCTION

The Health & Safety at Work etc Act 1974 requires employers to, so far as is reasonably practicable, ensure the health and safety of their employees whilst at work. In addition, the Management of Health & Safety at Work Regulations 1999 requires employers to carry out risk assessments to identify potential risks and take necessary measures to remove or reduce and control risk.

Falkirk Council employees deliver a wide range of services in a variety of working environments and situations. For some employees there is a requirement to work alone or to work sufficiently remote from other employees to constitute being regarded as working alone. Working alone may pose an additional risk to the safety of employees. This may be outside normal office hours and may also involve accompanying a service user in public places or working within client homes. On occasion, employees may also work from their own home. Other examples of Lone Workers are listed below:

- One person working alone in an office;
- Mobile workers working away from their base such as Personal Carers, Estates Officers, Building Maintenance employees, Grounds Maintenance employees and Cleaners;
- Persons on call such as key holders or employees on call-out/stand-by.

## 2. POLICY STATEMENT

Falkirk Council aims to provide a safe and healthy working environment for all employees and service users and will take all reasonable steps to protect them including ensuring that best practices are employed to minimise risks. Falkirk Council will ensure that Services risk assess all activities that involve lone working and that adequate management systems are applied to control risks associated with lone working. The Council will ensure that these management systems are regularly monitored and reviewed. All practical steps will be taken to identify any additional risks associated with lone working and these will either be removed or reduced to as low a level as possible.

## 3. SCOPE

This Policy applies to all employees of Falkirk Council and complements other relevant policies such as the Corporate Health, Safety & Care Policy, Risk Management by Risk Assessment Policy, Accident/Incident Reporting Policy, Policy & Procedure for the Management of Violence & Unacceptable Actions and Policy & Procedure for the Management of Stress and Mental Wellbeing.

## 4. DEFINITION

For the purposes of this policy, the definition of a Lone Worker is:

*“Those who are required to work by themselves, or out of close contact with colleagues, without close or direct supervision”.*

## 5. MANAGING THE RISKS

### **Risk Assessment**

Some service users may be aggressive, vulnerable and/or under the influence of drugs or alcohol when an employee deals with them; consequently communication with such service users can be challenging. This means the risks to Council employees require to be managed at a level appropriate to the increased risk presented in these environments. Further information on these issues can be obtained from the Council's Policy & Procedure for the Management of Violence and Unacceptable Actions at Work.

In accordance with the Policy & Procedures for Risk Management by Risk Assessment, Line Managers must ensure Risk Assessments are undertaken on all lone working activities and, where necessary, for individual lone workers. These will include identification of the actions to be taken which will minimise any risks. Any situation that could result in what could be considered to be an emergency should be identified and covered by both risk assessment and emergency procedures. All areas of work should be considered in the support provided to employees who work alone, and must be appropriate to the risk to employees.

Examples of Generic Risk Assessment on Lone Working can be found on the Council's intranet site, the "Underground" at the Employee Area/ Health, Safety & Care/ Policies, Strategies & Guidance/ Risk Assessment/ Generic Risk Assessment Examples/ Lone Working.

### **Sharing Information**

Prior to undertaking visits/dealing with service users, employees should have access to any available relevant information about the service user which may have an impact on the employee's safety or the nature of the service being delivered. This should include information about any previous violent and/or unacceptable behaviour in order that a reasoned judgement of any potential risk they may be exposed to can be made. Services should therefore have an information sharing protocol in place with relevant partner agencies and other Services that is controlled by managers to ensure that employees are not placed at risk, particularly those who work alone.

### **Emergency Procedures/Control Mechanisms**

Services must have an Emergency Procedure to protect employees who are lone workers. These procedures, to be used in the event of an emergency, will ensure that all employees know how and who to contact to request urgent assistance if required. The procedure should include actions for a line manager to take if an employee has not returned back to their workplace by an agreed time, and also to cover situations involving out of hour's work. As part of the procedures, where, as a result of Risk Assessment, it is identified that an employee is at risk as a result of lone working, the Manager must identify control measures and/or alternative ways of delivering the service, which reduce the risk to the employee to an acceptable level. Typical controls may include the following:

- Provision of specialised training e.g. coping with violence and aggression;
- Use of destination boards/tracking systems, including procedures to manage employees who do not report back to base;
- Use of Mobile phones/GPS mobile phones/two way radio systems;
- Two person visits/buddy systems;

- Office based interviews for clients who may present a threat to employees, including development of suitable risk assessments to control hazards should an interview escalate;
- Implementation of a Red Flag procedure to identify Service user's who may present a threat to employees (refer to the Council's Policy & Procedure for the Management of Violence & Unacceptable Actions);
- Issue of Personal Protective Equipment (PPE) if appropriate, e.g. panic alarms, affray alarm/GPS Phone and enforcing the use of the equipment issued;
- Review of travel arrangements for employees when adverse weather is forecast and consideration of suspension of lone working in the event of a change in weather warning;
- Suspension of the lone working where risks are deemed unacceptable and/or rescheduling activities where necessary;
- Procedures to keep in contact with employees working from home.

Regular test exercises and training must be carried out to ensure procedures are effective.

## 6. SUPPORT FOR EMPLOYEES

### **Incident Debriefing & Reporting**

Employees should be encouraged to report all incidents where they feel insulted, abused, uncomfortable or threatened. It should be stressed to all employees that the reporting of incidents will not be taken to imply a failure by the employee concerned, other employees or any other person responsible for the management of the premises concerned. Threats and verbal/written abuse should be given the same priority as physical violence as this often is the end result following a pattern of escalating behavior.

In the event of an incident occurring involving violence or unacceptable behaviour towards an employee who has been lone working, the employee should report the incident to their line manager in accordance with the Service's procedure. The line manager must then de-brief the employee within 24 - 48 hours, or as soon as is possible, and complete an Accident/Incident Reporting Form HR14.

The purpose of debriefing is to provide an employee with immediate support and to obtain an initial assessment of the situation. The line manager will require to:

- Provide assistance with accessing any medical treatment if required;
- Involve appropriate emergency services, if necessary e.g. ambulance or police;
- Defuse the situation; employees will need to talk through their experience. It is important to create a supportive and positive atmosphere where acknowledgement of the situation is encouraged;
- Establish if the employee was properly briefed/prepared for undertaking their duties prior to the incident occurring and followed proper procedures;
- Develop an action plan to prevent future incidents occurring in liaison with the employee which should include a review of duties/working practices if required.

The line manager must fully investigate all violent incidents, making recommendations and taking action to reduce/remove any risk. Violent incidents are also subject to the



reporting requirements of the Health and Safety Executive, as defined in the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2015 (RIDDOR).

Further information on RIDDOR and related matters is contained within the Accident/Incident Reporting Policy and also within the Council's policy for the Management of Violence & Unacceptable Actions. Advice is also available from the Service HR Adviser and/or from the Corporate Health, Safety & Care Team.

Employees will be afforded time off with pay to attend any appointments in relation to support following incidents of violence, e.g. doctors/occupational health appointments.

### **Training**

The Council offers a training course on coping with violence and aggression which is delivered in liaison with Forth Valley NHS and covers aspects of lone working. This course can be run for individual Services and tailored to meet the specific working environment of the Service. Further information can be obtained by contacting the Organisational Development Team.

A guidance note on Personal Safety has been developed for employees and is attached as Appendix 1. Further information and advice on personal safety and lone working systems can be obtained from the Suzy Lamplugh Trust via the internet at: [www.SuzyLamplugh.org](http://www.SuzyLamplugh.org).

## **7. ROLES & RESPONSIBILITIES**

### **Chief Executive**

The Chief Executive is responsible for the effective operation of the Policy across the Council as a whole and for ensuring the development of effective management procedures to implement the Policy within Services. The Chief Executive is also responsible for ensuring that adequate resources are available to implement appropriate procedures, train key personnel and ensure appropriate protective measures are taken as identified in the Policy.

### **Director Responsible for Health, Safety & Care**

The Director responsible for health, safety & care is responsible for supporting the Chief Executive in the implementation of the duties required by this policy and guidance, which includes ensuring the provision of support in the development and implementation of risk management strategies in all Services to reduce and/or control risk associated with lone working.

### **Service Directors, Heads of Service, Head Teachers and Service Unit Managers**

Service Directors, Heads of Service, Head Teachers and Service Unit Managers are responsible for, so far as is reasonably practicable, assisting the Chief Executive in the execution of her duties in regard to risk management by risk assessment by ensuring the requirements of the policy and guidance are adhered to. Service Directors, Heads of Service, Head Teachers and Service Unit Managers must:

- Ensure Lone Working Risk assessments are developed and effectively implemented, monitored and reviewed within their service area

- Ensure time is made available to employees responsible for undertaking risk assessments to fulfill these tasks and that all employees where relevant are made aware of and understand these Lone Working risk assessments;
- Ensure relevant training is provided to all employees to enable them to carry out their Lone Working duties in a competent manner;
- Where the risk assessment identifies an unacceptable level of risk, alternatives to lone working must be identified and implemented;
- Ensure that adequate resources are made available within their Services;
- Determine the management arrangements, within their Service, through which these Lone Working risk assessments will be implemented and communicated;

### **First Line Managers, Team Leaders, Supervisors**

All first line managers/supervisors have responsibility for implementing, monitoring & reviewing Lone Working risk assessments to achieve the aims of this policy and guidance and other relevant Corporate and Service based Health & Safety Policies. So far as is reasonably practicable, these individuals will lead by example within their work environment and are responsible for:

- Identifying Lone Working activities to be risk assessed and completing relevant risk assessment, ensuring employees are involved in the process;
- Communicating the outcomes of Lone Working risk assessment to employees;
- Ensuring that employees adhere to these Lone Working risk assessments and adhere to relevant prescribed standards and legislation, are aware of legislation, both current and impending and providing basic advice to employees on this;
- Ensuring that all new employees undergo appropriate induction training which includes risk management by risk assessment for lone working if relevant to the employee's post;
- Liaising with Service Unit Managers and Human Resources to identify training requirements or on any issues of concern relevant to lone working;
- Provision of support to employees during the debrief process;
- Carry out an investigation of Lone Working incidents to ensure best practice is incorporated in future activities.
- Monitor adverse weather reports for their team, assessing impact on lone workers and ensure that the weather conditions are part of the planning/emergency procedures.

### **Premises Managers**

Those employees designated as Premises Managers are also responsible for ensuring that the general safety of employees, volunteers, contractors and visitors is maintained by ensuring that premises risk assessments relating to lone working are undertaken in line with guidance in the Premises Managers' Handbook.

### **Employees**

It is vital that all employees of Falkirk Council contribute positively to the successful implementation of lone working risk management strategies. Employees who have a concern about health, safety & care matters have responsibility for alerting their line manager to any situation or concern which requires to be resolved. Employees will be expected to:

- Safeguard their health and safety, and that of others by operating to risk assessments safe systems of work in accordance with Falkirk Council Corporate and Service based Lone Working, risk assessment strategies and policies;
- Prior to visits, check details of location and persons to meet in order to determine if there were any previous incidents/risk;
- Alert line managers to unsafe practices, conditions or incidents of concern about lone working, including unsafe travelling conditions ;
- Seek advice and clarification from Line Managers when unsure of any health and safety requirement relevant to their working environment;
- Attend/take part in relevant consultations and training on lone working as instructed by their manager;
- Use any P.P.E. issued to them as instructed by their line manager.

### **Human Resources & Business Transformation**

Human Resources, specifically the Health, Safety & Care Team, have a responsibility for providing advice and administering the Council's Health, Safety & Care procedures and for supporting Services in implementing these.

## **8. MONITORING & REVIEW**

The Head of Human Resources & Business Transformation will review this policy as per the agreed Human Resources Policy Review timetable in conjunction with Service Directors/ Chief Officers and Trade Unions taking into consideration legislative amendments and best practice advice.

## **Personal Safety - issues to be aware of:**

If you are a lone worker there are a number of things you can do to reduce the risk of getting into a difficult situation. The Council has a responsibility as an employer to ensure the health, safety of employees but employees also have a duty of care to themselves.

The advice provided below is to help you recognise potential dangers and enable you to take positive steps to reduce your exposure to risk.

### ***Be aware of the environment***

- ☐ Know what safety measures are in place in your workplace e.g. alarm systems and fire evacuation procedures, exits and entrances, and the location of first aid supplies;
- ☐ Make sure that your car and mobile phone are in good working order, and that electrical and other mechanical equipment is safe to use. Check the instructions for use, and ensure that faults are reported and dealt with;
- ☐ If your work is to take you into areas which are isolated, poorly lit at night or known for crime rates, check in with an appropriate person/ manager prior to the visit, or work with a colleague;
- ☐ If a potentially violent situation occurs, be aware of possible escape routes and of what might be used as a weapon against you. If you believe the situation is escalating then terminate the meeting as soon as you can and make alternative arrangements.
  - ☐ Be aware of travelling conditions, and highlight concerns to your manager immediately.

### ***Be aware of yourself***

- ☐ Think about your body language. What messages are you giving out?
- ☐ Think about your tone of voice and choice of words. Avoid saying anything which could be taken as sarcastic or patronising;
- ☐ Think about what you are wearing. Is it suitable for the task? Does it hamper your movement? What signals does it send out? In a potentially risky situation, does a scarf or tie offer an opportunity to an assailant?
- ☐ Be aware of your own triggers - the things that make you angry or upset and don't rise to the bait.

### ***Be aware of other people***

- ☐ Take note of their non-verbal signals;
- ☐ Be aware of their triggers;
- ☐ Don't crowd people - allow them space;
- ☐ Make a realistic estimate of the time you will need to do something,
- ☐ Be aware of the context of your meeting - is the person already angry or upset before you meet, and for what reason?
- ☐ Listen to the person and demonstrate that you are actively listening to them. Try and agree between you what you can/will do for them. Don't make promises which can't be kept.



# **Falkirk Council**

## **POLICY & PROCEDURE FOR THE MANAGEMENT OF VIOLENCE AND UNACCEPTABLE ACTIONS AT WORK**



## INDEX

	SECTION	PAGE
1.	Introduction	3
2.	Policy Statement	3
3.	Scope	3
4.	Definitions	4
5.	Managing the Risks of Violence at Work	5
6.	Managing Unacceptable Actions	7
7.	Reporting of Violence/Threatened Violence	8
8.	Employee Support	8
9.	Training	10
10.	Police Assistance	10
11.	Legal Action	10
12.	Roles & Responsibilities	10
13.	Monitoring & Review	14
	 <b>Appendix 1:</b> Violence at Work Guidance and Advice for Employees	 15
	 <b>Appendix 2:</b> It's Nice to be Nice/Help us to Help You Poster	 17

## **1. INTRODUCTION**

The Health & Safety at Work etc Act 1974 requires employers, so far as is reasonably practicable to ensure the health and safety of their employees whilst at work. In addition the Management of Health & Safety at Work Regulations 1999 requires employers to carry out risk assessments to identify potential risks and take necessary measures to remove or reduce and control risk. This policy sets out the approach Falkirk Council will take in dealing with Violence & Unacceptable Actions at Work.

The Health and Safety Executive, employers and employee representatives continue to be concerned about violence to employees. Work related violence is described by the Health & Safety Executive (HSE) as:

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

Violence and aggression at work is more generally experienced by employees working with members of the public, either directly or indirectly. Evidence is now showing that harm caused by violent threats and verbal abuse over a period of time can also have a detrimental effect on the health and wellbeing of the victim.

In addition, the actions of members of the public who are angry, demanding or persistent may result in unreasonable demands on our services or unacceptable behaviour towards employees.

## **2. POLICY STATEMENT**

Falkirk Council aims to provide a safe and healthy working environment for all employees and service users. The Council will take all practical steps to reduce or, where possible, remove the risk of violence, or unacceptable behaviour to employees whilst at work and will:

- Ensure that risk assessments are undertaken with suitable and sufficient control measures implemented;
- Provide training to employees on dealing with violence and unacceptable actions;
- Take appropriate action against violent and/or unacceptable behaviour towards an employee whilst they are at work;
- Share information on service users where required to reduce the risk to employees with other Services in accordance with Data Protection and Human Rights Legislation;
- Provide debriefing, and support, making reasonable adjustments to working practices where necessary after an incident occurring.

## **3. SCOPE**

This Policy encompasses all employees of Falkirk Council and complements other relevant policies such as the Corporate Health, Safety & Care Policy, Risk Management by Risk Assessment Policy, Accident/Incident Reporting Policy, Lone Working Policy, Policy and Procedure for the Management of Stress and Mental Wellbeing, Dignity at

Work Policy. It also covers all activities undertaken by employees as part of their normal duties.

Issues of harassment by employees or Elected Members should be raised under the Dignity at Work Policy.

#### **4. DEFINITIONS**

##### **Violence at Work**

For most employees, the likelihood of serious physical assault is minimal. Those most at risk are employees who deal regularly with situations where, for a variety of reasons, members of the public may become angry, distressed, ill, embarrassed or resentful. These feelings sometimes result in aggression or violence towards an employee/s.

For the purposes of this policy, the Council's definition of violence at work is:

*A purposeful or reactive behaviour intended to produce damaging or hurtful effects, either physical, psychological or emotional, on other people or personal effects, whilst in the course of their employment or arising out of their employment. This may include physical violence, verbal abuse, damage to personal property, racial violence or sexual violence.*

In summary, it is any incident in which an employee is abused, threatened or assaulted in circumstances relating to their work.

##### **Threatened Violence**

Violence is not restricted to acts of aggression that results in physical harm. It can also include behaviour or language, oral or written, that may cause employees to feel afraid, threatened or abused. This includes:

- Threats;
- Personal verbal abuse;
- Derogatory remarks and rudeness;
- Inflammatory statements;
- Unsubstantiated allegations.

Where an employee is the victim of violence or unacceptable behaviour involving a colleague, local Member or manager, the Council's Dignity at Work Policy should be referred to for information and advice.

##### **Unacceptable Actions**

Service users may make what could be considered to be unreasonable demands through the amount of information they seek or the nature and scale of service they expect. They may also be unreasonably persistent in the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the instance. There are relatively few service users whose actions the Council would consider to be unacceptable, however if there are situations that arise that adversely



impact on resources and affect the ability to deliver services, the Council will take appropriate action to deal with this as follows:

#### Unreasonable Demands

Unreasonable demands will depend on the circumstances surrounding the behaviour and the seriousness of the issues being raised. Examples of unreasonable demands include:

- Demanding action/responses within unreasonable time-scales;
- Insisting on speaking/seeing a particular employee or manager;
- Constant phone calls or letters;
- Repeatedly changing the nature of their enquiry;
- Raising other unrelated concerns/making unsubstantiated allegations.

#### Unreasonable Persistence

On occasion service users will not, or cannot accept that the Council/Service is unable to help them further or provide a level of service other than that which is already being provided and continue to persist in disagreeing with the action or decision taken in relation to their complaint. Unreasonable persistence includes:

- Persistent refusal to accept a decision;
- Persistent refusal to accept explanations;
- Continuing to try to enter into correspondence/dialogue with employees or other representatives of the Council despite the matter being closed.

## **5. MANAGING THE RISKS OF VIOLENCE AT WORK**

### **Sharing Information**

Prior to undertaking visits/dealing with service users, employees should have access to all available relevant information about the service user. This should include information about any previous violent and/or unacceptable behaviour in order that a reasoned judgement of any potential risk they may be exposed to can be made. Services should therefore have an information sharing protocol in place with relevant partner agencies and other Services that is controlled by managers to ensure that employees are not placed at risk.

Some service users may be aggressive, vulnerable and/or under the influence of drugs or alcohol when an employee deals with them which may mean that communication with these service users can be challenging. This means the risks to Council employees require to be managed at a level appropriate to the increased risk presented in these environments.

## **Risk Assessment & Emergency Procedures - Violence at Work**

In accordance with the Policy & Procedures for Risk Management by Risk Assessment, Line Managers must ensure Risk Assessments are undertaken on areas of work activities that could place an employee at risk of potential violence. These risk assessments will include identification of the actions to be taken which will minimise any risks.

Services must have a defined contingency procedure in place to protect employees that can be used in the event of an emergency situation, e.g. an employee being assaulted by a service user, an employee becoming very ill or not returning to their workplace at the expected time should be identified and covered by both risk assessment and emergency procedures.

Line managers must ensure that employees who have direct contact with service users are made aware of these risk assessments and emergency procedures. The procedure should also include actions for a line manager to take if an employee has not returned back to their workplace by an agreed time-scale. These procedures must also cover out of hours work, e.g. night shift, key holder call outs or emergency call-outs where routine support structures are not readily available. This procedure may include the use of Lone Worker Voicemail, duty managers or buddy systems to support these employees and procedures for managers to raise alerts if employees do not report in as scheduled.

Risk Assessments and procedures should be reviewed and updated at least annually or where there has been a change in circumstances, for example working practices have altered, a service user's situation has changed, there has been more than one incident or the risk assessment has found to have been insufficient to deal with an incident that has occurred. Emergency procedures should also be reviewed at least annually.

The Council will treat violence, the threat of violence, or unacceptable actions as serious. Where employees are likely to be placed at an unacceptable risk, the Council will review whether service provision can be continued by existing methods. In exceptional circumstances, where all actions to avoid/reduce the risk have been taken and the risk to the employee still presents an unacceptable risk, Services may give consideration to withdrawing/restricting service provision until the risk reduces to an acceptable level. If a decision is made to withdraw/restrict service provision following physical or threatened violence from a service user, the Council will write to the service user informing them of the intended actions giving an explanation of why this action is being taken and any time-scale involved. The Council will ensure that a service user's violent behaviour is monitored and reviewed, e.g. at least annually to decide if any restricted action or change in access to services should continue. Consequently, Services should consider how they will delegate authority to Managers in their Service to deal with and manage such issues.

An information leaflet providing guidance and advice to employees on violence at work is attached as Appendix 1. A poster for display in Council premises on how the Council will deal with violence and abuse is attached as Appendix 2. Services should ensure that this poster is displayed in all premises that members of the public visit.

## 6. MANAGING UNACCEPTABLE ACTIONS

Unacceptable actions of service users who are persistently demanding may result in unreasonable demands on employees and resources. However, people may also act out of character in times of trouble or distress as there may have been upsetting or distressing circumstances leading up to their current/recent behaviour. This should also be borne in mind when considering undertaking any future contact including developing a risk assessment/procedure.

Managers should be aware that if they fail to act in accordance with the recommendations of this policy and procedure they could be exposing the Council to potential liability claims.

### Dealing with Unreasonable Demands

Service users can make what could be considered to be unreasonable demands on resources through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make.

These demands will be considered as unreasonable if they start to impact substantially on the work of the Council and are taking up excessive amounts of employees' time to the disadvantage of overall service delivery. If a service user makes unreasonable demands the Council may consider the following:

- Only accepting calls at a particular time of the day;
- Arranging for only one person e.g. a manager to deal with them;
- Requiring the service user to make an appointment before visiting;
- Requiring the service user to only contact a named employee or manager;
- Restricting contact to written form only.

### Dealing with Unreasonable Persistence

In certain circumstances some service users will not, or cannot accept that the Council is unable to help them further or provide an enhanced level of service other than that which is already being provided, and continue to complain persistently about the same or a similar matter. These actions will be considered to be unreasonably persistent if they take up a disproportionate amount of time and resources. Where a service user is unreasonably persistent in response to the outcome of an enquiry and refuses to accept that the matter is closed the Council may consider the following:

- Not accepting any further telephone calls or granting interviews;
- That any future contact on the issue must be made in writing;
- That any future correspondence will only be read and filed unless the service user provides any new information that is relevant and can be acted on.

If a service user regularly makes telephone enquiries or submits correspondence on an ongoing basis about various issues, the Council may consider writing to the service user advising that any of the above actions will be taken as well as :

- Advising them that only a specific amount of issues will be considered in a given period of time and ask them to limit or focus their requests/enquiries accordingly.

If it is decided to take any of the above action the Council will write to the service user informing them of the intended actions giving an explanation of why this action is being taken and any time-scale involved.

## **7. REPORTING OF VIOLENCE/THREATENED VIOLENCE**

The Council's Accident/Incident Reporting Policy requires that acts of violence/threatened violence be reported and recorded in accordance with the Accident/Incident Reporting Procedure. Employees should be encouraged to report all incidents where they feel insulted, abused, uncomfortable or threatened. It should be stressed to all employees that the reporting of incidents will not be taken to imply a failure by the employee concerned, other employees or any other person responsible for the management of the premises concerned. Threats and verbal / written abuse should be given the same priority as physical violence as this often is the end result following a pattern of escalating behaviour. An Accident/Incident Report Form HR14 should be completed and submitted to the line manager who must fully investigate the violent incident, making recommendations and taking action to reduce/remove any risk.

Violent incidents are also subject to the reporting requirements of the Health and Safety Executive, as defined in the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR). Further advice on RIDDOR is contained within the Council's Accident/Incident Reporting Policy.

## **8. EMPLOYEE SUPPORT**

The Council recognises that employees who are the victims of violence at work may suffer psychological or emotional reactions to an incident, in addition to any physical injuries. Line Managers should offer all available support to employees who have been subjected to a violent incident as follows:

### **Violent Incident - Debriefing**

In the event of a violent incident occurring involving an employee, the employee should report the incident to their Line Manager in accordance with the Service's procedure. The Line Manager should then provide de-briefing to the employee within 24 - 48 hours, or as soon as is possible and complete an Accident/Incident Reporting Form HR14. The line manager may seek advice on this from Human Resources and/or from the Corporate Health, Safety & Care Team.

The purpose of debriefing is to provide an employee with immediate support and to obtain an initial assessment of the situation. The line manager will require to:

- Provide assistance with accessing any medical treatment if required;
- Involve appropriate emergency services, if necessary;

- Defuse the situation; employees will need to talk through their experience. It is important to create a supportive and positive atmosphere where acceptance of the situation is encouraged;
- Establish if the employee was properly briefed/prepared for undertaking their duties prior to the incident occurring and followed proper procedures;
- Develop an action plan to prevent future incidents occurring in liaison with the employee which should include a review of duties/working practices if required;
- Take any appropriate action against the service user or perpetrator e.g. criminal charges, restriction/withdrawal of service delivery.

Any employee who has been subjected to a violent incident should also be offered support, where appropriate. Further information is available from Human Resources or Occupational Health. Employees will be afforded time off with pay to attend any appointments in relation to support following incidents of violence, e.g. doctors/occupational health appointments. In most cases recovery and/or return to full job effectiveness will happen quite quickly although occasionally employees may require time off work. If the employee is unable to attend work for physical or psychological health reasons, the employee should be advised to visit their Doctor as soon as possible with a view to obtaining a medical certificate. In the short term it may be necessary to:

- Change the work area or type of work if the employee agrees;
- Have the line manager meet regularly with the employee to talk about any issues;
- Discuss any learning points from the incident;
- Get advice from the Human Resources Adviser, Corporate Health, Safety & Care Team, and/or Occupational Health.

Managers should also be aware that the psychological and emotional affects may not appear immediately. Sometimes individuals may develop long term symptoms such as post traumatic stress, therefore support should be available for a time after the incident. It is important that the Line Manager conveys personal concern on behalf of themselves and the organisation and maintains regular contact to ensure the employee feels supported.

### **Supporting Employees - Criminal Prosecution**

Where an employee has decided to prosecute a service user through the court process as a result of an incident related to their job, the Council will aim to ensure that the employee is being given additional support from their Line Manager to help them firstly prepare for appearing in court as a witness and then to assist with ongoing support required during and after giving evidence. There are organisations that will assist with this process, such as the local Victim Support group, local Victim Information Advice Service and Victims of Crime in Scotland which is a Scottish Government web site that provides information on other useful organisations and it explains the court system.

## **9. TRAINING**

The Council offers a corporate training course on coping with violence and aggression which is delivered in liaison with Forth Valley NHS. This course can also be run for individual Services and tailored to meet the specific working environment of the Service.

Further information on this can be obtained by contacting the Organisational Development Team.

It is recommended that employees be made aware of the leaflet entitled, Guidance and Advice for Employees on Violence at Work attached as Appendix 1, which is also available on the Council's intranet site along with a range of other supporting guidance and information. This can be found at:

[http://underground.falkirk.gov.uk/employee/strategies\\_policies\\_procedures\\_guidance/health\\_safety\\_care.aspx](http://underground.falkirk.gov.uk/employee/strategies_policies_procedures_guidance/health_safety_care.aspx)

### **Training for Managers**

The Council in partnership with Forth Valley NHS offers a training course on Mentally Healthy Workplaces for managers. This course aims to give managers an understanding of, as well as knowledge and skills to address a wide variety of issues relating to employment and good mental wellbeing in the workplace. Further information can be obtained by contacting the Health, Safety & Care Team.

## **10. POLICE ASSISTANCE**

The Council will ensure that, where necessary, the Police are called with a view to seeking support or protection for employees during or following an incident. This may be relevant in helping managers to take appropriate action with the perpetrator(s) of the violence and also to support employees who have been subjected to a violent incident at work.

## **11. LEGAL ACTION**

Where an employee is a victim of violence at work, this will be deemed a serious incident.

The Council will ensure that, where necessary, the Police are called with a view to seeking support or protection for employees during or following an incident. This may be relevant in helping managers support employees who have been subjected to a violent incident at work.

Where it is considered to be a practicable and effective option for the protection of any employee the Council in agreement with an employee, may raise proceedings in the civil courts as an alternative to, or in addition to, a referral to the police as a criminal matter.

Falkirk Council recognises that employees have rights, as individuals, to make a complaint to the Police irrespective of any investigation or action being pursued by Falkirk Council.

## **12. ROLES & RESPONSIBILITIES**

### **THE CHIEF EXECUTIVE**

The Chief Executive is responsible for the effective operation of this policy across the Council as a whole and within Services respectively. The Chief Executive is also responsible for ensuring that adequate resources are available to implement appropriate procedures, train employees and ensure appropriate protective measures or procedures are taken as identified in this policy where risk assessments or circumstances involving unacceptable actions have indicated they are required.

### **SERVICE DIRECTORS**

Service Directors are responsible so far as is reasonably practicable for ensuring the effective operation of this policy within their Service. They are also responsible for ensuring that adequate resources are made available to implement appropriate protective measures as identified by risk assessments to control violence at work and/or for managing circumstances involving unacceptable actions.

### **CHIEF OFFICERS, HEADS OF SERVICE AND HEAD TEACHERS**

Chief Officers, Heads of Service and Head Teachers are responsible, so far as is reasonably practicable, for ensuring the health, safety & care at work of all employees and others in their respective services. Chief Officers, Heads of Service and Head Teachers must:

- Ensure the development, implementation and regular review of the risk assessments and procedures for violence and procedures for dealing with unacceptable actions at work specific to their Service and their working environments i.e. minimum annually or following a change to working practices/circumstances;
- Ensure the operation and management of an effective information sharing system on service users who present a risk of violence in liaison with partnership agencies and in accordance with Data Protection and Human Rights Legislation and the recommendations made in this Policy;
- Ensure that adequate support including debriefing and reasonable adjustments to working practices is provided to employees in the event of a violent incident occurring;
- Ensure that procedures are in place to take appropriate action against service users who have behaved violently or unacceptably;
- Ensure all relevant employees are aware of appropriate risk assessments and related procedures;
- Determine the management arrangements, within their Service, through which these will be implemented and communicated.

### **SERVICE MANAGERS**

All managers who have operational responsibility for employees and for implementing systems and procedures of work will be specifically responsible for ensuring that:

- This policy is effectively implemented, monitored and reviewed in the area/activities under their supervision;
- Overseeing the issue of Personal Protective Equipment (P.P.E.) and enforcement of use as appropriate;
- An effective information sharing system on service users who present a risk to employees is developed, operated and managed in liaison with other Services and/or partnership agencies in accordance with Data Protection and Human Rights Legislation;
- Ensuring that adequate support, including, investigation of incidents, debriefing, reasonable adjustments to working practices is provided to employees in the event of an incident occurring that involves violence or unacceptable behaviour towards an employee;
- Ensuring that procedures are implemented to take appropriate action against service users who have behaved violently and/or unacceptably.
- Safe systems of work, risk assessments and procedures relating to unacceptable actions at work are implemented and all working procedures and practices are properly documented and adhered to;
- Relevant training on dealing with unacceptable actions/violence at work is provided to all employees to enable them to carry out their duties in a competent manner;
- All employees in their teams are aware of and understand this policy and procedures contained within it;
- The Council's Dignity at Work Policy is referred to and implemented where an employee is the victim of violence or unacceptable behaviour involving a colleague, local member or manager.

#### **LINE MANAGERS, TEAM LEADERS & SUPERVISORS**

These employees have responsibility for implementing, monitoring and reviewing service based risk assessments, procedures and systems of work to achieve the aims of the Policy, and are responsible so far as is reasonably practicable for:

- Operating a Service based information sharing system on service users who present a risk in liaison with partnership agencies and in accordance with Service based procedures and Data Protection and Human Rights Legislation;
- Identifying work activities where there is a potential risk of violence that require to be risk assessed;
- Undertaking risk assessments to control the risk of violence at work and communicating outcomes to employees;
- Issuing and enforcing the use of Personal Protective Equipment (P.P.E.) where appropriate;
- Ensuring that employees within their area of control are involved in the risk assessment process and are made aware of the Corporate and Service based risk assessments for violence at work, emergency procedures and systems of work;
- Ensuring employees adhere to risk assessments, information sharing protocols, safe systems of work and adhere to prescribed standards are aware of legislation, both current and impending and providing basic advice to employees on this;
- Encouraging employees to report all types of violence at work and that in the case of injury or trauma, that prompt support is provided where required;



- Ensuring that debriefing, reasonable adjustments to working practices are made as appropriate is provided to employees in the event of a violent incident occurring;
- Ensuring all details of incidents are recorded as soon as possible to comply with the Corporate Accident/Incident at Work Policy and report the incident to the Health & Safety Executive if required under RIDDOR;
- Undertaking or ensuring that a detailed investigation of events is completed leading to the violent incident to determine how the incident could possibly have been prevented and take appropriate actions to avoid a similar situation in the future;
- Ensuring that procedures are implemented to take appropriate action against service users to deal with violence and unacceptable behaviour;
- Ensuring all new members of staff undergo appropriate induction training which covers unacceptable actions/violence at work procedures where applicable;
- Liaising with Service Directors and Human Resources to identify training requirements or on any issues relating to violence and/or unacceptable actions at work.

## **EMPLOYEES**

It is vital that all employees of Falkirk Council contribute positively to the successful management of this policy. To ensure the effective implementation of this policy, employees will be expected to:

- Safeguard their health and safety, and that of others by operating to risk assessments, safe systems of work and procedures in accordance with Falkirk council Corporate and Service based risk assessments, strategies and policies;
- Use any P.P.E. issued to them as instructed by their line manager;
- Alert Line Managers to unsafe practices, conditions or incidents of concern;
- Seek advice and clarification from Line Managers when unsure of any health and safety requirement relevant to their working environment;
- Adhere to information sharing protocols and treating all information on service users as confidential;
- Report all incidents of violence to their line manager as soon as possible and co-operate with any investigation into an incident/ accident;
- Attend relevant training as instructed by their manager.

## **TRADE UNIONS**

Trade Union Representatives will work with Falkirk Council to help implement this policy.

## **HUMAN RESOURCES**

Human Resources, specifically the Health, Safety & Care Team, have a responsibility for administering the Council's Health, Safety & Care procedures and for supporting Services in implementing these. They will:

- Provide advice, guidance and information to Services on violence at work and/or unacceptable actions including support for individuals in undertaking the roles outlined above.

### **13. MONITORING & REVIEW**

The Head of Human Resources and Business Transformation, will review this policy as per the agreed Human Resources Policy Review timetable in conjunction with Service Directors/ Chief Officers and Trade Unions taking into consideration legislative amendments and best practice advice..

## EMPLOYEE development

If you would like to improve your skills in handling abusive situations you can attend relevant training. Contact the Employee Development Team about this on 506244. If you would like information about general health, safety & care relating to your

work, contact the Health, Safety & Care Team on 506246/506248. Information is also available on the intranet under Human Resources, Health, Safety and Care Team. However, here are some tips on how you can deal with difficult situations at work.

### Be friendly

Be pleasant when in the office, try not to let a bad mood affect anyone else, or anyone else's bad mood affect you.

### Be honest

Always apologise for mistakes and try your best to give reliable information but admit any mistakes you have made and don't pass on the blame.

### Be consistent

Treat everyone with the same respect and dignity.

### Be fair

If service users feel they have been treated fairly they will be positive towards you and remember you for this.

### Be efficient

If you show enthusiasm and commitment, people will respond positively and have confidence in you.



## Violence at Work

Guidance and Advice for Employees

VIOLENCE@WORK



Falkirk Council



Falkirk Council

## VIOLENCE

at work can affect anyone, so it is important to learn about the effects of this and the problems that can occur.

Any of the following can be a form of violence at work:

- verbal abuse such as threats, insults and shouting;
- all forms of harassment, bullying or discrimination;
- physical attacks which include pushing, hitting and kicking.

Every employee is entitled to work in an environment that is safe and healthy. When we are dealing with people in situations that are difficult or threatening there is a tendency to focus on ourselves because of how our body responds, but it can be really helpful if we try to think about the other person's feelings too.

If you work in an environment where you provide a service, assist with people's problems or have to enforce legislation then you may regularly have to deal with difficult inter-personal situations either by phone or during face to face discussions.

Key warning signs that someone is irritated or unhappy:

- they will behave irrationally, such as becoming upset easily over minor issues;
- they will usually avoid making eye contact;
- they will usually show a sign of nervousness;
- they will often display aggressive body language such as clenching fists, clenching teeth or pointing;
- their volume and tone of voice will change and increase; they will get louder and they may curse and swear, using repetitive statements or language.

When people are upset, annoyed or frustrated about an issue they do not behave as rationally as they would normally and in the worst scenarios they can lose control and become violent and abusive. If you are on the receiving end of this you are likely to react emotionally too. This is normal, but how you choose to behave in response to this sort of situation is very important:

- try not to respond with anger - this only further escalates the matter;

- try not to feel responsible or guilty for the other person's behaviour by acting defensively, they have chosen to behave in this manner;
- don't let rude remarks upset you, stay detached, but take care not to sound casual or patronising, you are a professional person qualified to do your job.

Communication: You will not be able to communicate effectively with people until they are confident that you are taking their complaint seriously. You can do this by:

*Acknowledgement:* acknowledge how people are feeling by saying something like, "Tell me what happened" and give them your full attention.

*Empathising:* if you reassure people that you understand why they are upset or angry, they will respond more effectively to you, for example, "I can see how that would make you upset/angry" and offer a positive response such as "Let's see what we can do to sort this out for you". Use the person's name in conversation.

*Taking control:* every discussion has a beginning, middle and an end. Show that you are taking action to resolve the situation by using positive verbal and/or body language such as questioning. For example, "tell me about" and then confirming the information given to you is correct whilst taking notes and demonstrating that you are alert and interested by making suggestions on how the matter could be resolved. If you can, and it is warranted, offer to look into things further, by going the extra distance to seek out a workable solution for everyone concerned.

Most people will respond positively by becoming calmer and engaging in normal discussion with you if you can remember to follow these steps. However, there will be times when you will be required to deal with someone who is completely unreasonable or who may be under the influence of alcohol or drugs. In situations like this, you have the right to end the discussion. You do not have to put up with extremely abusive

and threatening behaviour. In such circumstances you should:

- Politely ask the person to stop behaving in this way or you will terminate the telephone call or interview;
- If they persist and are not responding to your request and you are dealing with them by telephone, hang up and advise your line manager;
- If it is a face to face situation, ask them politely to leave the office and advise your line manager of the situation. If the abusive person refuses to leave, you should call the police, asking that they attend to assist in escorting the abusive person from the premises.

Your manager may want to consider writing to the abusive person reminding him/her that this type of abuse towards employees will not be tolerated and in extreme cases your manager may warn him/her that service delivery could be reduced or withdrawn as a result of their behaviour. You can have the abusive person formally charged by the police if you wish and you think it necessary.

If following an abusive or violent incident you are very upset, talk to your manager about this. Your manager should complete an Accident/Incident Reporting Form (HR14), with you as part of the de-briefing and support measures that they need to provide to you. For assistance in dealing with extreme situations you can contact the Counselling Service on 0141 332 9833. In addition, the Health, Safety & Care Team are available to provide advice and support on 506246/48 or Housing & Social Work Services have a trauma assistance team who can provide de-briefing for larger scale scenarios.

Where an employee is the victim of violence or unacceptable behaviour involving a colleague, local member or manager, the Council's Dignity at Work Policy and/or Disciplinary Policy should be referred to for information and advice. These are available at the Employee area on the Intranet at Strategies, Policies, Procedures and Guidance.

# It's nice to be nice!



**We aim to provide you with a friendly,  
polite and efficient service.**

**We also expect you to be friendly and polite to us.**

**We will not tolerate abusive behaviour, either verbal  
or physical, to employees or others.**

**We may take action against anyone  
behaving inappropriately and we will involve  
the police if necessary.**

**Help us to help you!**



**Falkirk Council**

