



**POLICY FOR PREVENTING AND  
CONTROLLING VIOLENCE, AGGRESSION  
AND OTHER UNREASONABLE  
CUSTOMER BEHAVIOUR**

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## 1. INTRODUCTION

- 1.1 North Devon Council aims to offer excellent customer care and will provide its employees with the skills and knowledge to respond efficiently to the needs of our customers.
- 1.2 This policy provides a framework to ensure a consistent approach across the organisation, in line with our statutory duties, where the wellbeing of our employees is at risk, or has been compromised by the likely or actual behaviour of a customer.
- 1.3 Notwithstanding the Council's objective of interacting with customers in order to answer questions, resolve issues and nurture positive relationships, NDC employees have the right to work in a healthy and safe working environment, free from harassment, bullying, violence and unreasonable customer behaviour. This sentiment is reinforced in the Council's Dignity at Work Policy.
- 1.4 This policy will encourage staff to report incidents by providing improved clarity around the situations that trigger reporting, the need to escalate proportionate warning if required and demonstrate support to adopt a . Zero Tolerance approach across the council. The policy then aims to reduce the number of workplace violence and aggression incidents over time through a corporate performance management system.
- 1.5 This policy also seeks to protect staff from unreasonable or persistent behaviours, which unreasonably affect our staff, our business and how we deliver our services to other customers. Including those who make constant requests for complex information without apparent good reason, or they may act in a manner that causes annoyance without the intention of resolving their query.
- 1.6 The policy makes separate provision for customers who are unable to fully control their actions albeit the safety of employees comes first.
- 1.7 North Devon Council employees come to work to assist others in the community. It is important for all members of the public and employees to be treated with courtesy and respect.
- 1.8 Aggression, violent or other unreasonable behaviour towards Council employees or any member of the public within our premises, **will not be tolerated under any circumstances**. This document establishes a Zero Tolerance Policy.
- 1.9 Under the Health and Safety at work act 1974 It is an employer's duty to protect the health, safety and welfare of their employees and other people who might be affected by their business, this policy ensures compliance with this duty.

## 2. PURPOSE

- 2.1 The purpose of this policy is to ensure that staff working for the Council are provided with an environment that is safe and secure and that minimises the risk of violence, aggression and stress, in line with health and safety legislation.
- 2.2 This policy will also raise awareness of behaviours that are unacceptable and of the solutions available in the face of such behaviours.
- 2.3 The Council's commitment to the prevention and management of unacceptable behaviour is outlined below:
  - 2.3.1 Recognises that the prevention and management of challenging behaviour in a local Government setting, and service users' homes and businesses is a complex issue.
  - 2.3.2 Verbal abuse and physical violence may be symptoms of an underlying mental health problem, illness or adverse reaction to medication. However employees should not accept such behaviour as inevitable.
  - 2.3.3 Recognises that the level of risk varies in different areas of the organisation and for particular groups of employees (*e.g. lone workers, front line posts at night*).
  - 2.3.4 Will provide all frontline employees with conflict resolution training.
  - 2.3.5 Will provide personal safety electronic devices or Apps for employees in roles at relatively high risk of verbal and/or physical aggression.
  - 2.3.6 Recognises that everyone needs to be aware of how their personal behaviour might be perceived by others.
  - 2.3.7 Fully supports employees and will press charges when it is legally permissible and appropriate to do so against the perpetrator of any violent or aggressive attack upon employees. This may be using criminal or civil procedures.

## 3. DEFINITIONS

- 3.1 Physical Assault:
  - 3.1.1 Physical assault is defined as: “.. *the intentional application of force to the person of another, without lawful justification, resulting in physical injury or personal discomfort.*”

### 3.2 Non Physical Assault:

3.2.1 Non physical assault is defined as: “.. *the use of inappropriate words or behaviour causing distress and/or constituting harassment and/or stress.*”

3.2.2 Examples of violence and aggression, including harassment, unacceptable behaviour, both verbal and written, can be found in Appendix A.

### 3.3 Unreasonable customer behaviour:

- continually requesting complex information without apparent or good reason and without the intention of resolving their query
- continually placing heavy demands on staff time when dealing with an enquiry.(telephoning, e-mailing or writing constantly, expecting immediate responses)
- recording meetings electronically without prior knowledge or consent of the other person involved.
- adopting a ‘scattergun’ approach whilst their enquiry is being investigated; pursuing the enquiry with several services or agencies, making excessive use of officer time to resolve the enquiry to the detriment of other customers.
- refusing to accept the explanation or outcome of their enquiry, changing the context of their enquiry mid investigation or submitting repeated enquiries on the same subject
- encouraging associates to make representation on behalf of an individual to further endorse the request for service, where that individual is not directly impacted by the complaint.

## 4. RESPONSIBILITIES

4.1 The overall organisational strategy to tackle violence, aggression and stress associated with challenging customer behaviour is the responsibility of the Chief Executive, in conjunction with SMT.

4.2 It is the responsibility of Heads of Service to:

4.2.1 Contribute to the ongoing development of this policy.

4.2.2 Disseminate the policy within their area of responsibility.

4.2.3 Ensure the implementation of the policy within their area of responsibility by providing support and advice to their Managers.

4.2.4 Expedite matters requiring consideration regarding warning alerts and controls related to incidents or third party disclosure, including the cascade of approved requests from service managers.

4.2.4 Monitor the implementation of the policy across the Council.

- 4.2.5 Quality control the response to unreasonable persistent cases and sanction the escalation of cases to the relevant process.

Service Managers will:

- 4.2.6 Ensure all employees' responsibilities are risk assessed and, where appropriate, for the requirement and attendance at specialist training, e.g. Breakaway.
- 4.2.6 Ensure employees work in an environment that is as safe as possible, which includes visits to a customer's house or business premises and other public places.
- 4.2.7 Complete violence and aggression risk assessments and reduce the risks identified by using the sanctions contained in this policy.
- 4.2.8 Treat any reports of work related violence, threats, abuse, or other unacceptable behaviour seriously and respond to them promptly.
- 4.2.9 Ensure support is offered to employees following violent or distressing incidents.
- 4.2.10 Ensure that safety measures are reviewed following an incident.
- 4.2.11 Ensure employees are appropriately trained in local procedures and incident reporting requirements.
- 4.2.12 Ensure all frontline employees attend conflict resolution/de-escalating/defusing training.
- 4.2.13 Ensure all employees attend customer care training, where appropriate.
- 4.2.14 Ensure all relevant risk assessments, escalation and relevant communication records are forwarded to customer services to be retained on our customer relationship management system
- 4.2.15 Support employees to identify the best escalation route available to reduce impact and manage risk.
- 4.2.16 Seek to identify any capacity issues related to the customer that may directly impact on the behaviour experienced.
- 4.2.17 Where a likely criminal offence has been committed ensure reporting to the police on 999 or 101.

Employees will:

- 4.2.18 Identify high risk situations/individuals or those with complex needs and agree action plans with Managers.

- 4.2.19 Co-operate with the Council discharging its statutory duty as an employer.
- 4.2.20 Take reasonable care of their own health and safety and consider how their actions or omissions may affect their safety and that of others.
- 4.2.21 Recognise the potential for work related violence and take action to resolve it early on.
- 4.2.22 Report any incident of violence and aggression (physical and non-physical).
- 4.2.23 Report all unreasonable and persistent cases to manager and support escalation as appropriate.
- 4.2.24 Co-operate with any subsequent investigations following reports of violent and aggressive incidents.
- 4.2.25 Undertake training identified as mandatory and relevant to their role.
- 4.2.26 Highlight issues to their Manager that may increase the risk of aggression/violence, for example, repeated complaints of poor levels of customer service.
- 4.2.27 Be aware of how their own behaviour might be perceived by others.
- 4.2.28 Follow Council policies, standard operating procedures, safe systems of work and other identified control measures.

## **5. VIOLENCE AND AGGRESSION RISK MANAGEMENT**

### **5.1 Risk Management Process**

- 5.1.1 Prevention of violence at work must start with a full assessment of the risks. The risk assessment should be carried out by appropriately trained employees gathering information from a number of sources (including our statutory partners). Help and assistance can be obtained from the Health and Safety Adviser in Human Resources.
- 5.1.2 The risk assessment process should be:
  - 5.1.2.1 For the identification of violence and aggression hazards.
  - 5.1.2.2 For evaluating violence and aggression risks.
  - 5.1.2.3 To agree action plans.
  - 5.1.2.4 To implement monitor and review measures to reduce risk.
- 5.1.3 The risk assessor must ensure they have completed a suitable and sufficient risk assessment for all the activities being undertaken and



must produce control measures that reduce the risk to the lowest level that is reasonably practicable.

## **5.2 Risk Assessments for Locations and Teams**

- 5.2.1 Where a risk of violence and aggression has been identified, a risk assessment should be undertaken for each service or team, as it is dependent on the situation the Council will interact with the person. The assessment should identify areas where a more detailed risk assessment is required and should include an examination of the physical layout and security measures of the area assessed.
  
- 5.2.2 It is recognised that there are some specific circumstances and situations where the risk to the Council may be higher. These include:
  - 5.2.2.1 Where the employee is a lone worker.
  - 5.2.2.2 Where employees are dealing with individuals who may be anxious, angry or frustrated.
  - 5.2.2.3 Customers with medical conditions may have challenging behaviour.
  - 5.2.2.4 Where employees are making visits to domestic or commercial premises.
  - 5.2.2.5 When customers are being seen alone or with a single chaperone.
  - 5.2.2.6 When the number and locality of employees that may be able to respond to situation does not provide adequate support.
  - 5.2.2.7 Where customers may be under the influence of alcohol/drugs.
  - 5.2.2.8 When staff are delivering unfavourable messages for example in respect of a regulatory compliance issue.
  - 5.2.2.9 Where environmental factors which may give rise to violence and aggressive behaviour such as levels of lighting, noise, distractions, number of people present, location of furniture, clear lines of sight, potential weapons, colour schemes.
  
- 5.2.3 Zero Tolerance requires council to progress all incidents independent of the circumstances of the customers. Whilst the sanctions may vary, escalation is always required.

### **5.3 Risk Assessments of Individual Service Users**

- 5.3.1 Individual service users may be subject to a risk assessment for Violence and Aggression. This assessment, where appropriate, will support existing plans, for example, a personalised housing plan, for a customer presenting with challenging behaviour. A risk assessment may be triggered following an incident or on receipt of intelligence.
- 5.3.2 Where it is identified that an individual service user may present a risk to employee or others, the appropriate manager must ensure that:
  - 5.3.2.1 A Challenging Behaviour risk assessment (see Appendix B) with relevant action plan is completed.
  - 5.3.2.2 The assessment and actions are documented in both the service and corporate customer relationship management system.
  - 5.3.2.3 All appropriate employees and services are informed of any actions that need to be taken.
  - 5.3.2.4 A review of the risk assessment and control measures is undertaken if a further incident occurs, on new intelligence, or at the set review date.

### **5.4 Warning Alerts on Customer Records**

- 5.4.1 Following certain violence and aggression incidents, self or third party disclosure or following a service user risk assessment, when a customer is subject to escalation as either violent or aggressive or unreasonable or unreasonable persistent behaviour and where circumstances warrant placing an alert against a customer's record, the warning alert will be placed once approved following procedures outlined in the Violence and Aggression Warning Alert Standard Operating Procedure (see Appendix C).

### **5.5 Risk Assessments for Visits and Lone Workers**

- 5.5.1 Employees undertaking visits to domestic/commercial premises and public spaces, may be particularly vulnerable. Managers are expected to ensure that systems are in place that meet their employees' requirements and comply with Council policy.
- 5.5.2 Where the risk of violence to employees is assessed as significant, or liable to arise because of the work activity, and where that risk cannot be avoided, e.g. by providing the service in another suitable location, appropriate risk control measures must be taken to reduce the risk of

violence and aggression to the absolute minimum so far as reasonably practicable.

- 5.5.3 The Council has Lone Working guidance available at <http://insite.northdevon.gov.uk/human-resources/health-and-safety/lone-working> which details how lone workers can protect themselves to minimise the risk and make their working environment safer. Managers who have identified Lone Workers within their services must complete a Lone Worker Risk Assessment. This is particularly important for employees undertaking roles/duties which potentially could be viewed as higher risk.
- 5.5.4 Based upon national guidance, best practice and following an overarching assessment, lone worker safety devices have been identified as an appropriate additional layer of protection to complement existing control measures to manage the risk of violence and aggression in customer homes and other visited premises.
- 5.5.5 Devices have been issued to certain teams where lone working activities carry risk factors that warrant their use. The Council will harmonise the standard of equipment used across the organisation.
- 5.5.6 Employees must use lone working safety devices and/or other forms of technology issued to them, subject to risk assessment (e.g. work mobile phones, tablets).
- 5.5.7 Managers must monitor the use of relevant devices and take action to report non-compliance to heads of service.

## **5.6 Risk Assessments for Work Environment and Building Design**

- 5.6.1 The Head of Resources will work in collaboration with the Council's Health & Safety Advisor and Managers, as well as the Property and Technical Services team, to ensure work environments are as safe and secure as possible to reduce the risk of violence and aggression.
- 5.6.2 Customers will be advised of this policy by signs in all front of house reception areas (an example of a suitable sign is set out in Appendix D).

## **6. INCIDENT REPORTING**

- 6.1 All incidents of physical and non-physical violence and aggression including unacceptable behaviour must be reported immediately in accordance with the Council's [incident reporting guidance](#). The immediate supervisor and/or line manager must also be informed at the first available opportunity.

- 6.2 Managers must take steps to put relevant controls in place as soon as is practical to do so, and must share the incident report with HR and Customer Services to enable completion of corporate record of the incident enabling corporate controls to be implicated if this is observed to be an escalating.
- 6.3 Incident reports will be considered by SMT to monitor emerging threats and provide relevant corporate support.
- 6.4 Persistent and unreasonable behaviour must be reported by all staff to their manager at the earliest available opportunity. Together a decision is made on the appropriateness of escalating the matter (as per appendix x) and the case will be passed to the customer contact team immediately. All cases which are subject to escalation will be subject to a warning alert which will be communicated to services through heads of service and a service specific alert will be issued.

## **7. COMMUNICATION**

- 7.1 Where customers are identified as being aggressive, violent or potentially violent, it will be necessary to share information about such customers in accordance with the employer's duty to protect the health and safety of staff and to protect the staff of other organisations where this is in accordance with the General Data Protection Regulation, the Crime and Disorder Act 1998, and/or other legislation.
- 7.2 In accordance with paragraph 7.1 above, employees of the Council may only share the fact that a warning alert is in place in relation to a customer to other staff members where there is an evidential need for them to know. The decision on which staff (or roles) should be made aware that a warning alert is in place in respect of a customer shall be made by Senior Management Team (or, in an emergency, by the Monitoring Officer) and decisions on this must be taken on a case-by-case basis depending on the evidence presented.
- 7.3 The fact that a warning alert is in place in respect of a particular customer shall be recorded in the corporate customer relationship management system. Access to this information on the customer relationship management system shall be restricted to those that have an evidential need to know in accordance with paragraph 7.2 above and shall not be available to all users.
- 7.4 The sharing of and disclosure of information relating to violence and aggression warning alerts by the Council to other organisations may occur for the purposes of community safety and security provided it can be justified where there is a credible risk that an unlawful act, such as an assault, will occur. It will be for SMT (or, in an emergency, the Monitoring Officer) to decide, based on the evidence, whether this information may be shared. Where information is shared it should only be provided to a person (or persons) of a similar seniority at that organisation to the members of SMT at the Council.

- 7.5 Where a decision is made by SMT or, where relevant, the Monitoring Officer to change or remove a violence and aggression warning alerts all individuals, both within the Council and at other organisations, who have been notified of the warning alert being in place must similarly be notified (with details where necessary) that the warning alert has now been changed or removed as appropriate. Any decision made on each situation will be recorded on the corporate customer relationship management system.
- 7.6 A customer subject to the Persistent and Unreasonable behaviour process will be notified in writing by NDC Customer Service Manager, attaching a copy of the "Unacceptable Customer Behaviour Procedure (Appendix E). This letter will also refer the customer to our appeal process, if they disagree with the action and wish the matter to be reviewed.

## **8. SANCTIONS MANAGEMENT**

- 8.1 This document establishes a Zero Tolerance Policy, whereby aggressive or violent behaviour towards our employees will not be tolerated under any circumstances. Any violation of this policy will result in the Council taking action. Some risks or incidents may be seen to be so significant or such high risk that the council will take steps to immediately restrict or withdraw services where relevant.
- 8.2 Available Sanctions
- 8.2.1 A wide range of sanctions can be taken for assaults, and other unreasonable behaviour, dependant on the severity of the incident. These measures *may* include:
- 8.2.1.1 Verbal Warning.
  - 8.2.1.2 Warning Letter/Acceptable Behavioural Agreement.
  - 8.2.1.3 Withholding or limiting Service.
  - 8.1.2.4 Exclusion from premises.
  - 8.1.2.5 Secure Controlled Access.
  - 8.1.2.6 Civil Proceedings and Criminal Behavioural Orders.
  - 8.1.2.7 Criminal Prosecution.
- 8.2.2 Relevant sanctions will be recommended by the appropriate Service Manager and authorised by the relevant Head of Service.
- 8.2.3 Except in the most serious of cases, an escalation approach will be generally undertaken. Routinely, a verbal warning would precede any 'Written Warning' and this would precede any 'Acceptable Behavioural Agreement or Contract', although there is no requirement to escalate the response in any particular order should the situation warrant immediate action.

- 8.2.4 Depending on the individual's circumstances and seriousness of each case, the options outlined above can be taken in conjunction with one another or in isolation.

## **9. VIOLENCE AND AGGRESSION IMPLEMENTATION PROCESSES**

- 9.1 The Council acknowledges that a measured approach to managing the problem of Violence and Aggression is required and has made provision for the following situations:

### **9.2 Challenging Behaviour**

- 9.2.1 Where a customer lacks capacity to make decisions around acceptable levels of behaviour because of capacity or other medical factors (in the judgement of an officer in consultation with their Manager), the management of incidents will need to be modified in consultation with appropriate third parties (e.g. Devon Partnership Trust or Adult Social Care).

### **9.3 Altered Mental State**

- 9.3.1 Where there are no medical factors or capacity issues identified as a contributing factor to the unacceptable behaviour, consideration should be given to any altered mental state of mind that may be caused by the nature of the customer's contact with our services.
- 9.3.2 Examples could include a customer suffering bereavement or being a victim of an assault. In such situations actions should be reasonably proportionate to these circumstances. Whilst escalation will always be progressed, sanctions may reflect a supportive approach to the customer.

### **9.4 The Escalation Process**

Every incident of violence or aggression requires a response. If the incident is likely to constitute a criminal offence then an immediate report to the police is required. Any member of staff who feels in immediate danger should call 999 or request a colleague to do so on their behalf. See Appendix A

Where the incident has been de-escalated then a report must be made immediately on 101 and recorded on the Incident Reporting Form. Officers must advise managers immediately of their actions.

If a report has been made to the police and there is a recurrence or escalation of the behaviour, then the escalation route may include concurrent use of the powers outlined in the Anti-Social Behaviour Act 2003 and a criminal investigation.

In this case the escalation process will follow a route which ultimately includes close working with Legal Services to consider use of Civil Injunction or Criminal Behaviour Order (if associated with Criminal Behaviour)

Where the customer is deemed to be under the influence of drugs or alcohol steps should be taken to de-escalate and terminate the call, interview or visit and alternative arrangements made for completing the service request.

## **Escalation Route using Anti-Social Behaviour Legislation**

### **Stage 1 – Verbal Warning**

#### **Delivering a Verbal Warning**

- 9.4.1 Where a customer, their relative or other visitor is abusive or displays other unacceptable behaviour, the member of employee or senior officer should explain to the customer what is and is not acceptable behaviour and they should outline what the possible consequences of any further repetition of unacceptable behaviour could be. An experienced employee should ideally witness this explanation. Identification of any triggers for the behaviour may be useful in future prevention. An immediate record needs to be made of the event.
- 9.4.2 The main aim of the Verbal Warning process is twofold:
- 9.4.2.1 To ascertain the reason for the behaviour displayed as a means of preventing further incidents or reducing the risk of them reoccurring.
  - 9.4.2.2 To ensure that the customer, their relative or other visitor is aware of the consequences of further unacceptable behaviour.
  - 9.4.2.3 The incident and local actions taken must be reported and investigated in accordance with the Council incident reporting procedures. The fact that a Verbal Warning has been given should be recorded in the customer's notes.

*NB: Normally, a Verbal Warning should be delivered no more than twice.*

#### **Where a verbal Warning would be inappropriate**

- 9.4.3 A Verbal Warning would be inappropriate where it has been ascertained that in the judgement of the officer a customer lacks capacity to make decisions around acceptable levels of behaviour due to the customer's wider condition. The management of incidents will need to be modified in consultation with expert third party advice. This is likely to include the attendance of a third party advocate. The immediate action of the officer is to de-escalate and terminate the call, interview or visit.

## **9.5 Stage 2 – Written Warning letter and/or Acceptable Behavioural Agreement**

### **Developing a Warning Letter**

- 9.5.1 Warning letters issued to customers and the placing of warning alert against customer records will be undertaken in accordance with the Violence and Aggression Warning Alerts Standard Operating Procedure.

Letter 1 is usually sent as escalation to a verbal warning, setting out the nature of the behaviour and that the Council will not tolerate this behaviour towards its staff.

Letter 2 is usually an escalation to a Letter 1 Warning but can be sent immediately after a verbal warning if the incident is seen as significant and/or is distressing to the member of staff concerned. As per Letter 1 it sets out the zero tolerance to this behaviour and that this should be considered as part of an escalating process which may result in service reducing or being withdrawn.

### **Developing an Acceptable Behavioural Contract**

- 9.5.2 An Acceptable Behavioural Contract may be considered for customers or their associates, to address unacceptable behaviour where verbal warnings or a warning letter have failed. An Acceptable Behavioural Contract is a written agreement between the parties aimed at addressing and preventing the recurrence of unacceptable behaviour and can be used as an early intervention process to stop unacceptable behaviour from escalating into serious behaviour.
- 9.5.3 Key stakeholders and relevant personnel should organise and attend a pre-meeting to discuss the conditions that will be set out in the Acceptable Behavioural Contract.
- 9.5.4 Where it is considered safe and appropriate to do so, the perpetrator will be invited to attend a meeting where they are requested to sign the agreement. It is important that there is a discussion with the perpetrator as it may encourage them to recognise the impact of their behaviour, take responsibility for their actions and improve their behaviours.
- 9.5.5 All senior managers responsible for organising the Acceptable Behavioural Contract meeting should meet prior to the meeting to consider:
- 9.5.5.1 The desired outcome.
  - 9.5.5.2 Appropriate conditions of the behavioural agreement.



- 9.5.6 During the meeting the following issues should be covered:
  - 9.5.6.1 Reason for establishing the Acceptable Behavioural Agreement.
  - 9.5.6.2 Explanation as to why the identified behaviour is unacceptable.
  - 9.5.6.3 Clear expectations of what constitutes continued unacceptable behaviour.
- 9.5.7 Where a customer, relative or visitor fails to attend the meeting without good reason or notification, reasonable attempts must be made to contact them.

### **Monitoring an Acceptable Behavioural Agreement**

- 9.5.8 Monitoring is essential if the Acceptable Behavioural Agreement is to be effective. Therefore, the roles and responsibilities in respect of monitoring must be clearly outlined so that any further unacceptable behaviour is recorded and appropriate action can be escalated should that become necessary. It is important that the Manager documents all these for future referencing.
- 9.5.9 Where a customer, their relative or other visitor fails to comply with the terms outlined in the Acceptable Behavioural Contract consideration should be given to alternative procedural, civil or criminal action and initiating Stage 3 (below).

### **9.6 Stage 3 – Written Final Warning**

- 9.6.1 A final written explanation of potential exclusion from the premises and the withholding of service may be considered if unacceptable behaviour persists or is of a significant serious nature.
- 9.6.2 This stage will only be implemented following a review of the case by the relevant Head of Service in conjunction with Legal Services, who will recommend the action to be taken.
- 9.6.3 This letter, which can only be sent following the endorsement of SMT, should notify the perpetrator if there is a repetition of their unacceptable behaviour, then this warning letter will remain on their personal record for a period of one year from the date this letter has been issued and will be taken into consideration with one or more of the following actions:
  - 9.6.3.1 The withdrawal of NDC service.
  - 9.6.3.2 Exclusion from premises with conditions.

9.6.3.3 The matter will be reported to the Police with a view that the Council will seek a criminal prosecution by the Crown Prosecution.

9.6.3.3 The Council will seek legal advice and consider civil proceedings or seeking sanctions such as a Criminal Behavioural Order. Any legal costs incurred will be sought from the perpetrator.

## **9.7 Stage 4 – Strategy Meeting**

9.7.1 In cases where there is failure to comply with stages 1, 2, and 3 and/or further incidents of unacceptable behaviour are reported, a strategy meeting for all professionals involved in the case will be called by the relevant Head of Service to examine all available information and to consider which course of action would be appropriate as set out in the final warning letter.

At this stage Legal Services will define the information required and will lead the case in conjunction with the relevant Head of Service.

## **10. PROCEDURE FOR DEALING WITH OTHER UNACCEPTABLE CUSTOMER BEHAVIOUR**

**10.1** This section of the policy addresses customers who by their actions (which may not be abusive or violent) are unreasonable in terms of the demands placed on services and the stress that this puts on staff. This procedure similarly has three stages to ensure we make decisions affecting a customer's access to our services in an appropriate manner and at an appropriate seniority level.

### **Stage 1**

If a member of staff believes a customer is behaving in a manner that they feel is unacceptable, either on the telephone, face to face or via e-mail they can:

- a) politely explain that we expect our staff to be treated with respect and ask them to moderate their behaviour.
- b) if the behaviour continues, give a warning of further action, for example warn the customer that the telephone call will be terminated or ask the customer to leave the premises.
- c) if the customer does not moderate their behaviour, the member of staff should follow through on their action.

The member of staff should record circumstances of the incident using the council's incident reporting form, including date and time and report the incident to their line manager

Staff should always refer behaviours that they believe are unreasonable to their line manager who will judge what actions should be taken.

## **Stage 2**

If customers persist in their unacceptable behaviour it may be necessary for us to consider additional measures. Staff should report the incident(s) to their line manager who can refer the case to the Customer and Corporate Communications Manager who will review the case and consider whether further action is required.

Further action may include:

- placing time limits on telephone conversations and personal visits.
- restricting the number of telephone calls or visits we will accept (for example, one call or visit on one specified morning/afternoon of any week).
- limiting the customer to one form of contact (for example, telephone, letter or email) and/or requiring the customer to communicate with one named member of staff only.
- requiring any face to face contact to take place in the presence of a witness (another member of staff).
- refusing to discuss, register or process further complaints about the same matter.
- where we have made any final decisions, providing the customer with acknowledgements only of their correspondence; or informing them their future correspondence will be read and placed on the file, but not acknowledged. A designated member of staff should be appointed to read all future correspondence.
- asking the customer to enter into an agreement about their future conduct.

The Customer and Corporate Communications Manager will notify the customer, in writing, of our decision, attaching a copy of this policy. This correspondence will also refer the customer to our appeal process, if they disagree with the action and wish the matter to be reviewed.

The Customer and Corporate Communications Manager will keep a record of the investigation and its outcome.

## **Stage 3**

If the customer is unhappy with the restrictions we have placed upon them, they can appeal. The Monitoring Officer and a different SMT member will hear their appeal.

The Monitoring Officer will keep a record of their appeal review and will notify the customer, in writing of the decision.

We will always set a time limit on any restrictions we impose and review these on a regular basis. The Monitoring Officer, during the review, will decide whether the restrictions should remain in place or be cancelled. The Monitoring Officer will advise the customer of any changes to our original decision.

## **11. TRAINING**

### **11.1 Conflict Resolution Training**

11.1.1 The Council requires that all frontline employees (those dealing directly with the public) receive conflict resolution training. This training is intended to help prevent situations escalating and to diffuse potentially abusive and violent incidents. This training includes the causes of violence, the recognition of warning signs and de-escalation techniques.

### **11.2 Higher Risk Groups**

11.2.1 Employees in higher risk groups may require a more in-depth level of training in defusing situations where aggression is being displayed or in responding to physical violence. This training may include the following:

11.2.1.1 Dementia Training.

11.2.1.2 Breakaway training, or other similar training which aims to deal with threatening situations.

11.2.1.3 Other as required by the business or emerging risk

11.2.2 Training requirements will be determined by risk assessment conducted by the service manager and employee.

### **11.3 Staff Welfare and Support**

At every stage of the reporting and escalation of any incident of violence or aggression, every member of staff directly or indirectly involved will be offered appropriate and available welfare and support as set out in the Council's Welfare Services. This will be in the form of:

11.3.1 Self-selection of self-care advice and support e.g. telephone or general community advice services

11.3.2 Participation in open access or self- services e.g. group support

11.3.3 Attendance at specialist support appointments e.g. counselling or Trauma Risk Management support

## **12. MONITORING COMPLIANCE WITH AND THE EFFECTIVENESS OF THE POLICY**

### **12.1 Standards/Key Performance Indicators**

12.1.1 The Council undertakes to evaluate the effectiveness of this policy and the associated guidelines, the key performance indicators comprise:

12.1.1.2 Number of incidents being reported.

12.1.1.3 Monitoring of attendance at training.

12.1.1.4 Number of V&A Warning Alerts.

12.1.1.5 The findings from staff surveys.

12.1.1.6 Number of cases de-escalated where service is still being delivered.

12.1.1.7 SMT notification that risk assessments have been reviewed on an annual basis.

# APPENDIX A

## EXAMPLES OF INCIDENTS WHICH REQUIRE REPORTING

### REPORTING TO POLICE

1. Assault – Force used without consent, sexual or otherwise
2. Damage to property. This can include buildings, cars or personal property
3. Harassment – this can include invasion of personal space.
4. Stalking - harass or persecute (someone) with unwanted and obsessive attention.  
This can include online attention
5. Public Order – Threats to a person or premises, foul or abusive language.
6. Drunk and Disorderly – Only applicable in a public space but does include Council customer facing offices.
7. Malicious Communications – Intent to cause stress or anxiety, not telephoning for a specific reason.
8. Hate Crime - Crimes committed against someone because of their disability, race, religion or belief, transgender-identity or sexual orientation

### General Guidelines:

Mental Health conditions are never an excuse for committing a crime, so all incidents should be reported.

The Police Officers in the Council's Community Safety Team will assist in reporting of any incidents.

All (non-urgent) crime reports can be made on 101, online reporting or live chat facility.

Even if matters cannot be dealt with criminally, reports can contribute to a vital intelligence picture which will be used to mitigate risk and reduce harm to communities.

## **EXAMPLES OF INCIDENTS WHERE INTERNAL PROCESS & CIVIL POWERS APPLY**

1. Offensive language, verbal abuse and swearing which makes staff feel unsafe.
2. Unwanted or abusive remarks.
3. Negative, malicious or stereotyping comments. (See Hate Crime above)
4. Invasion of personal space.(See Harassment above)
5. Offensive gestures.
6. Bullying, victimisation or intimidation.(See Harassment above)
7. Unreasonable behaviour and non-co-operation, for example, not responding to a request to leave Council premises.

# APPENDIX B

## Challenging Behaviour - Customer Risk Assessment

### Section A: Customer details:

Customer Name: ..... DOB: / / Customer No.: .....

Address: .....

Postcode: ..... Date of Assessment: / / Time: .....

Service: .....

### Section B:

How have you been made aware of the issues relating to this customers behaviour?

Name of officer disclosing information (if not the officer completing this form)

Nature of threat

### Section C: Risk indicators:

**Is the customer displaying physical signs?** Yes  No   
(E.g. tense and agitated, sweating profusely, voice/ pitch change, dilation of pupils, physical signs of aggression etc.)

**Is the customer a risk to staff or others?** Yes  No   
(E.g. aggression, violence)



**Has there been a previous episode of violence/ aggression?** Yes  No   
 (E.g. customer lashing out, verbal threat etc. this admission or previous admissions)

**Is the customer presenting challenging behaviour?** Yes  No   
 (E.g. inappropriate demands, poor service response etc.).

**Is the customer a risk to themselves?** Yes  No   
 (E.g. suicide, self-harm etc.).

**Section D: Initial Management Plan to manage risks identified:**

| Control   | Yes/No | Date |
|---|--------|------|
| Normal Service Continues<br>(Details)                                     |        |      |
| Service Refinement Required<br>(Details)                                  |        |      |
| Urgent significant amendment to service or service withdrawn<br>(Details) |        |      |

| Warning/Escalation Stage Recommendation | Yes/No | Date |
|---|--------|------|
| Verbal Warning                          |        |      |
| Escalate to Letter 1                    |        |      |
| Escalate to Letter 2                    |        |      |
| ABC                                     |        |      |
| Civil Injunction /CBO                   |        |      |

| Customer Aware                    | Yes | No |
|-----------------------------------|-----|----|
| Details of Customer communication |     |    |

**Section E: Person completing risk assessment:**

Completed by: ..... Signed: .....

Designation: ..... Date.....

## CHECK LIST

### **Risk Assessments of Individual Service Users**

Individual service users may **already** be subject to a risk assessment for Violence and Aggression - check Firmstep.

Where it is identified that an individual service user may present a risk to staff or others, the appropriate Manager must ensure that:

- Immediate control sought at service level and relevant staff advised
- Incident report completed and sent to HR & attached to this Risk Assessment if relevant
- Permission for an alert of a warning sought from Monitoring Officer/SMT if required
- Ensure risk assessment and actions are documented in the customer's record in Firmstep.
- A review of the risk assessment and control measures is undertaken if a further incident occurs or at the set review date.
- Staff welfare considered and monitored. Is TRiM relevant?

**If this risk assessment was completed following an incident, please ensure the incident is recorded on the Council's customer relationship management system**

# APPENDIX C

## VIOLENCE AND AGGRESSIVE WARNING ALERT PROCEDURE

### 1. PURPOSE

The purpose of this procedure is to set out NDC's system for placing a risk of violence and aggression alert on the electronic/paper records of potentially violent individuals.

The implementation of an alert of a warning system will ensure the following:

- Provide an early warning to staff of a particular individual or situation that represents a risk to them, their colleagues or customers.
- Provide security warnings and handling advice to avoid or minimise the risk.
- Help reduce the number of violent incidents at the local level; and
- Assist in creating a safe and secure environment for staff, customers and other visitors.

### 2. DUTIES

#### 2.1 Customer Services Manager

The role of the Customer Services Manager is to:

- Maintain a corporate list of all individuals who have a warning alerts on their records.
- Advise Heads of Service of the details of new warning alerts and any alerts, which should be placed on their systems and when they should be removed.
- Undertake the warning alert review process by reassessing cases in consultation with the relevant Head of Service and then submitting recommendations to SMT.

## 2.2 Warning Alert Review Panel

The Warning Alert Review Panel will consist of SMT and their role is to:

- Approve recommendation of the relevant Head of Service with regards to marking records;
- Ensure that the decision making process is objective, transparent and fair.
- Review all warning alerts 6 monthly or as requested to ensure they are relevant, proportionate and the interests of individuals are appropriately safeguarded.
- Warning alerts will be discussed within a confidential setting of the meeting and with representation and input from case officers, if needed.

## 2.3 All Managers

All managers must ensure they understand how the standard operating procedure is enacted, when it should be enacted and their role within this structure. They should also ensure that, where necessary, staff who have been the victims of violence or aggression receive the appropriate support.

## 2.4 All Staff

Employees who have contact with customers and their associates are responsible for keeping themselves informed and up to date by checking the corporate customer relationship management system.

# 3. WARNING ALERTS

- 3.1 A warning alert may only be applied by the Senior Management Team or, in an emergency, by the Monitoring Officer. The use of a Warning Alert will help reduce possible risks to Council staff by enabling them to consider and implement measures for their protection.
- 3.2 An alert does not just apply to circumstances where the individual is a customer, but may equally apply where the person is the customer's associate – for example, their friend, relative or guardian.
- 3.3 It is important to state that the alert is not a mechanism for attributing blame; it is a process for alerting staff to the possibility of violence or aggression, whether such actions are deliberate or take place as a result of a medical condition or as a response to treatment or medication and a way for managers to identify actions that might mitigate risk.

- 3.4 The alert and associated additional information (such as warnings, handling advice, etc.) will be available to all Council staff who, because they may have face-to-face contact with a particular individual, may be subject to an increased risk of violence or aggression.
- 3.5 Non-physical assault (including threatening behaviour) can be equally serious and incidents should be reviewed to consider placing an alert on records.
- 3.6 The supporting information within each warning alert will include for example any associated risks to other customers or their relatives/associates.

#### **4. PROCESS**

- 4.1 Following an incident of physical or non-physical assault the employee must complete an incident report form and a risk assessment. If the information has been received from a third party then only a risk assessment is required.
- 4.2 The Head of Service will investigate the incident and decide from the outcome and the evidence available whether the evidence suggests that a warning alert should be placed against the individual.
- 4.3 A warning alert may only be placed against an individual following full consideration of the evidence by the Senior Management Team (SMT) or, in cases of an emergency, by the Monitoring Officer.
- 4.4 Where determining whether a situation is an emergency, pursuant to paragraph 4.3 above, the Head of Service shall consider whether there is credible evidence that a violent or dangerous person poses an immediate threat to one or more of the Council's staff (or others) and the situation cannot be resolved simply by making sure the relevant staff (and any others) are aware of the situation pending full consideration of putting in place a warning alert by SMT.
- 4.5 The evidence to support the warning alert process must be:
  - Processed fairly and lawfully (see below).
  - Obtained for specified and lawful purposes.
  - Adequate, relevant and not excessive.
  - Accurate and up to date.
  - Not kept any longer than necessary.
  - Processed in accordance with the "data subjects" (the individual's) rights.
  - Securely kept.
  - Not transferred to any other country without adequate protection in situ.

In respect of the above, the Council, as an employer, has a legal duty of care towards its staff including under health and safety legislation. Accordingly the lawful basis pursuant to which this information will be processed will be that it is necessary to comply with a legal obligation imposed on the Council. It may be that where processing is necessary over and above what is required pursuant to the Council's legal obligations referred to above then such processing may be in the legitimate interests of the Council and/or its staff and such legitimate interests are not outweighed by the expectation of privacy held by the individual(s) concerned however such a balance will need to be considered on a case by case basis.

Where the Council processes any special category data or criminal offence data, the additional lawful basis will be that the processing is necessary for the purposes of carrying out obligations in the field of employment law or where it is necessary for reasons of substantial public interest on the basis of law.

- 4.6 The following risk factors should be considered when determining whether a warning alert should be placed against an individual:
- Nature of the incident (i.e. physical or non-physical)
  - Degree of violence used or threatened by the individual.
  - Injuries sustained by the victim.
  - The level of risk of violence that the individual poses.
  - Whether an urgent response is required to alert employees.
  - Impact on staff and others who were victims of or witnessed the incident.
  - Impact on the provision of services.
  - Likelihood that the incident will be repeated.
  - Staff are due to visit a location where the individual may be present in the near future.
  - The individual is a frequent user of the service.
  - The incident, while not serious itself, is part of an escalating pattern of behaviour.
- 4.7 Where SMT decides to put in place a warning alert in relation to an individual, then, except in extenuating circumstances, the Head of Service will then be required to write to the person concerned to notify them of this decision.
- 4.8 A warning alert will not be placed against an individual where there is insufficient evidence of violence and aggression towards employees.

## **5. ESSENTIAL INFORMATION**

- 5.1 For all warning alert systems, the alert should include the following information:
- Who, or what the warning alert applies to;
  - A brief classification of the type of incident;
  - Date the warning alert is effective from and review date;
  - Whether the individual has been notified; and
  - Essential and relevant handling information or advice to staff about who to contact for further advice or guidance. This should include a relevant contact for staff who work off-site or out of hours.

5.2 Where possible, the alert should provide employees with additional information to manage the risks that an individual poses. It is suggested that the additional information may include:

- Advice that employees should exercise caution when dealing with the individual;
- A brief description of the incident, e.g. physical or non-physical assault;
- Information relating to an individual's medical condition, and care if relevant;
- Security warnings, specific areas of risk or trigger factors;
- Essential guidance on how to deal with the individual.

## **6. REVIEW PROCESS FOR A WARNING ALERT**

6.1 All warning alerts will be agreed by SMT except in cases of emergency where they will be agreed by the Monitoring Officer.

6.2 All approved violence and aggression warning alert will be reviewed by SMT at intervals set by SMT (or, where relevant, the Monitoring Officer) as appropriate in consideration of the evidence which, in the absence of anything stipulated as an alternative, shall be 6 months starting from the date the Warning alert was put in place by SMT or the Monitoring Officer.

6.3 Violence and aggression warning alerts must be removed when there is no longer a threat posed by the customer and/or must be changed as appropriate (with relevant action taken) where evidence changes or the threat of violence and aggression develops.

6.4 Decisions on how long a warning alert should remain in place shall be based on the following:

- The original level or threat of violence;
- How long ago the incident was;
- The previous and subsequent behaviour of the individual; and
- Whether or not the incident was likely to have been a "one-off" (e.g. the individual was suffering an unusual amount of stress due to a particular set of circumstances).

## **7. NOTIFYING THE CUSTOMER**

7.1 Except where there are extenuating circumstances the customer should be informed in writing as soon as possible following a decision to provide a written warning or the indent to escalate them for their behaviour.

7.2 The Head of Service is responsible for sending a notification letter to the customer outlining the reason action to be taken in light of the recent behaviour. The letter should clearly explain:

- The time, date and nature of the incident;

- That their records will show a warning has been issued and the reason;
- The process for approval and review of this warning;
- Action to be taken if additional incidents are reported and investigated; and
- How to make a complaint if they do not agree with the decision.

## **8. INFORMING AND SUPPORTING THE EMPLOYEE INVOLVED IN THE INCIDENT**

- 8.1 It is important that the Head of Service informs the employee of the decision reached. When a warning alert is placed on records, this feedback will assist in developing a pro-security culture and encourage more employees to report future incidents. If a decision has been reached that a warning alert is not required, the Head of Service should explain the reasons to the employee and offer them any further assistance that is necessary.
- 8.2 Managers should ensure that the employee has access to appropriate support. Managers can receive support through their own head of service, managers with previous exposure to this process or HR.

## **9. COMPLAINTS**

- 9.1 When a customer is notified that a warning is being issued and therefore will be placed on their records, they should be advised how to complain about the decision if they wish to and be given the relevant contact details.
- 9.2 All complaints against a warning being placed on an individual's record will be reviewed by the Head of Service and managed through the established complaints process.
- 9.3 Where the complaint is upheld, the warning will be removed with immediate effect, the individual will be informed and an apology given.
- 9.4 Where it is deemed that the warning is appropriate, the warning alert will remain on the individual's record and the individual will be informed.



## 10. RECORD KEEPING

10.1 The Customer Services Manager is responsible for keeping appropriate records to include the following:

- Clear rationale for instigating an alert of a warning.
- Date the alert of the warning was applied to the customer record.
- Date the individual and/or their associate was informed by letter.
- Incidents reviewed where there was insufficient evidence.
- Date the alert was approved by SMT.
- Whether the individual made a complaint including the date and outcome.
- Individual alerts due for 6-monthly (or other) review.
- Date(s) the alert was reviewed by SMT to determine whether it should remain.
- Date and rationale when the alert is removed from the individual's record.

10.2 The Customer Services Manager will ensure that a separate list of all individuals who have an alert on their records is kept securely with access restricted.

10.3 Head of Service will ensure the maintenance of alerts on their systems, as directed by the Customer Services Manager/SMT.

10.4 Alerts of warnings shall be entirely deleted from the Council's systems where, following review, a decision is made that they are to be removed in respect of a customer.

## **APPENDIX D**

### **MODEL SIGN FOR NDC FRONT OF HOUSE RECEPTION AREAS**

#### **ZERO TOLERANCE**

**There is no excuse for abusing our employees or acting unreasonably.**

**Aggressive behaviour towards our staff will not be tolerated.**

**You may be reported to the Police.**