

VIOLENCE AT WORK

APPENDIX 45

Devon County Council Policy Statement

Devon County Council declares its intention through this procedure to be fully supportive of staff who are assaulted in the course of, or arising out of, the proper exercise of their duties. This statement of policy and procedure reflects the Authority's clear resolve to support its staff. It outlines the action which the Authority may take in the case of assault on an employee.

Application

This procedure applies when an assault occurs or when there is a threatening act, including verbal abuse, against an employee.

Procedure

In the event of an assault, if medical attention is required, it should be sought at once.

As soon as is practicable in circumstances, the local Manager or person in charge of the premises should be informed of what has occurred.

The local Manager and the assaulted employee should consider jointly whether the matter should be referred to the Police. If they fail to agree, either may refer it to the Police.

Whether the Police become involved or not, the internal reporting procedure should be followed:-

- (i) by using the report Form MS20/88 (violent, etc, behaviour); and
- (ii) in case of injury, by using an accident report form.

The names of any witnesses should be recorded, as should the identity of the assailant(s) if known, together with any other relevant information. The employee who has been assaulted should be asked to provide to the local Manager a short written statement of the occurrence. This will help the Authority to reach a decision on action needed to prevent a recurrence, and to support the assaulted employee. Assistance in providing the statement should be given when appropriate by the Manager and/or colleagues.

Actions by the Authority

In the event of violent behaviour by a person for whom the Authority is responsible for providing care, special consideration will have to be given to all the factors involved.

In other circumstances the choices for action that the Authority will consider include the following:-

- (i) sending a formal letter to the person involved in the alleged assault to warn that legal action may be taken if a breach of the law occurs;
- (ii) seeking an injunction to prevent the person involved in the alleged assault from entering the Authority's premises, or from harassing the employee;
- (iii) if the assaulted employee wishes to bring a private prosecution, the County Solicitor will provide legal advice to the Head of the Department or will be ready to discuss the position with the legal officers of the employee's Trade Union.

This procedure has been prepared in consultation with representatives of Trade Unions for the salaried and manual groups of employees.

Other Considerations

An employee who has been assaulted in the course of, or arising out of, the proper exercise of his or her duties will be entitled, if certified unfit to work, to the usual contractual provisions relating to sickness and injury at work. The Authority will arrange or provide counselling to the assaulted employee if asked to do so.

If legal proceedings are taken against the assailant(s), the assaulted employee and any other witnesses employed by the Council who are required to give evidence in court, will be granted leave with pay for this purpose.

Incidents of assault on employees will be a matter of regular report to the appropriate Health and Safety Committee