

Zero Tolerance Policy



Publication code: OD-0516-072

Publication date: May 2016

Zero Tolerance Policy

1. Purpose

A zero tolerance policy towards violence and aggression is expected throughout public services. No member of staff should be subjected to violent, threatening and abusive behaviour. Care Inspectorate employees have the right to work and carry out their duties in an environment free from violence, threatening or abusive behaviour.

This new policy supports the Corporate Health and Safety Policy and the Health and Safety Risk Assessment Policy to help managers and employees in managing and minimising risk for any event where they may face unacceptable behaviours, including violent, aggressive or abusive behaviour. This could be when co working with others or when working alone. All employees have the right to be treated with consideration, dignity and respect and all employees should be aware of their responsibilities for health and safety.

The purpose of this policy is to inform our staff of the measures in place to manage incidents of violent, threatening or abusive behaviour. It seeks to ensure risks associated with violent, threatening and abusive behaviour are managed through:

- risk assessment and the identification and implementation of suitable controls
- training for all relevant employees
- procedures to reduce the likelihood of our employees being in a vulnerable position.

The strategy and principles of this policy are to:

- identify potential risks
- control and manage those risks, where possible
- inform and involve employees on the risks and the controls in place
- hold to account those who behave in a violent, threatening or abusive way towards our staff.

2. Scope

This policy and procedure applies to all Care Inspectorate employees and volunteers.

3. Guiding principles

- We have a duty of care for all our employees, including employees who are working alone or out with an office.
- We believe that all correspondents and complainants have the right to be heard, understood and respected. We also believe that our staff have the same rights.
- We value our employees and volunteers and we will not tolerate any form of violent, threatening or aggressive behaviour towards them.

- All our employees are required to treat each other with dignity and respect by acting in accordance with our values, as outlined below:

Fairness: we will act fairly, be transparent and treat people equally

Respect: we will be respectful in all what we do

Person-centred: we will put people at the heart of everything we do

Integrity: we will be impartial and act to improve care for the people of Scotland

Efficiency: we will provide the best possible quality and public value from our work.

- We will encourage all staff to report accidents and incidents.
- We will address all incidents reported internally and where there is a serious threat or action, we will report the incident to the appropriate authorities. This policy also links to our Unacceptable Behaviour Policy, which is aligned with the Scottish Public Services Ombudsman (SPSO).
- Employees and managers should also work with trade unions, where relevant, in preventing, addressing, reporting and responding to incidents or work related violence, abuse or threats.
- All employees have a responsibility for their own health and safety.
- We will deal with incidents between Care Inspectorate employees through our internal procedures, for example the Dignity at Work Policy or Disciplinary Procedures.

4. Definitions

The Health and Safety Executive (HSE) define a violent or aggressive incident as:

‘Any incident, in which a person is abused, threatened or assaulted in circumstances relating to their work. This can include verbal abuse or threats as well as physical attacks.’

They define an incident as: ‘An unwanted, unplanned event that has the potential to cause harm/injury.’ Examples of unacceptable behaviour are summarised below:

- Violence can be physical, or non- physical including threats, abusive behaviour and language (verbal and written), escalating agitation and intimidating body language.
- Unreasonable demands - a demand becomes unreasonable when it impacts substantially on our work. Examples of this may include, repeatedly demanding responses within an unreasonable timescale or insisting on seeing or speaking to a particular member of staff when that is not possible or appropriate.

- Unreasonable levels of contact - volume and duration of contact with the Care Inspectorate by an individual that causes problems for the employee or the Care Inspectorate. This can occur over a short period, for example, a number of calls in one day or one hour.
- Unreasonable use of processes - for example, the complaints process, where someone uses the complaints procedure to challenge professional judgments of our staff or where they use it repeatedly to raise the same issues that we have already investigated.

5. Monitoring and review

The Head of Organisational Development and the Partnership Forum are responsible for monitoring and implementing this policy. We will review this policy every three years and make amendments as appropriate in consultation with the Partnership Forum.

We will review and update this policy to accommodate any changes in legislation that may affect how we manage incidents at work. Review of risk assessment or lone working procedures as and when required, or when our methodologies change.

Zero Tolerance Procedure

6. When to use this procedure

The policy reflects the legal obligations placed upon the Care Inspectorate by the Health and Safety at Work Act 1974, the Management of Health and Safety at Work Regulations 1999 and our requirements to report under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.

You should report all accidents or incidents following the internal accident and incident policy. Managers will have responsibility for ensuring reportable incidents are reported in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).

Line manager responsibilities

All managers have a responsibility to implement and monitor this policy and ensure employees are aware of it and follow it. Managers should also:

- Undertake local risk assessments for your team to identify the risks to staff from violent, threatening or abusive behaviour. Develop control measures and local action plans to control those risks identified within the risk assessment and review the risk assessments regularly.
- Ensure that all employees are aware of the incident reporting procedure and follow it. Report any incident internally or to the police on behalf of the employee if requested to do so.
- Set a positive example by reporting all incidents of violence and abuse and not tolerating abusive behaviour from service providers and/or members of the public.
- Respond to and, where possible, resolve incidents before they escalate.
- Ensure you make the designated Operational Support Manager and Corporate Facilities, Health and Safety Adviser aware of any incident within 15 days of the employee completing the report.
- Investigate incident reports with the individual employee to decide appropriate actions.
- Seek advice from the Corporate Facilities, Health and Safety Adviser where necessary. Ensure the incident is noted in the RMS or PMS system when an incident involves a service provider, to inform future inspectors and potential risks in a service
- Monitor incidences of violent, threatening or abusive behaviour and make sure appropriate action is taken.
- Direct employees to appropriate advice and support if needed after an incident.
- Make sure that the incident reporting and investigation continues until its conclusion or resolution.
- Incidents may affect people differently, support managers and employees where possible e.g. increased 1-1's, referral for coaching and mentoring, additional training or a stress risk assessment.

Employees and managers should also work with trade unions, where relevant, in preventing, addressing, reporting and responding to incidents or work related violence, abuse or threats.

Employee responsibilities

All employees have personal responsibility for their own behaviour and ensuring that they comply with this policy. To help you report work related violent, threatening or abusive behaviour you must:

- Be aware of, and comply with, this policy and further guidance in relation to lone working or other risks identified in risk assessments.
- Recognise the potential for work related violence, threats or abuse and take action to resolve it early on where possible.
- Report any instances of violent, threatening or abusive behaviour using the accident/incident reporting procedure as soon as possible after the incident (including details about when it happened, who was involved and any relevant circumstances that may have contributed to the incident).
- Send the incident report straight away to your line manager (within 24 hours). They will then report the incident to the designated Operational Support Manager and the Corporate Facilities, Health and Safety Adviser who will report the incident to the enforcing authority if the incident is reportable under RIDDOR.
- Attend any training provided regarding health and safety; lone working and de-escalation techniques (see Appendix 1 for some general advice on this).
- Be aware of, and comply with, this policy and further guidance in relation to lone working or other risks identified in risk assessments.
- Recognise the potential for work related violence, threats or abuse and take action to resolve it early on where possible.
- If you have been affected by an incident at work seek someone for support this could be your manager, a colleague or the employee assistance programme Freephone: 0800 587 5670, or go to www.sghelpeap.com.
- Be supportive of colleagues who are victims or have witnessed work related violence, abuse or threats.

Corporate Facilities, Health and Safety Adviser responsibilities

The Corporate Facilities, Health and Safety Adviser is responsible for the internal accident/incident reporting procedure and will:

- collate the incident reports and analyse trends and patterns
- advise managers of patterns and any action required
- liaise with the Comments & Complaints Coordinator and the Trade Union Health & Safety Representative where necessary
- offer support to managers and employees
- report on annual trends for violent, threatening or abusive incidents.

7. Risk assessments

Managers should complete team risk assessments and review them at least annually and include a section for violent, threatening or aggressive behaviour. If there is an increase in violent, abusive or threatening incidents then managers should review the risk assessment to ensure all controls are being implemented and all employees are aware of them. Managers should discuss risks with employees. If they need further prevention measures, then record and report them to the Corporate Facilities, Health and Safety Adviser who will ensure suitable controls are put in place where possible.

Local risks assessments should take into account where employees are involved with services, where employees may be at higher risk, for example, if there has been a previous incident.

The risk assessment and lone working procedures will be reviewed when required.

8. Process

Reporting an incident

If a member of staff feels they have been involved in an aggressive or violent incident they must follow the internal accident/incident reporting procedure and complete an internal incident report. If you find yourself in an aggressive or abusive situation or have to close a meeting or end a telephone call, you should advise the individual displaying this unacceptable behaviour, where possible the reason for your actions. However, if you feel intimidated you can remove yourself from the situation immediately to eliminate the risk of the incident escalating. Should you consider that your personal safety has been or is threatened you should contact the police and your line manager immediately. All employees have the legal right to report any incident in which they have been involved to the police. They have the right to expect their manager to support them in this decision and to, if requested to do report the incident on behalf of the employee.

You must complete an incident report and send it to your line manager as soon as possible after the incident.

When a manager is informed that there has been a situation that has caused an employee some concern there may be some immediate actions that should be taken:

- consider the reallocation of work
- consider co-working or shadow working arrangements
- provide the employee with details of the employee assist program
- provide time for the employee to talk
- if the manager is not going to be available ensure there is another manager available to support the employee in their absence

Following an incident report

When a manager receives an incident report, they should investigate the incident with the affected employee and complete the incident report resolution section. The line manager should advise their senior manager of the incident report when it involves physical or verbal aggression, to make them aware of the seriousness of the incident.

The investigation could undertake a range of activities depending on the situation. These activities may include for example:

- Reporting the incident to the police on behalf of the employee (if appropriate). At any point during the investigation the alleged incident can be reported to the police.
- Discussing with the employee the events they identified as unacceptable, their

perception of future perceived risks and assessing the level of risk.

- Interviewing the employee and any other Care Inspectorate witnesses.
- Offering the individual involved a meeting to discuss the situation.
- Interview any other witnesses.

Following the investigation the manager must complete the relevant part of the incident form, including the actions to be taken and any review dates. The manager should agree the contents with the employee and send it to the Corporate Facilities, Health and Safety Advisor.

9. Actions we will take following an incident

It is the responsibility of managers to act on all incidents of abusive behaviour. There will be an escalating scale of actions depending on the findings of the manager's investigation. Each situation may result in one or more of the following actions:

- a) Support the staff member to access additional training such as de-escalating skills or resilience training if appropriate. The manager should speak to the employee to find out if there is anything else that the employee needs in terms of support after the incident (for example, the Employee Counselling Service or working with a buddy).
- b) Where there is a situation with a registered care service and there is a perceived risk of a similar occurrence the manager should ensure the service is flagged in RMS/PMS and any agreed actions such as "two inspectors should attend the service" should be recorded. It is a misconception that data protection legislation protects the rights of the alleged aggressor or the sharing of personal information. It is essential to protect any employee from future situation that are threatening or violent that information is recorded and shared. It is important that the risk assessment contains relevant information and shared with other relevant employees. In these circumstances the "flag" and risk assessment should be reviewed regularly to ensure that recorded information is up to date and current. The timescale for any actions to be reviewed must be included in the incident form following investigation.
- c) Advise individual (members of the public, service users or carers) in writing why their behaviour was unacceptable, the impact it had and then have a discussion to encourage collaborative working going forward. See appendix 2 for sample letters.
- d) Write to the individual's employer if they are the provider of a care service (e.g. local authority social work department or integrated health and social care authority) outlining the concerns and why the behavior is unacceptable.
- e) Where the incident has occurred during inspection or complaint activity the outcome of the investigation could conclude that there should be a requirement or recommendation made within the inspection or complaint report which reflects the incident and the behaviors of individuals in relation to the SSSC codes of practice.

- f) Advise the SSSC under the Code of Conduct for registered workers that notes that registered workers should not behave in a way, in work or outside work, which would call into question their suitability to work in social services
- g) Advise any other professional body, as may be appropriate such as SSSC, NMC or GTC, under their own code of practice or professional standards.
- h) Where the individual is a provider consider with the support of legal services any implications of the provider's behavior in relation to SSI 2011 No. 210 regulation 6(2) (a), Fitness of Providers which outlines that a person who is not of integrity or good character is unfit to provide a care service. Where the actions of the provider cause the Care Inspectorate concern determine if any enforcement action is required. Similarly, under regulation 7 and 9 the fitness of any manager or employee of a care service could be considered in the same way where there are grounds for such consideration. If the provider or individual then makes a complaint against the staff member concerned please refer to the flowchart on page 12 for further information/our complaints procedure.

10. Learning from incidents

The line manager must keep the employee fully informed of the progress and outcome of any investigation. The staff involved in any incident will have an input to identifying any potential areas of improved practice. Any lessons learned should be taken forward to minimise similar causes and explore more effective levels of support.

11. Sources of support

A number of sources of support are available to employees reporting incidents under this policy. These include:

- day to day support from your line manager
- advice and support from OD
- employee assistance programme
- advice and support from trade union representatives
- coaching and mentoring scheme
- relevant corporate learning and development opportunities

12. Related Policies

The following policies should be read in conjunction with the Zero Tolerance Policy.

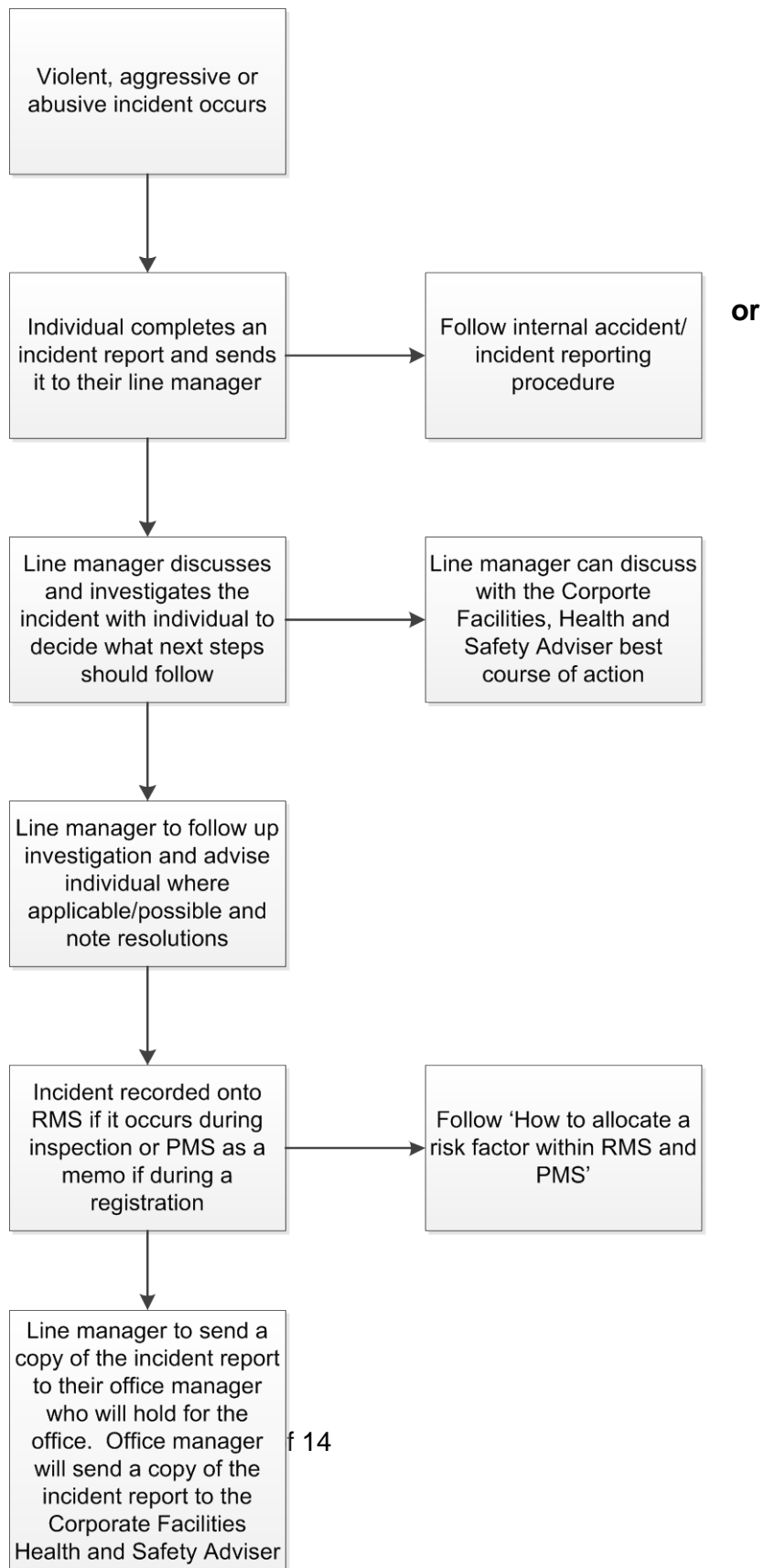
- The Corporate Health and Safety Policy
- The Lone Working Policy (currently under review)
- Risk Assessment guidance
- Code of Conduct
- Dignity at Work Policy
- Disciplinary Procedure
- Grievance Procedure

13. Legislation

- The Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999

- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

Violent, aggressive abusive incident reporting process



Process if a complaint is an incident report being

received as a result of completed:

Complaint received regarding a member of staff because of an incident report

Comments and Complaints Co-ordinator advises senior manager

Senior manager to discuss with line manager. Line manager to advise Corporate Facilities Health and Safety Adviser and Comments and Complaints Co-ordinator of the situation to allow discussion for next steps to ensure both processes are followed

Consider complaint following complaints procedure criteria bearing in mind internal health and safety policy protects staff

Decision made regarding acceptance of the complaint and communicated to all parties with appropriate steps to continue support for member of staff where required

Appendix 1: De-escalation techniques & interventions

In certain circumstances, employees may become aware of a potential for aggressive behavior. It may be necessary for employees to deal with an agitated or aggressive service provider or members of the public. The following warning signs may offer an opportunity for interventions that can be followed in an attempt to manage the behaviour:

Warning Signs

- agitated mannerism
- speaking loudly
- impatience
- refusal to accept advice
- argumentative
- verbal and physical aggression

Environmental Interventions

- create a calm environment, find a quiet location
- try not to get isolated from other staff or individuals

Behavioural Interventions

- talk slowly and softly,
- never turn your back on the person,
- place yourself between the person and the exit / door,
- be aware – eye contact may help establish a rapport, or seem threatening,
- convey a genuine sense of concern,
- allow the person to verbalise their feelings, but cut it short if the anger escalates.
- do not respond to emails that are aggressive or the employee finds threatening

If you are out of the office and an incident happens you should remove yourself from the situation and contact your team manager without delay.

Appendix 2: Sample Letters

Sample (a)

Dear

Recent Inspection visit to

I am writing to you in my capacity as Head of

I have been advised that on during an inspection of the above care service undertaken by two Care Inspectorate employees the employees had cause for concern. The incident occurred during the feedback session when the manager's behaviour was perceived as being aggressive and obstructive. Our employees have the right to remain free from verbal abuse in the workplace.

The employees/their manager have alerted and about the threats made to them. As the employer of the individual I am alerting you to the situation under the "Code of Practice for Employers of Social Service Workers", and in particular code 2.2, 2.4, 4.1 and 4.3 which we feel your responsibilities lie in this situation.

We have also taken account of the incident in reporting on the quality of leadership and management within the inspection report and the grades awarded reflect our findings in relation to the "Codes of Practice for Social Service Employees" and in particular codes, 5.1 and 5.8.

If your employee continues with this behaviour in the future we will have no hesitation in making a report to Police Scotland and SSSC in relation to both the employees' behaviour and your responsibilities under the codes. I trust that this will not be necessary and that any future interaction with Care Inspectorate personnel will be both professional and respectful.

Yours sincerely

Sample (b)

Dear ...

Recent email and telephone communications from you to Care Inspectorate employees

I am writing to you in my capacity as Head of ...

I have been advised that on ..., you sent an email and made and made a telephone call to Care Inspectorate employees based in I am of the view that these communications were abusive and threatening in nature.

Furthermore, I am aware of several other telephone calls and emails which you have made to employees of the Care Inspectorate, where the tone and content of your communication has also been aggressive and abusive.

Our employees have the right to remain free from verbal abuse and threats of physical harm in the workplace. I must insist that you cease communicating in this manner with members of Care Inspectorate staff.

If you continue with this behaviour I will have no hesitation in reporting you to Police Scotland and pursuing other available legal remedies. I trust that this will not be necessary and that any future interaction with the Care Inspectorate personnel your manner of communication will be respectful.

Yours sincerely