
Meeting: General Purposes Committee
Date: 24 August 2010
Subject: To receive and adopt the Violence and Aggression Policy with immediate effect.

Report of: Acting Assistant Director - People

Summary: The report is to seek Member agreement that the Violence and Aggression Policy is adopted for all non schools based employees and where applicable for Members.

Contact Officer: Catherine Jones, Head of HR Strategy

Public/Exempt: Public

Wards Affected: n/a

Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

This policy contributes to the Council's requirement as an employer to have policies and procedures in place to help ensure the duty of care to its employees and Members.

Financial:

None specifically arising from this report but approval of any claims under the policy may incur costs.

Legal:

The Council has a legal duty to ensure the health, safety and welfare of its employees under the Health and Safety at Work Act 1974 and regulations made under that Act. This policy will help the Council to comply with its obligations under that legislation.

The proposed policy also includes arrangements for the Council to provide financial assistance to Members who are at threat of harm or damage to their property as a result of their activities as a Member of the Council. The relationship between the Council and its Members is not an employment relationship and so the liability of the Council is not a strict one under the legislation. Nevertheless, the Council may regard the proposed policy as being calculated to facilitate or conducive or incidental to the discharge of the Council's functions in accordance with section 111 of the Local Government Act 1972. The application of the policy in any given situation would need to be based on real evidence that the threat to the Member was attributable to his or her role as a Member of the Council.

Risk Management:

None resulting from this report

Staffing (including Trades Unions):

Trade unions have been consulted on the policy and will continue to be consulted as the policy is implemented.

Equalities/Human Rights:

The policy takes account of equality legislation and human rights.

Community Safety:

n/a

Sustainability:

n/a

RECOMMENDATION(S):

1. that the Committee
 - (a) adopts the Violence and Aggression Policy for non schools based employees with immediate effect.
 - (b) agrees that any known claims since 1 April 2009 be assessed under the policy
2. that the Committee
 - (a) note that Members of the Council are also eligible to submit claims under the policy
 - (b) approves the procedure for submission of any claims by Members
 - (c) approves the limit of £1,000 (unless there are agreed exceptional circumstances) as the maximum contribution payable to a Member under the Violence and Aggression policy in any single instance.

(d) agrees that any known claims since 1 April 2009 be assessed under this policy.

Background

1. The Council has a duty of care to take reasonable action to provide protection to its employees and Members when they are carrying out their duties as employees or as Members of the Council.
2. The Violence and Aggression policy (attached at Appendix A) sets out the roles and responsibilities of the Chief Executive, Directors, Assistant Directors, Heads of Service, Line Managers, the Health and Safety team and employees with regard to providing appropriate levels of care and protection to employees and Members carrying out their duties.
3. It is important to note that while there are line management responsibilities to ensure the duty of care and protection, both employees and Members are also required to take due care and follow any published good practice and guidance to minimise the any possible risks and to undertake any specific training provided by the Council.
4. Violence at work is defined by the Health and Safety Executive as:-

“any incident in which a person is abused, threatened or assaulted in circumstances relating to their work”. Physical assaults and verbal abuse are the fastest growing health and safety concern in the workplace with verbal abuse often being a precursor to physical violence.
5. Normally HR and Health & Safety policies are specifically for employees. However it is important to note that the scope of this policy covers both employees and Members.
6. The terms of this policy would apply to Members in respect of any violence or aggression against themselves, their property or family, if sustained in the course of exercising their responsibilities as a Member of the Council.
7. In accordance with the Indemnity provided by the Council contained in Part 6 of the Constitution and for the avoidance of doubt the indemnity does not apply when Members are involved in political activities outside their responsibilities as a Member of the Council.

Management of any incident and subsequent claims

8. The policy sets out in detail post incident management in relation to employees. The cost of any risk reduction measures that are agreed will be covered by Service budgets.

9. For Members a different risk assessment and process need to be applied. The policy states that any incidents involving Members or their property must be reported to the Council's Monitoring officer. Any reported incident will subsequently be investigated by the Monitoring Officer upon the direction of the Chief Executive.
10. Post incident management will look at the risk reduction measures in place to prevent a reoccurrence. Serious incidents will be assessed through a risk assessment process and, depending on the level of seriousness may require Police input. The Health and Safety team will also be required to be notified.
11. If a Member wishes to make a claim this should be submitted to the Council's Monitoring Officer and any payment or compensation would require approval by the Leader in conjunction with the Chief Executive and the Monitoring Officer. Any costs would be paid out of the budget for Members' allowances.
12. It is proposed that, apart from exceptional circumstances (which would also require a detailed risk assessment), any contribution payable under the Violence and Aggression policy in any single instance will not exceed £1,000.

Review of Health & Safety policies for non schools based employees and Schools based Employees

13. We are currently reviewing all Health & Safety policies across the council for both non-schools and schools based employees. There is a programme of work that is being progressed by the Health and Safety Forum which is the management/trade union committee for non schools. It is planned to provide further information regarding the programme of work together with the Lone Working policy to the next General Purposes Committee.
14. There is a separate Employee Joint Health and Safety Committee for the Schools (management and the professional associations) and this is looking at health & safety policies for schools as there are differences in terms of management responsibilities. The programme of work agreed by this committee will also be provided to General Purposes at the next committee meeting. Until this review has been completed, all CBC schools continue to use legacy County Council Health & Safety policies which were in place at 31.3. 2009.

Appendices:

Appendix A –Violence and Aggression Policy

Location of papers: Technology House, Bedford.