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<b>REPORT TO:</b>	<b>FINANCE AND MANAGEMENT COMMITTEE</b>	<b>AGENDA ITEM: 12</b>
<b>DATE OF MEETING:</b>	<b>11<sup>th</sup> OCTOBER 2018</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>DAVID CLAMP 01283 575729 <a href="mailto:david.clamp@south-derbys.gov.uk">david.clamp@south-derbys.gov.uk</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>POTENTIALLY VIOLENT PERSONS POLICY</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: FM17</b>

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## **1.0 Recommendations**

- 1.1 To approve the Potentially Violent Persons Policy (Appendix 1) as part of the Council's Health and Safety Management framework.

## **2.0 Purpose of Report**

- 2.1 That a Policy is adopted to provide a corporate approach for sharing information concerning persons that present a serious risk to the health and safety of employees and others when delivering services to the Community.

## **3.0 Detail**

- 3.1 The Council has statutory responsibilities under the Health and Safety at Work Act 1974 to protect employees at work from the risks associated with their health and safety. Accordingly, the Council is committed to ensuring that the health, safety and welfare requirements of its employees are met and that any risks are appropriately managed.
- 3.2 Whilst measures have been long established to protect employees who undertake lone working, work out-of-hours, visit people in their homes/sites or provide call-out services etc. there has been a requirement to coordinate how information can be safely and securely shared across the Council when incidents of violence or threatening behaviours have been encountered.
- 3.3 The Potentially Violent Persons Policy provides the required framework for this to occur and enables a corporate register of persons and/or properties to be established that can be shared across all services.
- 3.4 The Policy has been reviewed and approved by the Health and Safety Committee and the Joint Negotiating Group that both include Trade Union representatives.

## **Corporate Risk Register**

- 3.5 As part of the new arrangements, a corporate risk register will be held on the Council's IT network. This will be maintained and controlled by the Strategic Director (Corporate Resources). Access to the list will be restricted to nominated officers within each service who will be responsible for ensuring that any information is only shared with other employees or other persons providing services on behalf of the Council where there is a known, serious risk to their health and safety.

## **Data Protection Act 2018**

- 3.6 The requirements of the Data Protection Act 2018 have to be observed with the obtaining, processing and sharing of data. This includes a requirement to inform any person in advance that they will be placed on an internal risk register due to their behaviour and/or actions towards a member of staff or other parties working with or on behalf of the Council.
- 3.7 The Potentially Violent Persons Policy has been reviewed to ensure compliance with the Act and appropriate actions in place to maintain the security of data and arrangements for any data to be reviewed, processed and securely destroyed.

## **4.0 Financial Implications**

- 4.1 None.

## **5.0 Corporate Implications**

- 5.1 The Council has a statutory duty under the Health and Safety at Work Act 1974 to protect the health, safety and welfare of their employees and other people who might be affected by their business. Employers must do whatever is reasonably practicable to achieve this.
- 5.2 This means making sure that workers and others are protected from anything that may cause harm, effectively controlling any risks to injury or health that could arise in the workplace. This Policy, along with the robust health and safety management framework that is already in place, ensures the Council is meeting this duty.
- 5.3 Legal implications – Advice and support has been obtained in the development of the Potentially Violent Persons Policy.
- 5.4 Employment Implications – There are no direct employment implications. If approved, a communication and training plan will be implemented to ensure that all officers, partners and contractors working on behalf of the Council are informed of this Policy and aware of their responsibilities to report incidents and keep secure any data that is provided to them when undertaking their duties.

## 6.0 **Community Implications**

- 6.1 The Council ensures that services are delivered in a fair, professional and courteous manner. It is, therefore, reasonable to expect that its workforce and others working on behalf of the Council should receive a similar level of behaviour when providing these services. When on the rare occasions there are serious concerns raised over recipients of services, that there is a robust and transparent framework in place to consider how services can be delivered and appropriate actions taken to safeguard employees and others.

## 7.0 **Conclusions**

- 7.1 The Policy provides a transparent and fair process for the Council to deal with any concerns raised by staff of others working on behalf of the Council who encounter behaviour that present a serious and known risk to their own safety as well as other colleagues.