

Committee(s) Establishment Committee – For approval	Date(s): 3 December 2018
Subject: Corporate Lone Working / Preventing Violence Policy – Draft (Version 1.2)	Public
Report of: Chrissie Morgan, Director of HR	For Decision
Report author: Justin Tyas, Health Safety and Wellbeing Manager (People)	

1.0 Summary

- 1.1 This report outlines a new corporate policy for Lone Working and Preventing Violence.
- 1.2 The purpose of the policy is to set a corporate framework with articulated responsibilities and arrangements, to protect staff, so far as is reasonably practicable, from the risks that are associated with lone working, violence and aggression.

2.0 Recommendation(s)

- 2.1 Members of the Establishment Committee are asked to:
- Approve the new corporate Lone Working / Preventing Violence Policy

Main Report

3.0 Background

- 3.1 Under the Health and Safety at Work etc. Act 1974 (HASWA) employers must ensure the health and safety of employees (and others) so far as is reasonably practicable. This includes providing a safe system of work, safe work place and safe access/egress.
- 3.2 The Management of Health and Safety at Work Regulations 1999 (MHSW) places explicit requirements on employers to carry out a risk assessment of the work activities undertaken by lone workers and others including where there is a potential for violence. The regulations require employers to reduce any significant risks identified by means of appropriate control measures. It is much better to take a proactive approach to this rather than wait for things to go wrong, as emphasised in our Corporate Health and Safety and Wellbeing Policy (HSP1).
- 3.2 There is no specific regulation for lone working / preventing violence. However, the broad duties of the HASAWA and MHSW Regulations still apply. They require identifying hazards of the work, assessing the risks

involved, and putting in place measures to eliminate or adequately control the risks.

4.0 Current Position

- 4.1 There is corporate guidance on lone working and various other related guidance notes in place. There are various systems such as risk assessment, training and lone worker devices to enable identification and management locally as appropriate to the risk.
- 4.2 There is a *Policy on Physical and Verbal Abuse of City of London Corporation Employees* (undated) which is approximately ten years old and has never been reviewed. This policy might be better described as 'guidance' because it fails to set out senior management responsibilities and suitable arrangements.
- 4.3 Members of the Safety Managers Forum were consulted on the draft policy prior to undertaking further consultation via the Corporate health Safety and Wellbeing Committee (September 2018). All Chief Officers were then directly consulted on the draft which was then endorsed by Summit Group. Other consultees included the unions.

5.0 Proposals

- 5.1 That a new corporate Lone Working and Preventing Violence Policy, as set out (draft Version 1.2), be approved by the Establishment Committee.
- 5.2 The proposed (new) policy aims to:
- Provide a corporate policy and arrangements for managing lone / remote working and violence at work (whether staff work alone or otherwise);
 - Increase awareness of safety issues relating to lone / remote working;
 - Protect lone workers, who are defined as those who work by themselves without close or direct supervision;
 - Protect front line staff who, as part of their job role, visit service users and clients in their homes and elsewhere both within the City of London and outside of the City;
 - Reduce risks associated with lone working / violence and aggression to a practicable and manageable level;
 - Manage and provide a safe system of works for lone workers and those who may be at potentially at risk of violence and aggression from the public, service users and clients etc.;
 - Provide an emergency system for dealing with incidents where staff feel at risk, vulnerable or become injured or incapacitated;
 - Ensure that appropriate action is taken where possible, against those people who harass, abuse or assault our staff;

6.0 Implications

6.1 Everything we do supports the delivery of the Corporate Plan's three strategic objectives, including contributing to a flourishing society, especially:

- ***People are safe and feel safe*** (Outcome 1);

6.2 The draft Lone Working / Preventing Violence Policy is entirely consistent with this approach, providing a corporate framework (with articulated responsibilities), and arrangements to support the corporate outcomes, and drive performance.

7.0 Corporate & Strategic Implications

7.1 The Health and Safety at Work etc Act 1974 (HASWA) remains the primary legislation which sets out the legal duties on health and safety. The Health and Safety Executive (HSE) are the principal enforcers and have a statutory duty to enforce the requirements of the legislation.

- 7.2 The Corporate Manslaughter and Corporate Homicide Act 2007 identifies senior management as people who play a significant role in making decisions about some or all of the activities managed/organised by the organisation.
- 7.3 It is an offence, if the way in which an organisation's activities are managed/organised, causes a person's death as a result of a gross breach of the organisation's duty of care, by senior management. Under the provisions of the 2007 Act, the offence is committed by the organisation although it is possible for individuals to be prosecuted for gross negligence manslaughter.
- 7.4 Under the Corporate Manslaughter and Corporate Homicide Act 2007 the maximum penalty is an unlimited fine and the court can additionally make a publicity order requiring the organisation to publish details of its conviction and fine.
- 7.5 February 2016 saw the introduction of the Sentencing Council's Definitive Guideline for the Sentencing of Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences. *The principal focus of the Guideline is to ensure fines are sufficiently substantial to have a real economic impact which will bring home to both management and shareholders the need to comply with health and safety legislation.* During the first two years this has certainly been the case, with multiple fines exceeding £1,000,000.
- 7.6 There are other various statutory instruments that contain legislative requirements in relation to health and safety. Failure to comply with these requirements can have serious consequences – for both organisations and individuals. Sanctions under the pre-existing legislation (Health and Safety at Work etc Act 1974 and associated statutory instruments, Approved Codes of Practice etc.) include fines, imprisonment and disqualification.
- 7.7 Brent Council was fined £100,000 (plus costs) in 2017 after lone/remote worker policy failure after two of their social workers were assaulted on a home visit (Appendix 1).

8.0 Conclusion

- 8.1 The City of London Corporation takes the health, safety and welfare of all staff extremely seriously. It recognises that violence towards staff is unacceptable and that staff have the right to be able to perform their duties without fear of abuse or violent acts.
- 8.2 The City Corporation recognises that some staff may have the requirement to work by themselves for periods of time without close or direct supervision, in isolated work areas and out of normal working hours. There is no general impediment to staff working alone but they should not be at a greater risk.
- 8.3 A lone working / preventing violence policy, with articulated responsibilities and arrangements, aligned to our corporate outcomes will provide an organisational framework for managing these occupational issues.

8.4 It is essential that staff *are safe and feel safe*, so that they can undertake and perform their duties free from fear and in the full knowledge that there are strong management procedures in place to ensure that effective action can be taken, should they find themselves in a threatening environment and need help.

9.0 Appendices

- Appendix 1 - HSE Press Release, 29 November 2017

10. Background Papers

- HSP 1 - Corporate Health Safety and Wellbeing Policy
- The Health and Safety at Work etc. Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Sentencing Guideline (Health and Safety) 2016

Justin Tyas

Health Safety and Wellbeing Manager (People)

T: 020 7332 1440

E: justin.tyas@cityoflondon.gov.uk

Appendix 1 - Appendix 1 - HSE Press Release, 29 November 2017

A local authority has been fined after two of its social workers were assaulted on a home visit by the mother of a vulnerable child they were visiting.

Westminster Magistrates' Court heard how, on 3 July 2015, two social workers employed by London Borough of Brent visited the home of a vulnerable child to carry out a child safety plan assessment. While note-taking, both social workers were struck over the head with a metal object by the mother, resulting in one of them being knocked temporarily unconscious. While both received serious wounds to the head, the social worker knocked unconscious was later diagnosed with Post Traumatic Stress Disorder (PTSD).

The investigation by the Health and Safety Executive found the local authority failed to follow its corporate lone working policy or violence and aggression guidance. No risk assessment was completed and staff were not trained accordingly. London Borough of Brent also failed to add an aggression marker to make the social workers aware of the hazards posed by the mother who was known to have a history of violence.

London Borough of Brent of Brent Civic Centre, Wembley pleaded guilty of breaching the Health & Safety at Work etc. Act 1974, section 2(1) and were fined £100,000 and ordered to pay costs of £10,918.88

After the hearing, HSE inspector Neil Fry commented: *"Violent and aggressive incidents are the third biggest cause of injuries reported to HSE from the health and social care sector.*

"The local authority in this case failed to adhere to and implement its own systems and procedure for the management of lone working and violence and aggression against social workers. This risk could have been reduced in a number of ways including carrying out the visit in a controlled environment, such as the local social workers' office."

Source: <http://press.hse.gov.uk/2017/local-authority-fined-after-social-workers-assaulted/>

HSE Press Release, 29 November 2017