**Helping You Work Safely for Kingston and Sutton**

**CAUTION BEFORE CONTACT SYSTEM POLICY**

1 **Background to violence and aggression at work**

Kingston Council is committed to supporting staff to provide a quality service to the public. Staff safety is an essential part of this, including the provision of information on workplace risks. This requires the sharing of information about potentially violent and aggressive persons who may pose a risk to staff.

2 **Caution Before Contact**

The Caution Before Contact (CB4C) provides Council staff and partner organisations with background information prior to a meeting/visit with a member of the public, enabling them to make an assessment of the risk and use appropriate measures to protect their health and safety. CB4C is a confidential database managed by the Occupational Health, Safety and Wellbeing Team (Health & Safety Team) and contains details of: - the names and addresses of individuals who have demonstrated violent or

abusive behaviour towards Council staff, or agents acting on behalf of the Council, in the course of their duties; - individuals who have any sanctions imposed that exclude them from Council premises and/or any legal actions taken against them with regard to violence and aggression. CB4C allows the Council, schools and partner organisations to share information about those who pose a risk of aggression to staff.

3 The CB4C can help protect staff by providing;

- a central database of ‘shared information’ (any client database used by the

Council or partner organisation is not accessible to all staff) - a mechanism by which staff can be made aware of past aggressive actions of

members of the public and clients. - information on which to plan visits to potentially violent persons - accessible information available on any internet-accessible device and the

Council’s Citrix App

4 **The purpose of the CB4C database**

The purpose of the CB4C is to help protect staff employed by the Council, agents working on their behalf and partner organisations. The CB4C enables the Council to meet its statutory requirements with regard to the health and safety of staff and those who could be affected by the Council’s undertaking, and information held on the CB4C will be used for this purpose only. Records held on the CB4C will be maintained in accordance with the requirements of data protection legislation.

**5 Access and reference to the CB4C**

The CB4C is an online, internet based system that can be accessed through the Council’s Intranet site or directly by external users such as schools and is available to all staff. It is also available to staff anywhere who have internet-accessible devices through modern desktop.

1 Caution Before Contact Jan 2019

**Helping You Work Safely for Kingston and Sutton**

6 The CB4C should become part of the routine assessment prior to dealing with

members of the public and should be referred to when a member of staff is required to make a home visit. The database will be available on a search by various criteria: name, address, or postcode.

**7 Criteria for inclusion on the CB4C database and imposition of exclusion**

**sanctions / taking legal action** Individuals will be included on the database and be considered for the imposition of sanctions / taking legal action where there is evidence of: - Physical assault, whether this has led to injury or not - Other aggressive physical behaviour - Verbal abuse including threats, racial and/or sexual harassment - Violent behaviour resulting in damage to property, whether own or others

8 This document cannot detail *degrees* of violence or abuse. Line managers are

required to exercise their professional judgement as to whether an individual has demonstrated sufficiently violent or abusive behaviour to warrant inclusion on the database. They should also consider, where applicable, the imposition of a sanction/legal action. Where a line manager is unsure, the decision as to whether an individual is included on the database and whether a sanction is to be imposed rests with their Service Manager or above. The Health & Safety Team will make the final decision in regard to a person being added to the CB4C.

9 Line managers should note that they may be required to account for, and

produce evidence to, substantiate their recommendations in the event of a complaint.

**10 All incidents of violence, abuse and aggression should be reported**

**following the RBK accident/incident reporting procedures.** The appropriate line manager, who will discuss with the employee, whether to include the individual on the CB4C database and will investigate the incident. In some circumstances, it may be necessary to refer to the Service Manager and / or the Health & Safety Team. As detailed in Section 10, the Health & Safety Team have the final decision on the report added to CB4C.

11 The following examples should be followed as criteria for entry onto the CB4C;

the list is not exhaustive and these are examples for guidance purposes only:

2 Caution Before Contact Jan 2019

**Inclusion onto the CB4C Database** Verbal or physical abuse by a member of the public, parent, pupil or client’s family to an officer that could have an impact on other council officers or partnership colleagues

Yes

Animals being used as a threat against officers Yes Verbal abuse by a client or pupil that has a threat of violence behind the abuse e.g. “I’m going to wait until you’ve left work, then kill you, you b\*\*\*\*\*d”.

Yes

Client to client verbal or physical abuse in a Care related setting e.g. residential or day centre

No

Pupil to pupil verbal or physical abuse No Client to carer verbal or physical abuse in a Care related setting (if it is contained within the unit as part of a behavioural problem, without potential for there to be violence outside the normal environment). It is the responsibility of staff to make any visitors aware.

No

**14 Legal Support**

The Council will take legal action to protect staff against persons who have subjected them to violence, threats of violence, abuse of a serious nature, and/or harassment. Provided there is sufficient evidence, this action may include: - a civil injunction to protect staff by prohibiting the person from a course of

conduct or excluding a person from the premises or a particular area. - A Civil Injunction or Criminal Behavioural Order under the Crime and Disorder

Act 1998 to prohibit the person from behaviour which has caused or is likely to have caused harassment, alarm or distress. - a civil injunction under the Protection from Harassment Act 1997 to restrain a

person from pursuing any conduct which amounts to harassment of staff

15 **Referring an individual for inclusion on the CB4C database**

In the event of a violent or abusive incident occurring the Council officer involved must complete an accident / incident report form. It is important to remember that it may be a very traumatic experience and staff may require time to gather their thoughts before completing the paperwork. However, it is crucial to ensure the information is recorded for the protection of other staff.

16 The Line Manager should discuss the incident with the individual as soon as

practicable to check/verify the details provided and complete the management sections of the accident report form. If the manager assesses that it is appropriate for an individual to be included on the CB4C database, they must complete a cover sheet of additional information (Caution Before Contact Form). Copies of this CB4C Form and accident/incident form must be sent to: - the Occupational Health, Safety and Wellbeing Team - email = healthandsafety@kingston.gov.uk.

3 Caution Before Contact Jan 2019

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**Type of Incident**

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17 Any forms that are incomplete will be sent back to the originating manager for

completion before entry onto the CB4C database. The delay could put other members of staff at risk, so please complete the forms fully.

18 Where there is uncertainty about placing individuals details on the CB4C

database, the Line Manager should refer the case to the Service Manager, or above, for a decision.

19 Decisions about exclusion sanction / legal action will be agreed with the Service

Manager or above. Sanctions will be time limited and will either:

exclude an individual from all Council premises or exclude an individual from specified Council premises or require that an individual may only visit Council premises by pre-arranged appointment as agreed with an appropriate, named manager.

20 Where legal action is taken, e.g. an injunction, when it is served will also be

recorded on the system.

21 **Time period for inclusion**

All entries on the CB4C will be automatically flagged for review. The period for inclusion on the CB4C will be **two years**. A review of their inclusion will be made prior to the expiry date and will take into account all information collected about the individual since they were placed on the database. The review will result in either the individual’s details being removed from the database or the period of inclusion being extended. The review of all entries will be carried out by the Health & Safety Team in consultation with the originating manager.

22 There will be some incidents, due to the nature or their severity, which although

reviewed regularly, will remain on the CB4C.

**23 External disclosure of information**

Information may be disclosed on request, on a strict 'need to know' basis, to agents of the Council or partner organisations who are required to visit customers / clients in their own homes or their business premises or other location. No other disclosure of this information should be necessary. Any third party access to the Caution Before Contact will require a signed agreement on usage.

24 **Notification to the individual and exemptions**

In order to comply with the Data Protection Act 2018, an individual should be informed when a decision has been taken to include them on the database. The Service Manager, or above, will notify the individual by letter (template available). A copy of the letter should be kept with the paperwork and forwarded to the originating manager.

4 Caution Before Contact Jan 2019

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25 Informing an individual is not necessary if an exemption can be applied under Article 23 of the General Data Protection Regulation. It can be applied for the purposes of:

▪ prevention or detection of crime,

▪ the apprehension or prosecution of offenders.

It also permits the Council to deny the individual his / her right of access to personal information held. This means the individual does not need to be informed that their details are recorded on the CB4C where the Council believes that the prevention or detection of a crime may be significantly prejudiced if he / she is told. This would be used on those occasions where it is felt that informing an individual that information held about them could provoke a violent incident. Other than where an exemption applies, the Council will take all practical steps to ensure that any individual who has been included is notified to this effect. Notification will include details of sanctions imposed where this applies.

**26 Information from a third party**

Only the details of individuals who have acted in a violent of threatening way towards a member of staff will be included on the CB4C database.Third party information may only be accepted from other reliable sources, e.g. police and other public sector bodies.

27 Unsubstantiated speculation, rumour or opinion cannot be taken into account.

**28 Retention and review of information**

The Health & Safety Team will review information held on individuals every two years or earlier if more information is received.

29 The originating manager, or current line manager, will determine whether an

individual is to remain on the CB4C database and whether a sanction is to be removed or extended. As part of the reviewing process, the originating manager should check that all details regarding the individual and property are the same e.g. the address is still valid. If several incidents have been reported from different groups and recorded against one individual, it will be necessary to ensure that all parties are involved in the review making process.

30 Managers will be required to respond within 14 days to requests for review of

information held.

31 Individuals who are considered to no longer represent a risk to staff safety will be

removed from the database by the Health & Safety Team.

**31 Emergency registration**

There may be situations in which an individual has demonstrated violent behaviour of such an extreme nature that it is considered necessary to effect immediate registration. In these cases, the information will be entered onto the database as ‘under investigation’ prior to all paperwork being completed.

5 Caution Before Contact Jan 2019

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**32 Extenuating circumstances**

There will be some circumstances that may lead people to act out of character and become aggressive e.g. suffering a recent bereavement. If such circumstances are known, it is important than these details are recorded on the CB4C form, and, dependent upon the nature of the circumstances, it may be necessary to categorise the person under a low risk and frequent review category i.e. less than two years.

**33 Incidents of good behaviour**

If an officer has received a warning flag regarding an individual prior to a visit and subsequently a good visit is undertaken then the positive aspects of the visit must also be noted, and passed to the Health & Safety team for input onto the database.

**34** This ensures that all good behaviour is also recorded and helps to establish a

complete picture, which is essential for reviewing the record. In a similar fashion, if a letter or telephone call of apology regarding an individual’s behaviour is received then this information should be recorded. No separate form has been designed to record such behaviour. This information could take the form of case notes, memo, e-mail, letter, etc. The onus is with the receiver of such information to ensure that it is passed to the Health and Safety team as appropriate. The information can then be transferred to the notes section of the record held on the CB4C database.

**35 Maintenance of computerised and manual records**

All records with regard to the CB4C must comply with the requirements of data protection legislation as follows: - they must only be used for the purpose of protecting staff - they must be adequate, relevant, accurate and kept up to date - they must be subject to regular review in order to ensure that information is not

kept for any longer than necessary - they must be kept secure and be subject to controlled access, so that

information is only available on a strict 'need to know' basis

36 The record on the individual will comprise the completed RBK accident / incident

report form and any other written details the Council officer and line manager has provided as supporting evidence. It is crucial that in the event of a complaint, there is adequate evidence to substantiate the inclusion of an individual onto the CB4C database. It is also important for review purposes that there is sufficient information to make a decision as to whether or not it is reasonable to maintain information about an individual on the database.

**37 Access to records (subject access requests)**

Individuals have the right of access to their records under data protection legislation. In the event of a “Subject Access Request”, this should be referred to

6 Caution Before Contact Jan 2019

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the Council’s Customer Care and Improvement Team via email; foi@kingston.gov.uk.

**38 Information held about violent children**

If the incident involves a child under the age of 18 years, the matter should be discussed with Achieving for Children before any further action is taken.

**39 Information held about witnesses**

In some situations it may be applicable to record details of witness statements. This information will be held on the RBK accident / incident report form and not on the CB4C database. The CB4C database is solely for the purpose of protecting staff health and safety and information from witnesses would not be relevant, unless they too had exhibited violent behaviour.

7 Caution Before Contact Jan 2019