



POLICY REGARDING THE PHYSICAL AND VERBAL ABUSE OF CITY OF LONDON CORPORATION EMPLOYEES

Statement of Intent

1. The City of London Corporation is committed to taking all reasonably practicable precautions necessary to ensure the safety and well being of all its employees and endeavours to ensure that all employees are protected from physical and verbal abuse whilst they are at work. This Policy relates to incidents affecting employees initiated by people who are not employees of the City Corporation (e.g. clients, members of the public, contractors etc.) and which occur as a result of the employee undertaking or representing the business of the City Corporation. The City Corporation's commitment extends to employees who work away from Departmental bases.
2. This should be read in conjunction with the [Employee Complaints Procedure](#).

Definition of Physical or Verbal Abuse

The Health and Safety Executive's definition of work related violence is:

"any incident in which a person is abused, threatened or assaulted in circumstances related to their work".

3. In the context of the City Corporation's Policy, physical and verbal abuse also includes:
 - unreasonable and/or offensive behaviour
 - harassment
 - threatening behaviour (e.g. non-verbal insults or indicators such as gestures or "squaring-up" without physical contact etc.)
 - assault including battery
 - attacks on or damage to property belonging to the employee (or the City Corporation where the employee is present or is made to feel threatened)
4. The City Corporation seeks to ensure that it takes all reasonably practicable steps to control, reduce or eliminate the incidence of:
 - physical or verbal abuse of its employees, including racial and sexual harassment



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- unwanted advances and attention commonly referred to as stalking
- assaults upon employees by clients, contractors or members of the public which is as a result of their employment by the City Corporation
- attacks on or damage to the property of City Corporation employees which result from their employment

Strategy

5. In order to achieve the long term aims of the Policy the City Corporation needs to adopt a Strategy which approaches the risk both directly and indirectly. The following paragraphs contain some initiatives that may be used to reduce the risk of verbal or physical abuse. The list is not exhaustive and Departments may consider them individually based on merit and impact. These are not included elsewhere in the Policy, which deals directly with personnel issues.
 - Schools liaison – working with schools on various projects, science and nature, work experience.
 - Community initiatives and User Groups – discussing issues with customers and establishing an agreed level of service or expectation.
 - Advertising – Using posters and information within leaflets and brochures to highlight or inform the public of our policy or issues associated with verbal and physical abuse.
 - Issuing advice – giving out leaflets and information to small businesses regarding violence in the retail, restaurant, building etc. trades.
 - Money handling – Give discounts for payment by debit or credit cards. Give incentives or assistance to people to open bank accounts and pay bills by direct debit. Set up internet points in housing estates or community sites so that people with limited mobility can shop via the internet (via their new bank account and debit card).
 - Design in safety – Look at the layout and security of new premises.
 - Simplifying forms and reduce the numbers required.
 - Providing help desk numbers on free phone and manning them with real people.
6. The following sections will seek to indicate how the City Corporation will achieve its other aims. This policy is a strategic document and



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is not exhaustive in its content. Reference may be made to individual documents or Departmental policy where appropriate.

Planning and Risk Assessment

7. The most important part of planning is effective risk assessment. It is the duty of an employer to assess the risks to which employees may be subject and reduce, control or eliminate those risks as is reasonably practicable. This duty will be included in the roles and responsibilities of managers. How this is decided will depend on the Departmental Health and Safety Management Policy.
8. Unlike most risk assessments, where the hazard is based on the employee working within a structured system and/or with equipment which operates in a mostly predictable way, the hazard for Verbal and Physical Abuse is unpredictable as it is based on two human elements and their interaction. The City Corporation provides a number of templates for the assessment of risk which can be adopted or adapted within Departments. These include:
 - A Task Analysis Form – used to assist in the assessment of severity and likelihood
 - A Job Safety Analysis – used as a narrative to review the task as a whole.
 - The Risk Assessment Form - to provide a management control and review document.

Full guidance will be provided separately.

9. Managers must assess and review:
 - The tasks concerned
 - The layout of offices, premises and sites
 - Any impact factors particular to the locality or population
 - Departmental Policy and guidelines for Verbal and Physical Abuse
 - Training
 - The provision of Equipment including Personal Protective Equipment.
10. When advertising jobs, managers must include a statement regarding the expectation for dealing with conflict. This may be included in papers sent to prospective candidates in the recruitment



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package. Any subsequent recruitment procedure (including interview) should take this area into account in evaluating suitability of the candidate for the role advertised.

Training

11. Appropriate Training must be provided to reduce, control or eliminate the likelihood of a risk being realised. This training must be directly related to the duties undertaken, level of expectation and legal restraints. Training is not limited only to specific courses but should begin as a part of the induction process as well as by the mentoring system.
12. The City Corporation will provide a limited number of courses centrally and maintain a list of approved training providers. These will have an understanding of the business and requirements of the City Corporation. Departments must use these should they require specific training.
13. The training will be structured in four tiers:
 - a) *Dealing with Conflict* - Verbal skills, Listening Skills, Customer Care, Recognising Warning and Danger Signs, Non Verbal Indicators, Positioning etc.
 - b) *Soft Skills / Disengagement* - Using Non Pain Inducing Disengagement Techniques to Basic Strikes to effect withdrawal from an assault.
 - c) *Physical Intervention Skills* - Used to control or protect oneself or another from unlawful assault and interventions used to hold and restrain another person.
 - d) *The Law, Understanding Risk / Risk Assessment* - For supervisors and Managers.
14. Each Training Type is seen as a building block so those needing part (c) will also need parts (a) and (b). It is envisaged that Legal aspects will be covered at each stage and the main emphasis will



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be on verbal skills and withdrawal. Managers and Supervisors should involve themselves at part (a) training, but may then take part (d) as a separate unit (building in other units as required).

15. Training will be evaluated at every stage to test:

- Individual understanding
- Departmental needs
- Relevance
- Contemporary
- Legal Compliance

Dealing with Conflict

16. The purpose of defining strategies for dealing with conflict is to enhance safety and professionalism.

17. The emphasis for the resolution of any conflict or encounter will be firmly based on recognition of warning and danger signs and the use of verbal skills, customer care and withdrawal.

18. Those personnel recognised as an established constabulary (Hampstead Heath and Epping Forest) have some powers of arrest under Statute and Bye Laws. The use of these powers will be contained within local guidance.

19. In certain circumstances the situation may arise where there is physical contact or engagement with a member of the public. In these circumstances we must be guided by statute or common law rules for the use of force, these are:

- Common Law – To prevent or ward off unlawful force (assault); rescue another person from attack or prevent an attack; to avoid or escape unlawful detention.
- Criminal Law Act - A person may use such force as is reasonable in the circumstances in prevention of a crime, or in effecting or assisting in the lawful arrest of the offenders or suspected offenders or persons unlawfully at large.

20. Force must only be used as:

- Reasonable in the circumstances
 - An absolute necessity
 - The minimum amount necessary
 - Proportionate to the seriousness of the circumstances
21. Again it must be remembered that in the interest of safety, verbal reasoning and withdrawal is always the first option.
22. Reasonable force is not defined in law, however for our purposes we will use the conflict resolution model. This is where there is an interaction between the behaviour of the subject (person being dealt with), consideration of any impact factors (size, sex, weapons, alcohol etc.), and employee response. Along with this we must then also consider **Preclusion**, e.g. having tried all methods to offer assistance or resolve issues and, **Judgement** e.g. based on the response and actions or attitudes of the subject, any action taken was taken to protect ourselves or others in order to control the situation or affect an escape. It must be remembered that this is a model and circumstances may dictate that a situation escalates very quickly and responses will reflect this.
23. Further guidance in this area will be given during training and provided in the form of a handbook covering individual Departmental procedures where required. Employees will be expected to act in accordance with the guidance contained within this hand book.

Support

24. The City Corporation takes a serious view of any incidents of verbal and physical abuse against its employees and will support them if assaulted, threatened or harassed whilst carrying out their duties or representing the City Corporation. The support will also extend to situations where an employee uses reasonable force (as covered in Paragraph 19) and in so doing causes an injury to the assailant and then faces legal action by the assailant or another agency.
25. Managers first concern must be to towards the persons affected by the incident and their physical and mental condition and arranging first aid or medical attention. They should also, where possible, arrange to secure the area including any evidence, identify



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witnesses and ensure that the Police have been contacted (see Paragraphs 39 - 47).

26. Counselling must be arranged as soon as possible and, depending on the severity of the incident, this may be undertaken by trained professionals. Managers must advise the Occupational Health Advisor immediately following and employee's involvement in, or witnessing of, a severe act of violence or aggression so that this counselling can be provided.
27. Managers will provide assistance to the victims of violence in the completion of the Incident Report Form and, where appropriate will ensure it has been reported to the Police. The Crown Prosecution Service (CPS) may decide to prosecute the assailant.
28. If it is either possible or appropriate to do so the Manager may take limited action against the assailant pending investigation, for example, to exclude them from the workplace.
29. If the CPS decide not to take action, the employee may decide to take action personally in his or her own name. If the CPS decide not to take action, the employee may decide to take action personally in his or her own name. If the employee's manager believes that the City Corporation should support the employee in this action then the report on the incident must be provided to the relevant Chief Officer with a copy to the Director of HR. In consultation with the Comptroller and City Solicitors, the Chief Officer will decide whether the City Corporation is prepared to fund the cost of seeking advice from an external solicitor on the merits of the case.
30. If approval is given for the City Corporation to fund this initial legal advice there are three options available to the employee:
 - The Manager will supply the employee a list of solicitors, provided by the Comptroller and City Solicitor, who undertake this type of work, and the employee can make a choice from this list. The manager will then supply the employee with a letter for the Comptroller and City Solicitor to the chosen solicitor describing the basis on which the City Corporation will be responsible for legal costs incurred.



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- If a union member, consult the Union which may offer legal help and advice. Costs may be borne by the Union.
 - Consult their own independent solicitor, the cost of which may be borne by the City Corporation, provided the solicitor agrees to operate within the procedure set out in Paragraphs 32 -37 below. In addition, the solicitor's fees must be comparable with the other solicitors on the agreed list.
31. The following paragraphs describe the procedure that will be adopted if the employee wishes further City Corporation assistance.
32. After the solicitor has been consulted by the employee concerned, and the solicitor has considered and reported on the merits of the case, a report is required to the Establishment Committee. The meeting of the Committee can be attended by the employee concerned, the solicitor and, if appropriate, the employee's union representative as well as the employee's Chief Officer.
33. The cost of obtaining the report from the solicitor will be met by the City Corporation, without any financial contribution by the employee concerned, although the City Corporation would expect the employee to take maximum advantage of the Legal Aid System so far as is applicable.
34. Having considered the solicitors report, and the officer's advice, the Establishment Committee will then consider the seriousness of the case, the likelihood of success and the City Corporation's own interests before making a decision on whether the City Corporation is willing to provide further financial support for the institution of legal action by the employee concerned.
35. If the Committee decide not to provide further financial support then the employee will be fully and clearly informed of the reasons for that decision so that the employee can reassess the position before becoming involved in any personal financial commitment.
36. If the Committee decide to provide further financial support, then the employee concerned and the solicitor will be informed that the solicitor is authorised to commence action on behalf of the employee concerned at the expense of the City Corporation, subject



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to the employee continuing to take maximum advantage of the legal aid system.

37. If the action is successful and the Court orders the defendant to pay some or all of the employee's costs, then any money actually received by the solicitor from the defendant should be paid to the City Corporation to reduce or eliminate the financial contribution made by the City Corporation, including the cost of any time off with pay granted to the employee concerned or any other employee who had given evidence. Any damages awarded will be retained by the employee.
38. The costs of providing legal support to employees who are victims of abuse by members of the public will be met from the Establishment Committee's contingency fund.

Reporting, Investigation and Review

39. The following is a précis of action to be taken subsequent to an incident. Full guidance will be given during training and under separate cover.
40. All incidents of Verbal or Physical Abuse must be reported even those where the issue is resolved satisfactorily. This is to enable managers to assess the effectiveness of training and controls; it also helps identify trends. A simple report form is provided for this. Managers must review this information and carry out investigations as required. They should also ensure that relevant information is circulated to all staff.
41. When investigating incidents it must be remembered that this is done not to gain evidence to prove a criminal act (the police will do this if necessary or solicitors in a private prosecution), but to establish causation (e.g. how did we approach the issue, what action was taken, how did the situation progress, was there any impact from the environment, was equipment effective etc.), and review the effectiveness of controls.
42. In cases of a serious incident the area should be secured as soon as practicable. Witnesses should be offered immediate support but nothing should be discussed which may effect or influence their recollection of events. Where possible witnesses should not discuss the events amongst themselves before making statements (also see Paragraphs 24 - 38). **Where required Incidents should also be**



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reported on an Accident Report Form and to the Health and Safety Executive on Form F2508 (see separate code of practice).

43. When completing reports or statements witnesses should concentrate only on facts, what they saw and not what they were told or their opinion. When describing the incident they should include what was said, how the issue was approached, the chain of events and a description of the mannerisms, expressions and demeanour of the assailant and finally what action was taken and why, and the outcome.
44. All reports will be sent to the Business Manager for local action initially and then forwarded to the Verbal and Physical Abuse Co-ordinator (*Health and Safety Section*) for recording and review.
45. Where, as a part of their duties, security personnel or employees discover an item which is or may be used as a weapon, where possible they should secure it (although they should not take any action that may put them at immediate risk), and immediately report this to their line manager. Separate instructions will be issued locally.
46. All incident reports will be reviewed on a regular basis by a small working group made up from representatives from employees, health and safety, personnel officers, managers and the trades union. Their aim will be towards continuing improvement to reduce risks and review the training provided.
47. Where it is indicated that the incident was influenced negatively by the employee involved and this contributed to a negative outcome, this must be acted upon and further support and training offered. In persistent cases, normal discipline and inefficiency procedures are to be followed.

Roles and Responsibilities

48. Business Managers will ensure that:
 - Risk assessments are completed and reviewed.
 - When advertising for a job that they include a statement regarding the expectation when dealing with conflict.
 - Assistance and support is provided where required (see Paragraphs 24 – 38).



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- Investigations are carried out and appropriate remedial action taken.
 - Reports are submitted to the HSE if required.
49. In large or diverse businesses the Business Manager may consider delegating some of the roles to a nominated person. It should be noted that whereas the duties can be delegated, the responsibility cannot and they will need to be aware of the current position by regular updates.
50. Line Managers will ensure that:
- Risk assessments are completed and reviewed.
 - Adequate supervision and monitoring exists
 - Training is delivered timely
 - Regular feedback on trends is provided to employees
 - Appropriate action is taken immediately an incident occurs (including medical help and other assistance as required) and that the area is secure.
 - Investigations are initiated and timely and support is given in the completion of reports.
51. Employees will ensure that:
- All incidents are reported
 - Feedback will be provided regarding contributing factors to incidents or perceived improvements which can be made.
 - They will work safely within the guidance provided, including any risk assessments and local guidance or notices.
52. Verbal and Physical Abuse Co-ordinator (*Health and Safety Section*) will:
- Maintain a data base
 - Identify trends
 - Co-ordinate feedback
 - Chair review group meetings
 - Liaise with training providers
53. Occupational Health Advisor will co-ordinate the provision of counselling and any subsequent assistance required in conjunction with Corporate HR.



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54. Health and Safety Advisor will:

- Amend Policy
- Produce reports on changes to legislation or other associated issues if required.
- Provide advice regarding external trends or case law.