

Sefton Council ZERO TOLERANCE POLICY

Foreword – Cllr Marion Atkinson, Leader of Sefton Council and Phil Porter, Chief Executive

Sefton Council is wholly committed to equality, diversity and inclusion across our organisation and across the borough. In line with our approved strategy and as part of our agreed action plan, the implementation of a policy of Zero Tolerance towards any discriminatory behaviour towards our workforce has been a priority. We are pleased with the robustness of the policy itself, and are committed to ensuring that it is implemented organisation-wide, as comprehensively as required, to ensure support for all members of our workforce wherever necessary. We also believe that the additional guidance accompanying this policy related to specific protected characteristics will also be beneficial from a learning and development perspective, as this is a key area of focus throughout our strategy and action plan.

Alongside this policy and the associated processes, we also recognise the need for an open and transparent culture that enables colleagues to raise queries and concerns wherever and however they see fit, whether that be through line management, one of our workforce groups, through our leadership teams, or elsewhere. As Leader of the Council and Chief Executive Officer, not only do we keenly endorse this policy, but we support the ongoing work to develop and sustain a culture that reflects these objectives, and that continues to support and to educate our people.

We are pleased with the progress Sefton Council is making in respect of delivery against its Equality, Diversity and Inclusion strategy and the associated action plan – but there is much for our organisation to do, and our leadership is determined to ensure that we continue to improve in every respect, as an employer as well as provider and commissioner of services, and as a place leader, to help Sefton to continue to be a borough for everyone.



Marion Atkinson

Cllr. Marion Atkinson
Labour Leader, Sefton Council



Phil Porter

Phil Porter
Chief Executive, Sefton Council

Introduction

Sefton Council is committed to providing a safe and secure working environment for all staff. The Council expects staff to treat service users, members of the public and other colleagues with respect, and expects staff to be treated in the same way. Acts of violence or aggression which an employee is subjected to during the course of their duties will not be tolerated.

The Council will deal with all instances of violence, discrimination or abuse against staff in a robust and proactive manner. This Zero Tolerance Policy and associated policies and procedures have been put in place to reduce risk and to enable staff to manage an aggressive or violent situation should it arise.

It is recognised that some employees may be at increased risk of unacceptable behaviour during their normal work routine due to the nature of the services they provide. The Council will therefore endeavour to reduce this risk to the lowest level reasonably practicable, and to respond effectively if incidents do occur.

An act of work-related violence or aggression is defined as any incident in which a person is faced with an aggressive or violent situation, is verbally or physically abused, threatened or assaulted whilst undertaking duties expected of them in the course of their employment, regardless of the location at which it occurs.

These include, but are not limited to:

Verbal Abuse: any verbal abuse issued with the intent of creating distress, fear or intimidation to another individual, or group of individuals.

Physical Abuse: any intentional movement of the body which may include touching, gesturing, pushing, striking, stalking, spitting, any unwanted intrusion of “reasonable space” of an employee or an intentional use of any object towards an individual.

Creating a Hostile Working Environment: any intentional non-physical action that can be considered intimidating or harassing or which involves the explicit or implicit challenge to the safety, well-being or health of an individual.



A Hate Crime: any criminal offence, perceived by the victim or any other person, as being motivated by hostility or prejudice based upon the victim's disability, race, religion or belief, sexual orientation or gender identity. This could include verbal abuse, physical assault, damage to property, threats, intimidation or harassment. If no criminal offence is committed it will be recorded as a hate incident.

The Council will make clear its stance on zero tolerance through prominent information in public places:

- One Stop Shops
- Council Buildings
- Family Wellbeing Centres
- Libraries and Leisure Centres

and will use the full extent of the law to protect its employees and support them in the prosecution of offenders.

To help reduce risk and impact further, all employees are reminded of their responsibilities as made under the Health and Safety at Work, etc. Act 1974 which dictates that they must take reasonable care of themselves and others who may be affected by their actions or omissions and to co-operate with the Council on matters relating to their health, safety and welfare at work.

Staff are encouraged to report all incidents so that robust data can be collected to inform future risk assessments, and so that action can be taken and staff referred for support if appropriate.

Line managers must record incidents that are reported to them, and ensure that staff are provided with appropriate support and any risk assessments updated as necessary.

Associated Policies

Assaults Upon Employees Policy – states that the Council will not tolerate any acts of violence or aggression towards any of its employees

The Dignity at Work Policy – makes a clear statement that unwanted or unaccepted harassment, bullying, victimisation or discrimination will not be tolerated.

Whistleblowing Policy – provides a confidential route for concerns to be brought to the attention of the Council without any fear of reprisals.

Lone Working Policy - gives guidance on what a manager should do and standards to adopt when staff are carrying out home visits

Roles and Responsibilities

Managers:

Managers should ensure that the Council's policy and agreed procedures are communicated to staff, service-users and visitors, and that they are made fully aware that the Council will take action on any assaults on employees, including reporting the matter to the Police.

Notices to this effect are displayed prominently within service areas.

Key responsibilities:

- Encourage and support staff to report all incidents of abuse
- Create a safe and supportive working environment where staff feel confident and comfortable to raise concerns, in the knowledge they will be listened to, understood and that their views about any further action will be respected;
- Establish a safe system of working and ensure that they have specific guidance for their service areas which is written and communicated appropriately to staff. This should include arrangements for lone/mobile workers;
- Carry out an assessment of the risk of violence /abuse within their working environment;
- Ensure that themselves and staff attend appropriate training;
- Ensure that records are maintained of risk assessments and training and that all reporting documentation has been completed;
- Ensure that staff receive relevant and timely support following incidents;
- Investigate reported incidents;
- Inform staff of the outcome of the investigations;
- Take appropriate action against service users who assault, threaten or abuse staff;
- Evaluate the effectiveness of any measures undertaken.

Employees:

All employees will conduct themselves in such a way as to reduce the possibility of any conflict and will not act in a way that would create a violent, abusive or unsafe workplace environment for themselves and others.

If confronted with a situation that has the potential to escalate into an abusive/violent incident an employee must make a serious attempt to remove him/herself from the situation and report the event to their manager.

All staff have the responsibility to:

- Identify high-risk situations and agree action plans with managers as part of the risk assessment process;
- Report and complete incident reports in an accurate and timely manner;
- Undertake all training identified as appropriate to their role;
- Always work in a professional way and be aware of how their own behaviour might be perceived by others;
- Consider the safety of others who may be affected by their actions or omissions;
- Make appropriate use of any personal safety equipment and facilities provided.

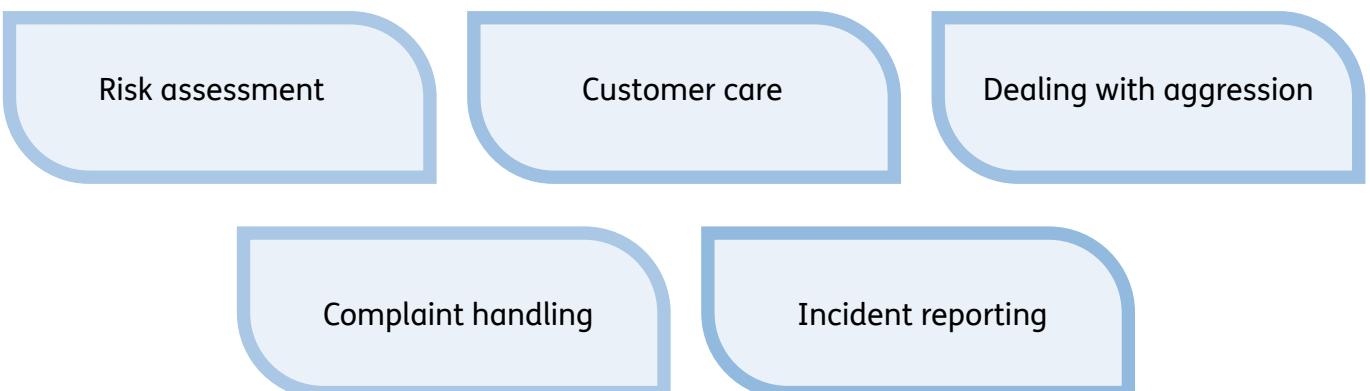
Training

Training is provided for appropriate employees to understand the challenges particular members of the community might face, manage conflict / personal safety aimed at equipping them to handle conflict and understand the issues of personal safety and the need for appropriate risk assessment and control measures.

Managers are responsible for ensuring their staff receive the training appropriate to their needs for their job role as identified in the risk assessment.

The type of training will depend on the area of work and the risk assessments associated to those activities.

Some of the training interventions that may be identified include:



Incident Reporting

Physical Assault, Threat of Physical Violence or Verbal Abuse

In the event of an employee being threatened, receiving verbal abuse or being physically assaulted in the workplace the Head of Service and the Health and Safety Advisor should be contacted immediately.

Consideration will be given in such event to reporting the matter to the police with the agreement of the employee who has been subject to the treatment.

The line manager will ensure that all possible preventive action is taken to minimise the risk of a similar incident occurring.

Actual incidents of violence and near misses will be reviewed as soon as possible after they occur, as a means of assessing whether or not there are any improvements that can be made to the risk assessment.

Police Involvement

Council employees are entitled to ask the police to investigate alleged incidents of assault against them. Management should fully support staff wishing to take this course of action.

Where there has been an act of violence in the workplace and the individual wants to prosecute, the council and the individual concerned would take advice from the police as to whether to proceed or otherwise.

Verbal Abuse

In the case of verbal abuse the Council may need to consider the seriousness of the incident before involving the police. For example, someone swearing at a member of staff could be dealt with administratively through warning letters about their behaviour. However, where the verbal abuse involves threats or the use of a weapon the police should always be informed.

Hate Crime

No hate incident or crime is too minor to report and staff are encouraged to report all incidents as soon as they occur. The hate crime reporting scheme supports people living and working in Sefton who have experienced any form of hate crime.

It offers anybody who has experienced or witnessed an incident the opportunity to report in an alternative location than a police station or to report it anonymously on Sefton's web page. Sefton Council is aware that some victims may wish to remain anonymous and respect their wishes. Fill in the online Hate crime Incident reporting form. It will be emailed automatically to the Sefton Council. The information will be stored and used only for monitoring purposes by the Sefton Safer and Stronger Communities Partnership.

Incident Report Form

An [incident report form](#) must be completed by the line manager of the employee subjected to the abuse / assault and forwarded to the relevant Head of Service and the Health and Safety Advisor.

The line manager will also ensure that any necessary support arrangements, such as counselling are offered.

Following a specific violent or aggressive incident by a member of the public/service user/visitor, and after appropriate consultation, the Head of Service will consider the possibility of banning the alleged offender(s) from Council premises.

Legislation – Equality Act 2010

The Equality Act 2010 defines discrimination as when a person is treated unfairly or differently because they possess one or more of the nine protected characteristics covered by the Act.

This treatment could be one off or a regular occurrence, direct or indirect and it also doesn't have to be intentional to be unlawful.

The protected characteristics are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Pregnancy and Maternity

Sefton Council have added Care Experienced to this list.

There will be additional guidance covering the protected characteristics following consultation with staff network groups and other stakeholders.

The Equality Act 2010 states that there are four main types of discrimination, these are:

Direct discrimination - Direct discrimination is when someone is treated unfairly because of a protected characteristic, such as their race or ethnicity. Direct discrimination also could include how a person's ethnicity is perceived regardless of whether this perception is correct or not, or the

race of someone they are associated with such as a friend or family member.

Indirect discrimination – Indirect discrimination is usually less obvious than direct discrimination. This can happen when an organisation puts a rule, policy or a way of doing things in place which has a worse or negative impact on someone with a protected characteristic than someone without one.

Victimisation - This is when you are treated badly or more unfavourably than others because you have made an allegation, supporting a complaint of discrimination, given evidence relating to a complaint of discrimination or raised a grievance concerning equality or discrimination under the Equality Act 2010. Victimisation may also occur if a person is suspected of doing one or more of the above.

Other forms of unacceptable behaviour include:

Microaggressions - is a term used for brief and commonplace daily remarks, questions, or actions whether intentional or unintentional, that communicate hostile, derogatory, or negative prejudicial slights and insults, particularly towards groups that are discriminated against or subject to stereotypes.

Macroaggressions - Large-scale or overt aggression toward those with a particular protected characteristic, such as sex, race, or sexual orientation. Macroaggressions are obvious intentional insults where there is no chance of a mistake on the part of the transgressor to be provoking, insulting, or otherwise discourteous.

Gaslighting - gaslighting is related specifically to psychological abuse surrounding the behaviour to which a staff member has been subjected. Gaslighting is when a victim is led to doubt and question their own sense of reality regarding the behaviour they have been subjected to. This can include countering a person's memory of events, withholding "understanding", refusing to listen, "forgetting" or denying that something happened, playing down a person's feelings as unimportant or irrational, questioning the credibility of what the person is saying and victim blaming.

Harassment - Harassment occurs when someone makes you feel humiliated, offended or degraded. Harassment is defined as unwanted conduct related to a relevant protected characteristic with its purpose of violating a person's dignity and or creating an intimidating, hostile or offensive environment for that person.

This policy acknowledges the new duty under the Equality Act 2010 that will require employers to take "reasonable steps" to prevent sexual harassment of their employees.

Equality Impact Assessment and Monitoring

Data will be collected as part of the wider Health and Safety incident reporting and will form part of the normal reporting regime to the Management Team.

The operation of this policy will be monitored for its impact on different staff groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

Data Protection

In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

