

Staffing Policy Committee
12th July 2023

Unwanted Behaviour from Members of the Public policy

Purpose

1. This policy and procedure describe the arrangements to deter, mitigate, report, and respond to unwanted behaviour by members of the public toward employees carrying out their work duties.
2. The main aims of this policy are to safeguard staff, and to fulfil the council's corporate legal and moral obligation to prevent harm to staff.

Background

3. In the six months to the end of March 2023, a total of 230 episodes of unwanted behaviour from members of the public were formally reported by staff.
4. Existing health and safety policies take a preventative approach to support the proper management of risk. Inconsistent reporting of instances of unwanted behaviour, and managers' requests for support, have highlighted the need for guidance on the application of remedial or responsive action.
5. The policy has been developed following consultation with managers from relevant public-facing services to formulate this policy. The policy has also been reviewed by the Heads of Service Forum, the Joint Consultative Committee, Legal Services and CLT.

Main considerations

6. The council has legal obligations under Section 2 of the Health and Safety at Work Act 1974 and Sections 3 and 13 of the Management of Health and Safety Regulations 1999 to protect the safety and welfare of employees through the compilation of suitable and sufficient risk assessment and the provision of suitable training.
7. The issue features on the corporate risk register with a current risk rating of 9, against a risk appetite set by Cabinet of <8.

Reason for the policy

8. The employer's responsibility under Health and Safety legislation is to apply measures that are reasonably practicable to help prevent harm to employees. Harm includes psychological distress as well as personal injury.
9. This policy will establish a consistent approach for risk assessment and staff training as core control measures, and provide escalation procedures for use during an incident and post-incident. This will protect staff from harm and help to protect the council from criminal or civil liability.
10. The adoption and implementation of the Unwanted Behaviour policy will empower staff to take safe, preventative action when faced with unwanted behaviour; and provide reassurance that their health, safety and welfare remains a core council priority.
11. It will provide managers with a consistent reference point and suitable templates to use in order to ensure perpetrators of unwanted behaviour are made aware of the consequences of their actions.
12. It will give visibility to the issue of unwanted behaviour within our customer base and create a deterrent to repeated or escalating behaviour.

Environmental impact of the proposal

13. None identified.

Equalities impact of the proposal

14. This policy was presented at an Equalities Impact Assessment panel on 15th June. All comments raised at this panel were taken into consideration.

Risk assessment

15. If this policy is not adopted, the council's liability and reputational risk will remain exposed beyond the risk appetite of the Cabinet. Enforcement action from the Health and Safety Executive and claims upon the council's employer's liability insurance policy will also remain a potential threat.

16. The adoption and promulgation of this policy will be a significant risk mitigation action. A high level of existing awareness among public-facing teams, coupled with local team procedures and ongoing scrutiny from the Health and Safety service will also continue to mitigate the current risk level.

Financial implications of the proposal

17. There are likely financial losses attributable to service disruption following instances of unwanted behaviour by members of the public, however these are difficult to quantify.

18. Costs associated with criminal or civil litigation could be significant. Court fines for breaches of health and safety legislation are now unlimited and the council self-insures against claims upto £400,000.

Recommendations

19. It is recommended that Staffing Policy Committee agree to approve this policy for implementation.

Kate Blackburn
Director Public Health

Report Author: Paul Collyer, Head of Occupational Health and Safety