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# *Potentially Violent Client Register*

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**CHANGE HISTORY**

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## 1. INTRODUCTION

The Potentially Violent Client Register (hereinafter: “the Register”) for adults and young people over 16 has been created to ensure that the council’s employees and any third parties are protected from any client, service user or member of the public with whom the council has dealings.

The Council has many teams which interact with customers and clients and where one team experiences a verbal/physical abuse incident or identifies a location that will pose harm to employees then the council has a duty to ensure that all those who interact with that individual or location are made aware of the potential risk to enable appropriate control measures to be implemented.

Entry onto the Register shall not be dependent on a physical location, i.e. a specific person and that person’s home address can be entered even if the abuse occurred in another location.

Having imported the information from the Register into the individual systems, employees will be able to make informed decisions about how to conduct safe and secure visits with service users.

## 2. DEFINITIONS

Potentially Violent Client Awareness Register:

A centralised database that contains names and/or addresses of persons who have initiated or participated in verbal or physical abuse against public employees, a record of dangerous animals at those addresses, or a physical location that contains a danger.

### 2.1 Verbal Abuse:

Includes but is not limited to the use of words to cause distress, harm, fear or alarm to the person being spoken to. It is difficult to define and may take many forms. Similarly, the harm caused is often difficult to measure. The most commonly understood form is name-calling. Verbal abuse may consist of shouting, insulting, intimidating, threatening, shaming, demeaning, or derogatory language, among other forms of communication.

## **2.2 Physical Abuse:**

Is an act of another party involving contact intended to cause feelings of physical pain, injury, or other physical suffering or bodily harm.

## **2.3 Dangerous Location:**

Includes but is not limited to a house where there is a danger of needlestick damage.

## **3. THE DATA PROTECTION ACT**

The Data Protection Act 1998 ( "the Act") imposes strict rules as to the recording and sharing of personal data, information held on the Register must comply with this legislation.

### **3.1 FAIR PROCESSING**

The first data protection principle requires that the processing must be fair and lawful. This means that a decision to enter an individual into the Register must be based on a specific incident or expression of clearly identifiable concern, rather than general opinions/hearsay about that individual/location. The individual or location should pose a genuine risk and the decision should be based on objective and clearly defined criteria and in line with a clear and established policy and review procedure.

The criteria should take into account the need to accurately record any incident and decisions should be reviewed regularly. When making a decision, the following should be taken into account:

- the nature of the threat or potential harm;
- the degree of violence used or threatened; and
- whether or not the incident indicates a credible risk of abuse/harm to staff.

For the processing to be fair, individuals who have been identified as being potentially violent should be informed of that fact soon after the decision to add their name to the Register has been made. They need to be made aware of:

- the nature of the threat or incident that led to the entry into the Register;
- that their records will show this;
- who this information may be passed on to; and
- when and if the entry will be removed or when the decision to add the name will be reviewed.

A template letter has been prepared and is available as Appendix 1 for this purpose.

In specific cases where informing the individual might in itself create a substantial risk of a violent reaction from them or cause the individual unwarranted harm or distress, it may not be sensible to inform the individual as described earlier.

The decision will be taken by Designated Officers who have access to the information required to make that decision. The Designated Officers are the relevant Heads of Service. The cases will be referred to these Designated Officers by any officer expressing any concern.

### **3.2   LAWFUL PROCESSING**

The Act states that personal data should not be processed unless one of the conditions in Schedule 2 of the Act can be met, and for sensitive personal data, one of the conditions in Schedule 3.

As employers have a duty of care towards their employees, for example under health and safety legislation, the appropriate Schedule 2 condition to allow processing of information is that processing is necessary to comply with any legal obligation imposed on the data controller (which in this case would be the employer). The appropriate Schedule 3 condition is that processing is necessary to comply with any legal obligation imposed on the data controller in connection **with employment**.

### **3.3   THE INDIVIDUAL'S RIGHTS**

The Act gives individuals the right to make a subject access request. In most circumstances, the fact that the individual's name is on the Register should be revealed. Any such request should be passed on immediately to the Data Protection Compliance Officer.

### **3.4   REQUESTS FROM INDIVIDUALS TO STOP PROCESSING THEIR PERSONAL DATA**

Section 10 of the Act gives individuals the right to require East Lothian Council to stop processing their personal data if this is likely to cause them substantial and unwarranted damage or distress.

If an individual submits a section 10 notice relating to the entry on the Register then employees and Line Managers should be aware that they may ultimately have to justify creating the entry in court.

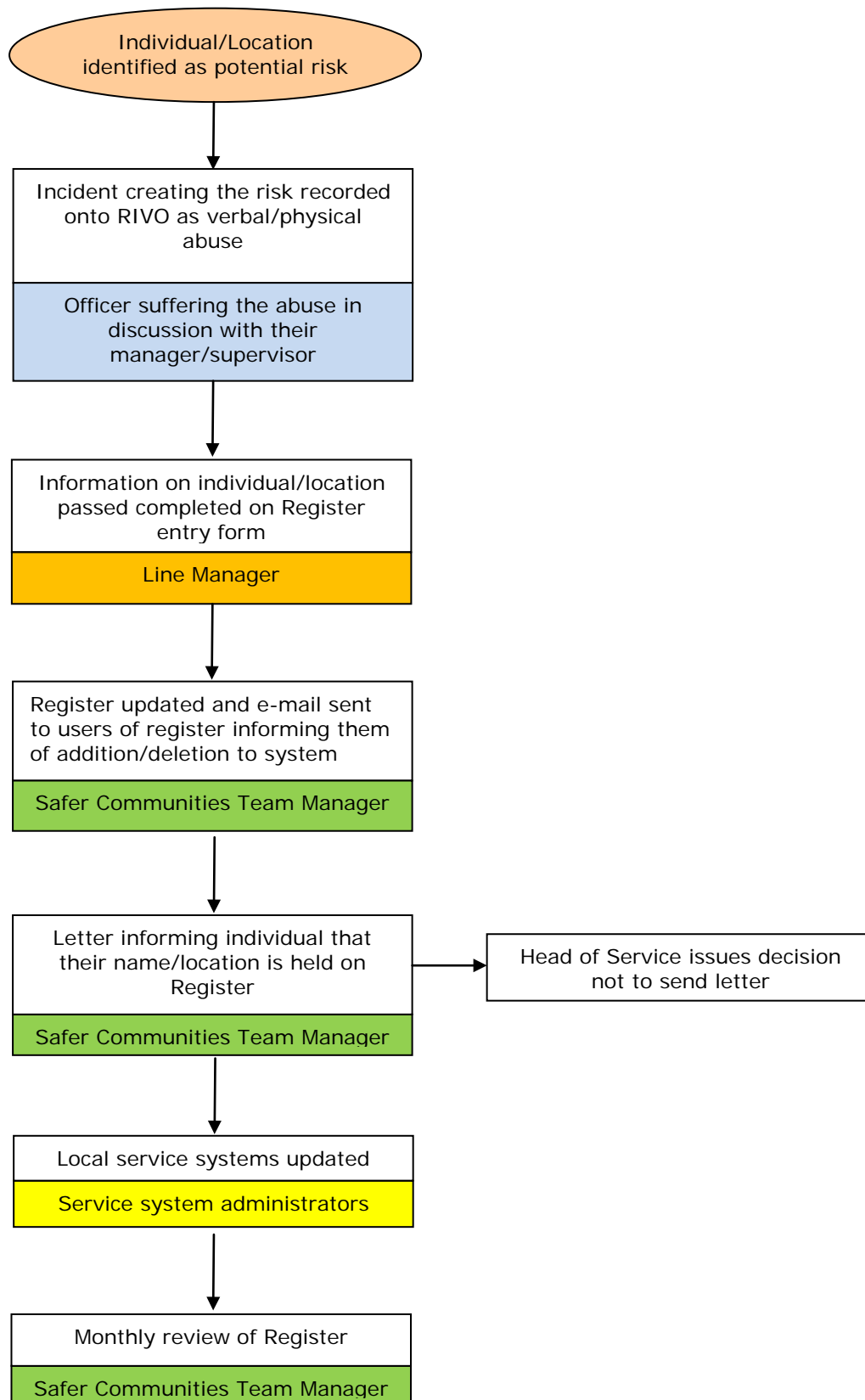
#### **4. RECORDING OF INCIDENTS/INDIVIDUALS**

When an incident occurs the employee involved will record the incident in the Council's Health and Safety Management Information system.

After the incident has been recorded the employee's line manager should ensure that:

- there is a clear and accurate account of the incident recorded in the Council's Health and Safety Management Information System.
- they complete and sign the Potentially Violent Client registration form (Appendix 2) before passing immediately to the Safer Communities Team for inclusion in the Register.

The process for adding, removing persons from the Register is as follows in the flow chart over:





#### 4.1 INFORMATION RECORDED

The Register will contain the following information:

- Forename
- Alias
- Surname
- Status
- Address
- Raised by
- Incident Code (Table 1)
- Original RIVO Incident Number
- Control Measures (Table 2)
- Date of entry onto system
- Date of review

#### 4.2 CODING INCIDENTS

Incidents on the system will be coded with the following information. This coding list will be reviewed on a regular basis.

**Table 1**

**CODE Level 1 Code - DESCRIPTOR**

ID1	Actual assault or a believable threat of assault made against staff
ID2	Threatening behaviour, spitting, stalking, threatening family, significant periods of silence that make staff uncomfortable etc.
ID3	Significant and/or prolonged verbal abuse
ID4	Family member of client may be a potential risk of V&A
ID5	History of Violence and/or Aggression (history need not involve employees)
ID6	Risk of needle stick injures at this location
ID7	Cognitive impairment

<b>CODE</b>	<b>Level 2 Code – CONTROL</b>
C1	Check Relevant Service-specific Risk Assessment (and <i>link</i> if possible)
C2	No Lone Visits
C3	Contact by mail only
C4	Relevant family member not to be present
C5	Male Staff only
C6	Female Staff Only
C7	Contact Key Worker Before Visiting or Giving out Information
C8	Police Constable to be present
C9	De-escalation techniques may be required
C10	Physical intervention and/or restraint may be required

#### **4.3 CASE STUDIES WHAT TO ENTER INTO THE REGISTER AND WHAT NOT TO**

For each of the Table 1 codes there will be occasions when details of the individual will be forwarded into the Register and occasions with it will not. Below is a table giving examples when to and when not to forward someone's details onto the Register.

CODE	Forward to Central List	Not forward onto central list
e.g.1	Kitchen fitting team starts on day one in Council house to replace kitchen. The tenant is drunk and takes offence at strangers in their house. The tenant grabs a baseball bat taking a swing at the joiner who is passing the client at the time. The baseball bat does not make contact with the joiner.	There are no examples of actual or threatened violence that should not be forwarded to the central list.
e.g.2	Officer is visiting a client who has a large dog. During visit the client calls their dog to their side. Dog proceeds to growl, bare his teeth and intimidate officer.	Staff member has cat phobia and client is an old lady who has 3 cats
e.g.3	Antisocial Behaviour team member is called to family following complaints from neighbours of family member riding his moped late at night, family member is verbally abusive to ASB team member and is supported by family.	Member of public calls officer a name over the phone.  Where abuse taking place over the phone or in Council premises on a single occasion this would not be recorded onto the central list.
e.g.4	Young child under compulsory supervision order at home with birth mother. Social worker visits and grandparent of child is in attendance and threatens worker.	Individuals well known to officer who are drunk, make irrational threats to officer and apologise once they are sober.
e.g.5	Elderly client with dementia with a history of violence and aggression needing home help.	Client with spent conviction in their youth who has not since re-offended.
e.g.6	Substance misusing client with a history of intravenous drug taking.	Substance misusing client with no indicators of intravenous drug use.

## 5. MAINTAINING THE REGISTER

The Safer Communities Team is responsible for updating the Register on receipt of the completed Potentially Violent Client Registration Form.

## 6. PASSING DATA ON TO OTHER ORGANISATIONS

The information will be shared with third parties in accordance with the relevant data sharing or data processing agreements.

If providing the information to another organisation is necessary to alert them to the potential risk to their staff, this will be justified even though no Schedule 3 condition directly applies. A Senior Designated Officer should determine this on a case-by-case basis where there is a credible risk that an unlawful act, such as an assault, will occur. The Senior Designated Officer should only provide the information to an individual of a similar level in the other organisation. If the entry is changed or removed during review, this will need to be communicated to the other organisation.

## 7. RETENTION

The fifth data protection principle states that personal data should not be kept longer than necessary. Thus, entries on the register must be removed when it is established that there is no longer a threat.

This should be part of the standard review procedure. It is recognised in some cases that entries may require to be kept on the Register for longer periods, e.g. when there is a record of a client becoming violent when it is known that they have not been compliant with their medication regime.

Once a person, or address, has been placed on the Register it will be reviewed for accuracy at six-monthly intervals by the Safer Communities Team taking guidance from originating service area and removed as per guidance over:

- ID 1: After 5 years
- ID 2: After 2 years
- ID 3: After 1 year
- ID 4: After 1 year
- ID 5: After 1 year

- ID 6: After 1 year
- ID 7: After 1 year

If there are multiple reports attributed to one person, a person's name will be held on the Register from the date of the last report.

## **8. SECURITY**

All files containing an indication that an individual is potentially violent should be retained securely whether they are paper files or held on computer for example on service level systems such as Frameworki. Steps should also be taken to prevent unauthorised access to any information indicating that an individual has been violent.

## **9. TRAINING**

Employees who require access to the central register shall be trained in its use and the procedures that should be in place relating to the Register. They should be aware of:

- their duty to report all violent or threatening incidents or professional expressions of concern about real or potential violence, risk of harm;
- the name of the person they should report the incidents to; and the process by which individuals/locations are entered onto the Register.

**Appendix 1**

Our Ref: [Click here to enter our reference](#)

Date: [Click here to enter a date](#)

[Click here to enter name](#)

[Click here to enter address line 1](#)

[Click here to enter address line 2](#)

[Click here to enter address line 3](#)

[Click here to enter address line 4](#)

[Click here to enter postcode](#)

Dear [Click here to enter name](#),

**Choose an item.**

I am writing as a result of the recent time that you [Choose an item](#)

You will recall on [Click here to enter a date](#) that you subjected one of the Council's employees to [Choose an item](#). The member of staff was obliged to [Choose an item](#).

[Click here to enter details of other incidents along with dates](#)

You have the right to expect the best service from East Lothian Council and we endeavor to provide that service politely. In return we ask the same from you.

We reserve the right to ask anyone who abuses us, verbally or physically, to leave the premises. Abusive phone calls may be terminated. We will support staff who are subjected to aggression or violence and take legal action against perpetrators as detailed in our Antisocial Behaviour Policy.

In view of the incident outlined above and our Violence to Employees Policy, I must inform you that I have no alternative but to add your details to East Lothian Council's Potentially Violent Client Register.

**What does this mean for me?**

When you receive Council services in the future, East Lothian Council will take account of this incident and will deliver the service in a way which provides our staff with suitable safeguards. We will also share this information with the Health Service.

The decision to include your name on the register will be reviewed regularly

**How can I find out what information is being held about me?**

You have the right to request a copy of the information held on file about your potentially violent conduct. For details please write to the Data Protection Compliance Officer, Law & Licensing, East Lothian Council, John Muir House, Haddington EH41 3HA or e-mail [foi@eastlothian.gov.uk](mailto:foi@eastlothian.gov.uk).

Please contact me if you have any queries, but I must stress that any further, similar incidents may result in police action and/or the Council seeking an injunction via the Courts.

Yours sincerely

Click here to enter name

Click here to enter job title

Click here to enter business area

Telephone: Click here to enter telephone number

Email: Click here to enter email address

**Appendix 2**

Item	Description	Detail
1	Clients Forename	
2	Clients Alias	
3	Clients Surname	
4	Clients Address (House & Street)	
5	Clients Address (Town)	
6	Clients Address (Post Code)	
7	Clients Date Of Birth (dd/mm/yyyy)	
8	Clients Status (Married etc.)	Please select
9	Request Raised By (Name, contact details)	
10	Manager/Team Leader	
11	Signature of Senior Designated Officer	
12	Service Area	
13	Original RIVO Incident Number	
14	Incident Code(s) (Table 1)	
15	Control Measures (Table 2)	
16	Date of entry onto system (dd/mm/yyyy)	
17	Date of review (dd/mm/yyyy)	

Complete as fully as possible



**Table 1**

<b>CODE</b>	<b>Level 1 Code - DESCRIPTOR</b>
ID1	Actual assault or a believable threat of assault made against staff
ID2	Threatening behaviour, spitting, stalking, threatening family, significant periods of silence that make staff uncomfortable etc.
ID3	Significant and/or prolonged verbal abuse
ID4	Family member of client may be a potential risk of V&A
ID5	History of Violence and/or Aggression (history need not involve employees)
ID6	Risk of needle stick injures at this location
ID7	Cognitive impairment

**Table 2**

<b>CODE</b>	<b>Level 2 Code – CONTROL</b>
C1	Check Relevant Service-specific Risk Assessment (and <i>link</i> if possible)
C2	No Lone Visits
C3	Contact by mail only
C4	Relevant family member not to be present
C5	Male Staff only
C6	Female Staff Only
C7	Contact Key Worker Before Visiting or Giving out Information
C8	Police Constable to be present
C9	De-escalation techniques may be required
C10	Physical intervention and/or restraint may be required

*Produced by:*  
**East Lothian Council**  
**Safety & Health Team**

*showing "how to" not reason "not to"*