

Zero Tolerance Policy

1. Purpose

A zero tolerance policy towards violence and aggression is expected throughout public services. No member of staff should be subjected to violent, threatening or abusive behaviour. Care Inspectorate employees have the right to work and carry out their duties in an environment free from violence, threatening or abusive behaviour.

This policy supports the Corporate Health and Safety Policy and to help managers and employees to manage and minimise risk for any event where they may face unacceptable behaviours, including violent, aggressive or abusive behaviour. This could be when co-working with others or when working alone. All employees have the right to be treated with consideration, dignity and respect and all employees should be aware of their responsibilities for health and safety.

The purpose of this policy is to inform our staff of the measures in place to manage incidents of violent, threatening or abusive behaviour. It seeks to ensure risks associated with violent, threatening or abusive behaviour are managed through:

- risk assessment and the identification and implementation of suitable controls
- training for all relevant employees
- procedures to reduce the likelihood of our employees being in a vulnerable position.

The strategy and principles of this policy are to:

- identify potential risks
- control and manage those risks, where possible
- inform and involve employees on the risks and the controls in place
- hold to account those who behave in a violent, threatening or abusive way towards our staff.

2. Scope

This policy and procedure applies to all Care Inspectorate employees and volunteers.

3. Guiding principles

- We have a duty of care for all our employees, including employees who are working alone or outwith an office.
- We believe that all correspondents and complainants have the right to be heard, understood and respected. We also believe that our staff have the same rights.

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- We value our employees and volunteers and we will not tolerate any form of violent, threatening or aggressive behaviour towards them.
- It is everyone’s responsibility to identify the unacceptable actions / behaviours and challenge it. To keep you safe, if the exhibited actions / behaviours continue, you are expected to terminate the engagement with the other party.
- All our employees are required to treat each other with dignity and respect by acting in accordance with our values, as outlined below:

Fairness: we will act fairly, be transparent and treat people equally

Respect: we will be respectful in all that we do

Person-centred: we will put people at the heart of everything we do

Integrity: we will be impartial and act to improve care for the people of Scotland

Efficiency: we will provide the best possible quality and public value from our work.

- We will encourage all staff to report accidents, incidents and near misses.
- We will address all incidents reported internally and where there is a serious threat or action, we will report the incident to the appropriate authorities. This policy is aligned with the Scottish Public Services Ombudsman.
- Employees and managers should also work with trade unions, where relevant, in preventing, addressing, reporting and responding to incidents or work related violence, abuse or threats.
- All employees have a responsibility for their own health and safety.
- We will deal with incidents between Care Inspectorate employees through our internal procedures, for example the Dignity at Work Policy or Disciplinary Procedures.

4. Definitions

The Health and Safety Executive (HSE) define a violent or aggressive incident as:

‘Any incident, in which a person is abused, threatened or assaulted in circumstances relating to their work. This can include verbal abuse or threats as well as physical attacks.’

They define an incident as: ‘An unwanted, unplanned event that has the potential to cause harm/injury.’

Unacceptable Actions / Behaviours

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Examples of unacceptable actions / behaviours are summarised below:

- Aggressive or abusive behaviour – Any violence or abuse towards staff will not be accepted. Violence is not restricted to acts of aggression that may result in physical harm. It also includes abusive behaviour and language (verbal, and written) that may cause staff to feel offended, afraid, threatened or abused, escalating agitation and intimidating body language. Language which is designed to insult, degrade, is racist, sexist or homophobic of which makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence is unacceptable. We may decide that comments aimed not at us but at third parties are unacceptable because of the effect that listening or reading them may have on our staff.
- Unreasonable demands - a demand becomes unreasonable when it impacts substantially on our work. Examples of this may include, repeatedly demanding responses within an unreasonable timescale or insisting on seeing or speaking to a particular member of staff when that is not possible or appropriate.
- Unreasonable levels of contact - volume and duration of contact with the Care Inspectorate by an individual that causes problems for the employee or the Care Inspectorate. This can occur over a short period, for example, a number of telephone calls in one day or one hour.
- Unreasonable use of processes - for example, the complaints process, where someone uses the complaints procedure to challenge professional judgments of our staff or where they use it repeatedly to raise the same issues that we have already investigated.
- Unreasonable use of technology and social media – for example the recording of a staff member without consent, and the dissemination by way of publication, general dissemination, or transmission of any such recording or a transcript thereof, including publication on any internet website or social media platform

5. Monitoring and review

The Head of Organisational Development and the Partnership Forum are responsible for monitoring and implementing this policy. We will review this policy every three years and make amendments as appropriate in consultation with the Partnership Forum.

We will review and update this policy to accommodate any changes in legislation that may affect how we manage incidents at work. Review of risk assessment or lone working procedures as and when required, or when our methodologies change.

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Zero Tolerance Procedure

6. When to use this procedure

The policy reflects the legal obligations placed upon the Care Inspectorate by the Health and Safety at Work Act 1974, the Management of Health and Safety at Work Regulations 1999, Management of Health and Safety HSG 65 and our requirements to report under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.

You should report all accidents or incidents following the internal accident and incident procedure. Managers will have responsibility for ensuring reportable incidents are reported to the Estates, Health & Safety Team for reporting, in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).

Line manager responsibilities

All managers have a responsibility to implement and monitor this policy and ensure employees are aware of it and follow it. Managers should also:

- Undertake local risk assessments for your team to identify the risks to staff from violent, threatening or abusive behaviour. Develop control measures and local action plans to control those risks identified within the risk assessment and review the risk assessments regularly.
- Ensure that all employees are aware of the incident reporting procedure and follow it. Report any incident internally or to the police on behalf of the employee if requested to do so.
- Set a positive example by reporting all incidents of violence and abuse and not tolerating abusive behaviour from service providers and/or members of the public.
- Respond to and, where possible, resolve incidents before they escalate.
- Ensure you make the designated Operational Support Manager and Estates, Health & Safety Team aware of any incident within up to one working day of the employee completing the report.
- Investigate incident reports with the individual employee to decide appropriate actions.
- Seek advice from the Estates, Health & Safety Team where necessary. Ensure the incident is recorded in a chronology under PMS for the relevant service.
- Monitor incidences of violent, threatening or abusive behaviour and make sure appropriate action is taken.
- Incidents may affect people differently, support managers and employees where possible e.g. increased 1-1's, referral for coaching and mentoring, additional training or a stress risk assessment.
- Direct employees to appropriate advice and support if needed after an incident and direct them to Employee Assistance information, as appropriate.
- Make sure that the incident reporting and any examination of the concerns arising continues until its conclusion or resolution.

Employees and managers should also work with trade unions, where relevant, in

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preventing, addressing, reporting and responding to incidents or work related violence, abuse or threats.

Employee responsibilities

All employees have personal responsibility for their own behaviour and ensuring that they comply with this policy. To help you report work related violent, threatening or abusive behaviour you must:

- Be aware of, and comply with, this policy and further guidance in relation to lone working or other risks identified in risk assessments.
- Recognise the potential for work related violence, threats or abuse and take action to resolve it early on where possible, either through respectful challenge or by removing yourself from the situation.
- Report any instances of violent, threatening or abusive behaviour using the incident reporting procedure as soon as possible after the incident (including details about when it happened, who was involved and any relevant circumstances that may have contributed to the incident).
- Send the incident report straight away to your line manager (within 24 hours). They will then report the incident to the designated Operational Support Manager and the Estates, Health & Safety Team who will report the incident to the enforcing authority if the incident is reportable under RIDDOR.
- Attend any training provided regarding health and safety; lone working and de-escalation techniques (see Appendix 1 for some general advice on this).
- Be aware of, and comply with, this policy and further guidance in relation to lone working or other risks identified in risk assessments.
- If you have been affected by an incident at work, seek someone for support. This could be your manager, a colleague or the employee assistance programme Freephone: 0800 587 5670, or go to www.sghelpeap.com.
- Be supportive of colleagues who are victims or have witnessed work related violence, abuse or threats.
- Recognise when confronted by unreasonable behavior that it may impact on others although it is not necessarily upsetting to you therefore it should still be recorded.

Estates, Health & Safety Team responsibilities

The Estates, Health & Safety Team is responsible for the internal incident reporting procedure and will:

- collate the incident reports and analyse trends and patterns
- advise managers of patterns and any action required
- liaise with the Comments and Complaints Coordinator and the Trade Union Health and Safety Representative, where necessary
- offer support to managers and employees
- report on annual trends for violent, threatening or abusive incidents.

7. Risk assessments

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Managers should complete team risk assessments and review them at least annually and include a section for violent, threatening or aggressive behaviour. If there is an increase in violent, abusive or threatening incidents then managers should review the risk assessment to ensure all controls are being implemented and all employees are aware of them. Managers should discuss risks with employees. If they need further prevention measures, then record and report them to the Estates, Health & Safety Team who will ensure suitable controls are put in place, where possible.

Local risks assessments should take into account where employees are involved with services, where employees may be at higher risk, for example, if there has been a previous incident.

The risk assessment and lone working procedures will be reviewed when required.

8. Process

Managing the Situation

The first step in managing the situation has to be respectful challenge. If you are witness to or are the recipient of any unacceptable action / behaviour, you must, wherever possible without putting you in a vulnerable position, bring it to the attention of the party exhibiting these behaviours. You must provide them with the opportunity to correct that behaviour. This can be done by saying something along the following lines:

'Your (tone, language, behaviour) is unacceptable. If you continue to behave in this way, I will be unable to help you and will have to end this (visit / call).'

If there is no improvement in their behaviour etc, re-iterate the statement and if there is still no improvement, or worse an escalation of their behaviour, say to them:

'I have asked you to revise your unacceptable (tone, language, behaviour) and you have not done so. I am now ending this visit / call.'

You then need to raise a Zero Tolerance Incident Form and advise your line manager or senior colleague who will address the situation.

Reporting an incident

If a member of staff feels they have been involved in an aggressive or violent incident they must follow the internal incident reporting procedure and complete an internal incident report. If you find yourself in an aggressive or abusive situation or have to close a meeting or end a telephone call, you should advise the individual displaying this unacceptable behaviour, where possible the reason for your actions. However, if you feel intimidated you can remove yourself from the situation immediately to eliminate the risk of the incident escalating. Should you consider that your personal safety has been or is threatened you should contact the police and your line manager immediately. All employees have the legal right to report

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any incident in which they have been involved to the police. They have the right to expect their manager to support them in this decision and to report the incident on behalf of the employee, if requested to do so.

You must complete an incident report and send it to your line manager within one working day of the incident.

When a manager is informed that there has been a situation that has caused an employee some concern there may be some immediate actions that should be taken:

- provide time for the employee to talk
- if the manager is not going to be available ensure there is another manager available to support the employee in their absence to take on the management role.
- Update or complete a risk assessment
- Consider the reallocation of work
- consider what supports may be needed to enable the employee to continue with the task if reallocation is not the preferred option..
- provide the employee with details of the employee assist program

Following an incident report

When a manager receives an incident report, they should investigate the incident with the affected employee and complete the incident report resolution section. The line manager should advise their senior manager of the incident report when it involves physical or verbal aggression, to make them aware of the seriousness of the incident.

The incident investigation could undertake a range of activities depending on the situation. These activities may include for example:

- Reporting the incident to the police on behalf of the employee (if appropriate). At any point during the investigation the alleged incident can be reported to the police.
- Discussing with the employee the events they identified as unacceptable, their perception of future perceived risks and assessing the level of risk.
- Interviewing the employee and any Care Inspectorate witnesses.
- Offering the individual involved a meeting to discuss the situation.
- Interview any other witnesses.

Following the incident investigation, the manager must complete the relevant part of the incident form, including the actions to be taken and any review dates. The manager should agree the contents with the employee and send it to the Estates, Health & Safety Team for sharing with the Trade Union Health and Safety Representative, if appropriate.

9. Actions we will take following an incident

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It is the responsibility of managers to act on all incidents of abusive behaviour. There will be an escalating scale of actions depending on the findings of the manager's investigation. Each situation may result in one or more of the following actions:

- a) Support the staff member, ensuring that there is no blame, no shame and no judgement of the incident. The manager should speak to the employee to find out if there is anything else that the employee needs in terms of support after the incident (for example, the Employee Counselling Service or working with a buddy) or provide access to additional training such as de-escalating skills or resilience training if appropriate..
- b) Individual members of the public, service users or carers should be contacted by either the line manager or a senior manager by phone, in writing or at a meeting, depending on the seriousness of the incident. They are to be advised why their behavior was unacceptable, the impact it had and then have a discussion to encourage collaborative working going forward.
- c) Where there is a situation with a registered care service and there is a perceived risk of a similar occurrence the manager should ensure the service is flagged in PMS and any agreed actions such as "two inspectors should attend the service" should be recorded. It is a misconception that data protection legislation protects the rights of the alleged aggressor or the sharing of personal information. It is essential that information is recorded and shared to protect any employee from future situations that are threatening or violent. It is important that the chronology contains relevant information and is shared with other relevant employees. In these circumstances the chronology should be reviewed regularly to ensure that recorded information is up to date and current. The timescale for any actions to be reviewed must be included in the incident form following investigation.
- d) A senior manager may also write to the individual's employer if they are the provider of a care service (e.g. local authority social work department or integrated health and social care authority) outlining the concerns and why the behavior is unacceptable.
- e) Where the incident has occurred during regulatory activity, the outcome of the incident investigation could conclude that there should be a requirement made within the inspection or complaint report which reflects the incident and the behaviors of individuals in relation to the SSSC codes of practice.
- f) The Team Manager / Service Manager in conjunction with the Head of Service advises the SSSC under the Code of Conduct for registered workers, which notes that registered workers should not behave in a way, in work or outside work, which would call into question their suitability to work in social services.
- g) The Team Manager / Service Manager in conjunction with the Head of Service advises any other professional body, as may be appropriate such as NMC or GTC, under their own code of practice or professional standards.
- h) Where the individual is a provider consider with the support of legal services any

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implications of the provider's behavior in relation to SSI 2011 No. 210 regulation 6(2) (a), Fitness of Providers which outlines that a person who is not of integrity or good character is unfit to provide a care service. Where the actions of the provider cause the Care Inspectorate concern determine if any enforcement action is required. Similarly, under regulation 7 and 9 the fitness of any manager or employee of a care service could be considered in the same way where there are grounds for such consideration. If the provider or individual then makes a complaint against the staff member concerned please refer to the flowchart on page 12 for further information/our complaints procedure, which outline how staff would be supported by line management in any complaint investigation.

10. Learning from incidents

The line manager must keep the employee fully informed of the progress and outcome of any incident investigation. The staff involved in any incident will have an input to identifying any potential areas of improved practice. Any lessons learned should be taken forward to minimise similar cases and explore more effective levels of support.

11. Sources of support

A number of sources of support are available to employees reporting incidents under this policy. These include:

- day to day support from your line manager
- advice and support from OWD
- employee assistance programme
- advice and support from trade union representatives
- coaching and mentoring scheme
- relevant corporate learning and development opportunities

12. Related Policies

The following policies should be read in conjunction with the Zero Tolerance Policy.

- The Corporate Health and Safety Policy
- The Lone Working Policy (currently under review)
- Risk Assessment guidance
- Code of Conduct
- Dignity at Work Policy
- Disciplinary Procedure
- Grievance Procedure
- Complaints about the Care Inspectorate Procedure

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13. Legislation

- The Health and Safety at Work Act 1974
- Management of Health and Safety HSG 65
- The Management of Health and Safety at Work Regulations 1999
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

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Incident reporting process



14. Complaints

If a complaint is received as a result of an incident report it will be addressed through the complaints about the Care Inspectorate procedure.

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Appendix 1: De-escalation techniques and interventions

In certain circumstances, employees may become aware of a potential for aggressive behavior. It may be necessary for employees to deal with an agitated or aggressive service provider or members of the public. The following warning signs may offer an opportunity for interventions that can be followed in an attempt to manage the behaviour:

Warning Signs

- agitated mannerisms
- speaking loudly
- impatience
- refusal to accept advice
- argumentative
- verbal and physical aggression.
- Body language

Environmental Interventions

- create a calm environment, find a quiet location
- try not to get isolated from other staff or individuals.

Behavioural Interventions

- talk slowly and softly
- never turn your back on the person
- place yourself between the person and the exit/door
- be aware – eye contact may help establish a rapport, or seem threatening
- convey a genuine sense of concern
- allow the person to verbalise their feelings, but cut it short if the anger escalates
- do not respond to emails that are aggressive or the employee finds threatening.

If you are out of the office and an incident happens you should remove yourself from the situation and contact your line manager without delay.

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Policy Audit

Title	Partnership Forum Approval Date	Version Control	Change (and reason)	Date of change	Version Control
Zero Tolerance	February 2016	V1.0	Updated wording, grammar and structure.	31 May 2015	V1.1
Zero Tolerance	February 2016	V1.1	Removed reference to 'investigations' and complaints flowchart at the request of Professional Standards.	7 April 2017	V1.2
Zero Tolerance		V2.0	<p>Minor rewording.</p> <p>Reinstatement of investigations but with the inclusion of the word 'incident' beforehand to clarify.</p> <p>Updating of titles.</p> <p>Addition under guiding principles on everyone's responsibility to identify incidents.</p> <p>Addition of bullet point covering abuse of technology or social media.</p> <p>Change of Line Manager and Employee Responsibilities.</p> <p>Addition of 'Managing the Situation' section under 8: Process.</p> <p>Updating of the Reporting of and Incident Section and associated flowcharts.</p>		

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			<p>Updating of Section 9: Actions We Will Take to empower Line Managers more.</p> <p>Make it clear that there is 'no blame, no shame, no judgement' surrounding an incident.</p> <p>Removal of reference to sending letters to those who commit the abuse.</p> <p>Updating of related policies and legislation.</p>		
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