



**Shropshire, Telford
and Wrekin**
Clinical Commissioning Group

Managing Challenging Behaviour Policy

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The formally approved version of this document is that held on the NHS Shropshire, Telford and Wrekin CCG website:

www.shropshiretelfordandwrekinccg.nhs.uk

Printed copies or those saved electronically must be checked to ensure they match the current online version.

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1 Introduction

NHS Shropshire, Telford and Wrekin CCG (STW CCG) attach great importance to the health, safety and welfare of its entire staff, and recognises its legal obligations under the Health and Safety at Work Act 1974 to ensure the health, safety and welfare of its staff, so far as is reasonably practicable. The CCG also accepts such responsibility for other persons who may be affected by its activities whilst on any site or activity.

NHS Shropshire, Telford and Wrekin CCG (STW CCG) have a duty to provide a safe and secure environment for its staff. Violent, aggressive, abusive or disruptive behaviour will not be tolerated, and decisive action will be taken to protect staff from this type of behaviour. Everyone has a duty to behave in an acceptable and appropriate manner. Staff have a right to work, as patients and family members have a right to be treated, free from fear of assault and abuse in an environment that is properly safe and secure.

2 Purpose

This policy applies to all employees of STW CCG including; agency, contracted, and sub- contracted staff. Managers at all levels are expected to take an active lead to ensure that health and safety and systems of internal controls are of the highest standard and integral to the operation of the organisation.

The CCG will ensure that adequate resources are provided to meet legal health and safety standards and provide sufficient information, instruction and training to enable employees, independent contractors, bank, agency staff to carry out their work safely.

3 Responsibilities

3.1 The Accountable Officer

The Accountable Officer has overall accountability and responsibility for all matters involving health, safety and welfare appertaining to the CCG; it is also the responsibility of all Heads of Service and Managers to manage health and safety issues within their functional area.

3.2 Executive Directors and Deputy Directors

Overall and final responsibility for health and safety performance, and legal compliance lies with the Executive Team who will receive and review regular reports on progress.

3.3 Specialist Staff

Security Management Director

The Director of Corporate Affairs has been assigned the role of the designated CCG Security Management Director (SMD).

The Security Management Director has overall responsibility for security/violence and aggression matters within the CCG ensuring that all Statutory Regulations and NHS Codes of Practice and guidance are implemented.

The Security Management Director will ensure that the Accountable Officer is provided with advice and guidance needed to allow him to fulfil his responsibilities.

Health & Safety (Fire) and Security Officer / Local Security Management Specialist (LSMS)

Health & Safety (Fire) and Security Lead will act as the 'competent person' as defined in the Management of Health and Safety at Work Regulations 1999, in all matters of health, safety and security that directly affects the CCG and its employees.

Has the responsibilities to:

- Advise and assist in the interpretation and application of legislation and other official guidance on security in respect of premises owned or occupied by the CCG.
- Maintain records and monitor all security/aggression related incidents and reports.
- Assist managers who are investigating incidents of violence and aggression and assist the Police with any prosecution evidence.
- Produce security/violence and aggression reports and information to the Health and Safety Committee.
- Ensure risk assessment principles are used to assess all Security/Violence and Aggression risks.
- Liaise with outside agencies – the Police, Crime Prevention and Crown Prosecution Service to further the interests of the CCG
- Develop and provide security training programmes which are relevant to all staff groups as requested.

3.4 Line Managers

All managers are responsible for ensuring that health and safety is an integral part of the management process within their areas of responsibility.

All managers have the responsibility to:

- Ensure that arrangements are made for all staff to undertake, where necessary, Conflict Resolution training in line with their training needs and that all training is recorded, and records are available.
- Make sure risk assessments on all security/violence and aggression issues are carried out and updated as necessary.
- Ensure that risk assessments consider the risk of violence to staff and ensure that appropriate systems are in place to protect the safety of individuals.
- Ensure employees report all accidents and incidents and that methods to prevent a recurrence are implemented through investigation;

3.5 All Staff

All Employees employed and contracted by the CCG have the following responsibilities:

- To read and understand the CCG's Managing Challenging Behaviour Policy, Health and Safety Policy and Procedures that are relevant to their activities and perform their work in accordance with the requirement of these;
- Comply with all relevant legislation, Risk Assessments, CCG policies and procedures, attend mandatory and statutory training, and report untoward incidents or unsafe occurrences.
- Work in a safe manner at all times, follow procedures that are in place and take reasonable care of their own safety and the safety of others who may be affected by their acts or omissions.

Employees also have a responsibility for bringing to the immediate attention of their manager any hazards and risks that could be detrimental to themselves and others, including visitors/service users. If CCG staff feel that their safety is or is about to be compromised they should remove themselves from the danger as soon as it is safe to do so. Staff must not put themselves knowingly in positions which may compromise their own safety.

3.6 Committees and Groups

Health and safety performance (including Violence and Aggression) will be measured by the MLSCU Health & Safety Officer and reported back to the Audit Committee on a quarterly basis by:

- Monitoring corporate performance standards.
- Regular auditing and undertaking inspections.
- Accident/incident reporting and investigation.

4 Procedures / Processes

4.1 Standards of Behaviour Expected

All patients, families and contractors are expected to behave in a manner which is courteous and acceptable to the staff dealing with them.

The following are examples of behaviours which are not acceptable. The list is illustrative and not exhaustive.

- Threats or threatening behaviour
- Violence and/or physical assault
- Aggressive behaviour
- Threatening or abusive language involving swearing or offensive remarks
- Derogatory racial or sexual remarks
- Malicious allegations relating to members of staff, other patients or visitors
- Offensive sexual gestures or behaviours
- Abusing alcohol or drugs.
- Drug dealing
- Wilful damage to property
- Theft
- Intimidation
- Spitting
- Unreasonable behaviour and non-cooperation.
- Vexatious behaviour
- Any of the above linked to destruction of or damage to property

The behaviours mentioned above can be delivered either in person, by telephone, letter, email or any other form of communication such as graffiti to CCG property.

4.2 Care Planning

Risk assessment and management should inform the care plan as to whether specific interventions are required to manage challenging behaviour. The risk assessment documentation should sit alongside the care plan and should be cross referenced and updated accordingly if new risks emerge.

De-Escalation

If prevention has failed, is failing or has never had a chance to work, staff need to be skilled in de-escalation. This is based around highly developed communication skills, fostering good relationships, empathy, calming, non-confrontation, minimising threat, negotiation, compromise, agreeing to any reasonable requests, distraction activities and changes of staffing. The risk of injury to members of staff is greater when challenging behaviour has not been de-escalated which may result in an incident becoming physical.

Calling the Police

You should always call 999 when it is an emergency, such as when a crime is in progress, someone suspected of a crime is nearby, when there is danger to life or when violence is being used or threatened. For non-emergency requests for Police assistance call 101.

Preventing and Managing Violence and Aggression

A range of measures provided by the CCG can be taken depending on the severity of the incident. These measures will help to assist in the prevention and management of unacceptable behaviour by seeking to reduce the risks and demonstrate acceptable standards of behaviour. These measures include:

- Risk Assessments;(Appendix 1)
- Verbal warnings;(Appendix 2)
- Final Written Warnings;(Appendix 3)
- Investigation of Violent and Aggressive Incidents
- Supporting staff Involved in a Violent and Aggressive Incidents
- Conflict Resolution Training for all front- line staff
- Civil injunctions and Anti-Social Behaviour Orders (ASBOs)
- Criminal prosecutions

4.3 Risk Assessments

The Management of Health and Safety at Work Regulations 1999 make more explicit the general duties placed on the CCG under the Health and Safety at Work etc. Act 1974. In order to meet with the regulatory requirements CCG will ensure:

- Risk assessments are carried out in order to evaluate and adequately control hazards, so to ensure the health, safety and welfare of employees and others who may be affected by work activities of the CCG;
- Risk assessments are recorded in writing on the CCG risk assessment form;
- The outcomes of risk assessments will be readily available and communicated to staff.

Staff will receive instructions and/or training associated with the level of risk identified and the control measures taken to prevent or control risks;

4.4 Accident and Incident Reporting

In the event of an accident/incident staff will ensure that a detailed entry of the event is recorded on an accident form and will also notify their line manager who will subsequently determine, in conjunction with the CCG's LSMS, if notification is required under The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.

Where an accident/incident has occurred, it is necessary to carry out a review of the risk assessment of the task being undertaken at the time, to ascertain if additional precautions, an alteration of the method of work or additional control measures are necessary. This must be written down and the conclusions clearly defined and acted upon.

As a learning organisation we will use the information to prevent re-occurrences, where reasonably practicable, to the same events.

4.5 Support to Staff involved in Violent or Aggressive Incidents

All staff must be offered support if they have been involved in a violent and aggressive incident. Their managers, LSMS, Occupational Health or an outside agency if necessary will offer the appropriate support. Support will be offered throughout the incident investigation and will continue once the incident has concluded if necessary.

All staff will be given the opportunity to attend counselling. This can either be by self-referral or management referral. The member of staff being counselled must give written consent if they wish for any information to be released to the CCG or any outside agency.

Debriefing will take place for any staff involved in a violent or potentially violent situation. This should be carried out at the earliest opportunity. Should the member of staff request counselling this will be provided by Occupational Health or an accredited counsellor.

5 Related Documents

The Managing Challenging Behaviour Policy is supported by a number of other operational policies/procedures that provide more detailed guidance on certain aspects of health and safety. These documents do not supersede this policy but should be read in conjunction with it. These documents are all available on the CCG Staff intranet.

A list of supporting policies/procedures are:

- Health and Safety Policy
- First Aid Policy
- Health and Wellbeing Management Policy
- Accident & Incident Reporting Procedure
- Lone Working Policy
- Office Safety Procedure
- Security Policy
- Agile Working Policy

6 Dissemination

For health and safety management to be effective within the organisation, this strategy must become a living document and a natural “part of everyday working practice”.

A structured and supportive approach for the implementation of this strategy will demonstrate the CCG’s commitment that all staff are taking positive steps and working in partnership with each other and stakeholders to provide a positive health and safety culture within the organisation.

To achieve this, the Violence and Aggression Policy will be;

- Approved by the CCG’s Audit Committee and reviewed 3 yearly unless there is a change in legislation or guidance or through lessons learnt;
- Circulated to all Managers, with specific responsibilities detailed in the document;
- Available electronically on the CCG’s shared drive and via the CCG’s website;
- Available to all stakeholders on request (in an appropriate format);

7 Advice and Training

7.1 Advice

Any employee who has concerns about any aspect of their health and safety in relation to violence and aggression should raise the issue, firstly, with their line manager or failing that with the CCG’s LSMS.

Mark Jump Health & Safety (Fire) and Security Manager – 07771996217

Sarah Hunter – Health and Safety (Fire) and Security Officer – 07919303749

7.2 Training

Training is a vital means by which staff can be equipped to deal with the

particular problems which they may encounter. All staff must be made aware of the contents of this policy and should receive appropriate training for the level of risk, which they are likely to encounter in the course of their work. It is the responsibility of Department Managers to ensure all staff receive relevant training.

Conflict Resolution concentrates on the skills and techniques required to deal with potentially aggressive situations.

8 Review and Compliance Monitoring

8.1 Review

This policy will be reviewed at least every two years or more often if required in the light of good practice or experience.

8.2 Compliance Monitoring

Effectiveness of this policy will be measured by the Director of Corporate Affairs and reported back to the Audit Committee on a 6 monthly basis by:

- Monitoring corporate performance standards;
- Regular auditing and undertaking inspections;
- Accident/incident reporting and investigation;

9 Fraud Bribery and Corruption

9.1 Unfortunately fraud, bribery and corruption, as well as theft, does occur throughout the NHS, and as such all NHS employees have a duty to ensure that public funds are protected. The CCG is committed to reducing the level of fraud, bribery and corruption (economic crime) within the NHS to an absolute minimum and keeping it at that level, freeing up public resources for better patient care.

9.2 If an employee, manager or volunteer suspects that there has been a potential act of fraud, bribery or corruption against the CCG or the wider NHS, or has seen any suspicious acts or events, they must report the matter to the CCG's Counter Fraud Team (contact details can be found on the CCG's public website) or report the matter to the NHS Fraud and Corruption Reporting Line on 0800 028 4060. Alternatively reports can be made through the online reporting tool at <https://cfa.nhs.uk/reportfraud>. Further advice on counter fraud issues is available from the Executive Director of Finance, Deputy Executive Director of Finance/Fraud Champion and the CCG's Counter Fraud Team.

CCG Counter Fraud Contact details:

Paul Westwood (Heads CW Audit's Counter Fraud Team and is the CCG's nominated Local Counter Fraud Specialist)

Tel: 07545 502400
 Email: paul.westwood@cwaudit.org.uk
 Email: pwestwood@nhs.net (secure)

10 Counter Fraud

- 10.1** This policy should be read in conjunction with the CCG's policies covering counter fraud, bribery and corruption which can be found on the CCG's website (www.shropshiretelfordandwrekinccg.nhs.uk) or you can contact a member of the Team who will be able to supply a copy.

11 References

- The Health and Safety at Work etc. Act 1974;
- The Management of Health and Safety at Work Regulations 1999;
- The Workplace (Health, Safety & Welfare) Regulations 1992;
- The Reporting of Incidents, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
- The Health and Safety Information for Employees Regulations 1989;
- The Safety Representatives and Safety Committees Regulations 1977 (as amended);
- The Health and Safety (Consultation with Employees) Regulations 1996 (as amended);
- Equality Act 2010;
- HSE Successful Health and Safety Management (HSG 65).

12 Glossary

Term / Abbreviation	Explanation / Definition
Violence	Any incident, in which a person is verbally abused, threatened or assaulted by a patient, a member of the public or a member of staff in the circumstances relating to his or her employment
Challenging Behaviour	Any non-verbal, verbal or physical behaviour exhibited by a person which makes it difficult to deliver good care safely.

Appendix 1

CCG Health & Safety Risk Assessment

(See Guidance Document on Staff Portal for assistance in completing this risk assessment)

Location / Site		Date		Completed By	
Activity		RA. Number		Reviewed By	
Persons at Risk		Review Date			

Hazard	Existing Control Measures	Initial Risk* (see matrix box below for explanation of L,C,R)			What further actions need to be done to reduce the risk?	Who needs to do it and by when?	New Risk Rating	Date Completed
		L	C	R				

Incident and Risk

Assessment Matrix

L= Likelihood Score (How likely is it that the Hazard will Occur?)

	1	2	3	4	5
Descriptor	Rare	Unlikely	Possible	Likely	Almost Certain
Frequency	Not expected to occur for years	Expected to occur at least annually	Expected to occur at least monthly	Expected to occur at least weekly	Expected to occur at least daily
Probability	<1%	1 – 5%	6 – 20%	21 – 50%	>50%
	Will only occur in exceptional circumstances	Unlikely to occur	Reasonable chance of occurring	Likely to occur	Will almost certainly occur

C= Consequence Score (What would be the consequence if the Hazard did occur?)

Consequence Scoring	1 - Insignificant	2 - Minor	3 – Moderate	4 - Major	5 - Catastrophic
Staff , Visitors	Minimal injury requiring no/minimal intervention. No time off work.	Minor injury or illness; Time off work>3 days;	Injury requiring professional intervention; RIDDOR Reportable Time off work 1 – 4 days.	Major Injury leading to long term disability; Time of work >14 days	Incident leading to death; Permanent injuries or irreversible health effects.

R= Risk Rating Matrix(Multiply L score by C score to get risk rating e.g 2x2=4)

Likelihood	Consequence				
	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
1 – Rare	1	2	3	4	5
2 – Unlikely	2	4	6	8	10
3 – Possible	3	6	9	12	15
4 – Likely	4	8	12	16	20
5 – Almost Certain	5	10	15	20	25

- Very Low Risk** (Green): Unlikely to cause problems
- Low Risk** (Yellow): Needs to be resolved or accepted at Departmental level*
- Medium Risk** (Orange): Needs to be resolved or accepted at Directorate level*
- High Risk** (Red): To be resolved or accepted at Trust level

*If the Risk is not acceptable or cannot be resolved at the appropriate level, it needs to be fed to the next level.

Appendix 2

1st Warning Letter

Date

PRIVATE & CONFIDENTIAL

Address

Dear XXXXX

Responsibilities Agreement between XXXXXXXX and *Insert name of CCG*

It is alleged that on the (date), you used verbally aggressive language to a member of NHS staff during a telephone conversation.

Behaviour such as this is unacceptable and will not be tolerated. This CCG is firmly of the view that all those who work in or provide services to the NHS have the right to do so without fear of violence or abuse. I would urge you to consider your behaviour when interacting with members of CCG staff in the future.

If you fail to act in accordance with these conditions and continue to demonstrate what we consider to be unacceptable behaviour, I will have no choice but to take formal action.

A copy of this letter is attached. Please sign the second copy and return to me to indicate that you have read and understood the above warning and agree to abide with this request.

If you do not reply within fourteen days, I shall assume your agreement.

Yours sincerely,

(Manager)

I, XX XXXXXX, accept the conditions listed above and agree to abide by them accordingly.

Signed

Date

Appendix 3

Final Warning letter

Date

PRIVATE & CONFIDENTIAL

Address

Dear XXXXX

FINAL WARNING

I am writing to you concerning an incident that occurred on (insert date) at (insert location).

It is alleged that you used/threatened unlawful violence/acted in an anti-social manner towards a member of CCG staff/whilst on NHS premises (delete as applicable).

Such behaviour is unacceptable and will not be tolerated. This CCG is firmly of the view that all those who work in or provide services to the NHS have the right to do so without fear of violence or abuse. This has been made clear to you (insert details of previous correspondence/meetings).

If there is a repetition of your unacceptable behaviour the following actions will be considered: (to be adjusted as appropriate)

- Correspondence between yourself and the CCG will be by email only or will be terminated completely.
- The matter will be reported to the police with a view to the CCG supporting a criminal prosecution by the Crown Prosecution Service.
- Consideration will be given to obtaining a civil injunction in the appropriate terms.
- Any legal costs incurred will be sought from yourself.

A copy of this letter is attached. Please sign the second copy and return to me to indicate that you have read and understood the above warning and agree to abide with this request.

If you do not reply within fourteen days, I shall assume your agreement.

Yours sincerely,
(Manager)

I, XX XXXXXX, accept the conditions listed above and agree to abide by them accordingly.

Signed

Date