

ESSENTIAL REFERENCE PAPER “B”

Cautionary Persons Register - Draft - Local Joint Panel 2nd December 2010

1) Introduction

The Council does not tolerate violence towards staff, threats of violence, bullying or harassment including sexual, racial or stalking. However on rare occasions we may unavoidably face aggressive or violent behaviour.

A duty of care is owed to protect employees, and the Council is committed to reducing risk. The Cautionary Persons Register is a means of identifying and recording individuals who pose, or could possibly pose, a threat or aggressive behaviour. In addition properties where a dangerous animal may be encountered by visiting officers can be added.

The Register must be fair and lawful to comply with the Data Protection Act. Placement of an individual on the register must be based on a specific incident or expression of clearly identifiable concern rather than general opinions about an individual.

This policy is to be read in conjunction with lone working procedures, team risk assessments, and the health and safety policy. (In particular section C, part 8 – managing violence and aggression in the workplace [insert web link](#))

The Director of Neighbourhood Services is responsible for the maintenance of the register.

2) Entries must be based on fact and not hear say

Following an act or threat of violence, or an individual notifies a risk of sexual assault, employees must complete the report form that can be found at [insert web link](#) or obtained from the Health and Safety Officer.

Heads of Service or Directors are obliged to countersign the report form, and then submit along with any additional evidence available to the Director of Neighbourhood Services. He / she will decide whether the individual will be added to the register. The employee(s) concerned must have the opportunity to present his / her version of events.

If a crime has been committed, the Police must also be informed.

3) Qualification for addition to / retention on the register

There must be a credible risk of violence or injury to staff before an individual or property can be added to the register. The following factors will be taken into account when deciding new additions, and whether to retain at the required review stage:

- The level of violence used
 - or the severity of the threats made
 - or the danger posed by an animal.
- The length of time since the incident occurred.
- The previous conduct of the individual.
- The current conduct of the individual.
- Was the incident a one off? Was it likely to have been triggered by an illness or difficult time of life, and is the individual likely to be violent in future?
- If an address is marked because of a dangerous animal, is that animal still present?

All new additions to the register must be communicated with 2 working days to minimise the risk of harm to colleagues. An e-mail should be sent advising of a new entry, but no personal data should be provided in that e-mail.

4) Written notification

The Director of Neighbourhood Services will write to notify the individual concerned within 2 working days of addition to the register. The letter will explain:

- Why the individual's behaviour was unacceptable.
- That their records will show the marker.
- Who we may pass the information to, e.g. Partners, contractors.
- When we will remove the entry or review the decision.
- The appeal process.

There must be an appeal process. The committee will comprise members of CMT. The employee must also have an opportunity to comment.

In extreme cases where it is believed that informing the individual would create a violent reaction, he / she need not be informed. This decision must be documented.

5) Review of the register

Entries on the register must be time limited. The standard term is one year, although a longer timeframe may be stipulated for the most serious offenders.

The Director of Neighbourhood Services will check the register quarterly to ensure that all entries are up to date. Any entries that are due to lapse in the next quarter will be reviewed in conjunction with the Health & Safety Officer.

It is possible that after a cooling-off period, the individual will not pose a threat. Unless there are substantiated reasons for believing that the individual remains a threat, the record must be deleted upon expiry. Data must not be kept longer than necessary.

The factors listed in part 3 must be considered when reaching the decision.

If there are just reasons for the individual remaining on the register, a further review period of should be set. The individual will be notified in writing by the Director of Neighbourhood Services.

6) Data control

The register will be placed on the intranet and must remain the only mechanism for recording such persons and addresses. Access to the register is tightly controlled. Only staff that meet or visit customers should have access. Markers must not be placed on any other system including paper or electronic files, databases and posters.

The Register will be shared with contractors or partners working closely with the Council who come into contact with the individual or visit the property. E.g. Council and Housing Association staff operate out of Charrington House. One partner may have placed a violent customer on their register, but not share the information with another party who may still invite the customer on site or visit on Council business.

The register should not be shared with contractors or partners who do not come into close contact with the individuals or enter the boundaries of their properties, such as grounds maintenance and refuse contractors. The Director of Neighbourhood Services is responsible for this decision, and will obtain written agreement that the Partner or contractor will follow our policy and indemnify the Council against all claims, proceedings, fines, damages and legal fees in the event of their misuse.

When providing the register to partners, it must be sent by encrypted e-mail only.

7) Employees' responsibilities and training

All staff must be reminded of their duty to report all violent or threatening incidents, or concerns about the potential for violence.

New staff will be told about the register by their manager, and the subject will be added to the new starter checklist. This will ensure the degree of relevance is assured particularly for customer facing staff and visiting officers.

All staff with access to the register will receive a briefing every two years to ensure that they are familiar with the Council's policy, review procedures, and data security.