

## **Zero Tolerance Process for Staff, Volunteers & People using our Services**

### **Introduction**

CSWS has a duty to protect the health, safety and welfare of staff members and volunteers 'so far as is reasonably practicable' under the Health and Safety at Work Act 1974. Violent, abusive and discriminatory behaviour will not be tolerated and decisive action will be taken to protect our staff and people using CSWS services.

All CSWS staff & volunteers should be able to come to work without fear of violence, assault, abuse, harassment or discrimination from people using services, their relatives, carers, stakeholders or the public.

All people using our services should be able to do so without fear of violence, assault, abuse, harassment or discrimination from other people using services, staff, volunteers, visitors, stakeholders or the public.

### **Duties and Responsibilities**

#### **All staff/volunteers**

If a member of staff or volunteer directly experiences or witnesses violence, abuse or discrimination, where that staff member/volunteer feels it is safe and appropriate they should tell the individual that has instigated the incident that their remarks, actions or behaviour are unacceptable and that CSWS may take appropriate action under the Zero Tolerance Policy which may involve reporting the incident to the Police.

Staff/volunteers who do not wish, or who do not feel safe, to tell the individual that their behaviour is unacceptable should ask someone else to act on their behalf. This could be a manager or other designated member of staff, who should immediately act upon such a request where it is safe to do so. Those present should also participate in an incident debrief or provide a witness statement if required.

#### **All staff**

All staff have a responsibility to report incidents of unacceptable behaviour. Any staff member who witnesses unacceptable behaviour should report it to the manager of the service and an incident must be logged. Serious incidents and hate crimes must also be reported to the Police.

Support will be given to any colleagues' subject to violence, abuse, harassment or discrimination. This could include checking in with the colleague and their well-being, and signposting to wider support offers.

Where concerns are raised regarding the behaviour of a carer, team managers will investigate the concern through communication with the carer and any witnesses. This will be escalated to Senior Leadership as necessary.

#### **Leadership Team**

CSWS Leadership retains overall responsibility for the health, safety and welfare of all people in contact with CSWS services. CSWS leadership encourages all staff to report any incident of violence, abuse or discrimination, and to the Police or to any other appropriate internal or external body or agency as appropriate.

#### **All Managers**

Managers are expected to:

- model CSWS values and behaviours
- support all staff to report incidents of violence, abuse or discrimination, encouraging initial local resolution
- respond to incidents reported in a timely manner, taking action where required

- provide support and guidance to staff in reporting incidents
- support staff to report serious incidents and hate crimes to the police
- ensure staff are provided with an appropriate debrief and ongoing support as needed
- investigate any concerns raised about the behaviour of carers, including conversations with the carer themselves and any witnesses.
- Where a member of staff or volunteer is abusive towards another, Team Managers will escalate, investigate and respond in line with CSWS Harassment and Bullying policy.
- lead in application of the Zero Tolerance Policy for their team

## Definitions

**Bullying** – This is behaviour which is offensive towards the person at which it is aimed or those present. This includes humiliating, offensive, degrading or abusive behaviour and language. This could be towards one individual or towards a group of people where they are made to feel threatened, humiliated and / or vulnerable.

**Discrimination** – Treating someone less favourably because they have, are perceived to have, or associate with someone who has a protected characteristic as described under the Equality Act 2010 is classed as discrimination. This relates to age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion, sex and sexual orientation.

**Harassment** – Any unwanted conduct undertaken with the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment can be intentional or unintentional and may be persistent or an isolated incident. This can include unwanted touching, for example hugging someone without asking.

**Hate Crime** – The Police and the CPS outline the following definition for identifying and flagging hate crimes:

"Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity."

There is no legal definition of hostility, CPS use the everyday understanding of the word which includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike.

**Non-physical assault** - The use of inappropriate words or behaviour causing distress and / or constituting harassment.

**Anti-social behaviour** - Any activity that impacts on other people in a negative way, and the key to categorising behaviour as anti-social must be consideration of its impact on others.

While it is challenging to provide a comprehensive and complete list of types of incidents that are covered under these definitions, some examples are provided below:

- Offensive language, verbal abuse and swearing
- Racist, sexist, homophobic or transphobic comments
- Unwanted, malicious or abusive remarks
- Invasion of personal space
- Branding of objects or weapons
- Near misses, i.e. unsuccessful physical assaults
- Offensive gestures

- Threats or risk of serious injury
- Intimidation or lurid behaviour
- Stalking and harassment (including online / via social media)
- Sexual harassment
- Alcohol or drug fuelled abuse
- Incitement of others and / or disruptive behaviour
- Any of the above linked to destruction of or damage to property

The list presented above is not exhaustive but outlines the range of behaviour that falls within the definition of non-physical assault. Such abuse can be carried out in person, or by telephone, letter, email, social media, text message or other forms of communication.

**Physical assault** - The intentional application of force to the person of another without lawful justification resulting in physical injury or discomfort.

While it is challenging to provide a comprehensive and complete list of types of incidents that are covered under this definition, some examples are provided below:

- Spitting on or at staff
- Pushing
- Shoving
- Poking or jabbing
- Scratching and pinching
- Throwing objects, substances or liquids onto a person
- Punching and kicking
- Hitting and slapping
- Sexual assault
- Use of weapons or objects
- Incidents where reckless behaviour results in physical harm to others
- Incidents where attempts are made to cause physical harm to others and fail

The list presented above is not exhaustive but outlines the range of violence that falls within the definition of physical assault.

The reference to incidents within this policy encompasses all types and levels of violent, aggressive and abusive behaviours, ranging from non-physical assault such as swearing and verbal and racial abuse through to physical assault.

**Unacceptable Behaviour** – In relation to unacceptable behaviour, the definitions and principles adopted in this policy are in line with the Equality Act 2010 and are as follows:

‘Unacceptable behaviour means any action, from any individual, that can be described as discrimination, harassment or bullying. It is costly, counterproductive and has a devastating effect on those involved. It drains the organisation of productive, committed people.

**Zero Tolerance** – Is used to describe the organisation’s attitude towards violence and abuse that will not be tolerated. Laws and penalties may be invoked in order to reinforce appropriate behaviour and protect staff safety at work.

Everyone has a duty to behave in an acceptable and appropriate manner when receiving support on CSWS premises or in the community. If any person is abusive, violent or discriminatory towards any member of staff or any other persons on CSWS premises, CSWS retains the right to take formal action in compliance with the Zero Tolerance Policy.

### **Reporting an incident**

Any incidents should be reported as soon as possible to the Team Manager or appropriate colleague. An Incident Report form should be completed and returned to a Head of Service for review.

A record should be made on the Carer's CRM record by the Team Manager in the Confidential Storage area.

All incidents must be reported by the member of staff that experienced the incident, a staff witness or the line manager. Incidents reported should include as much detail about the incident as possible, including any immediate steps taken, and must be recorded as soon as is practicably possible following the incident.

A consideration should be made as to whether the incident requires reporting to the Police for further enquiries and / or to obtain a Police crime reference number. This should take place on a case by case basis and with guidance from the team / service manager.

Staff will be supported by their line manager and any associated management structure when reporting incidents identifiably and will never be discouraged from reporting an incident. Where a member of staff does not want to report an incident which is deemed by the team / service manager, to require reporting, the manager is within their rights to advise the Police of the incident in order that a Police crime reference number is recorded and further investigations can take place if required.

In the event that reporting through line management structures is challenging, staff are encouraged to make direct contact with another manager in the organisation that they feel comfortable to do so with.

**Reporting violence / physical assault** - Physical assaults must be reported to the police. This should be undertaken by the staff member themselves, a staff witness or the line manager on their behalf. Incidents should be reported by phoning 101 and a crime reference number obtained.

**Reporting hate crimes** – CSWS takes a zero tolerance approach to hate crimes. It is important that if hate crime happens to you, or someone else, you must report it to the Police. All hate crime incidents must be reported as an incident to CSWS management. The Crown Prosecution Service recognises five types of hate crime on the basis of:

- Race
- Religion
- Disability
- Sexual orientation
- Transgender identity

### **Police Reporting routes:**

- Hate Crimes can be reported online – [http://report-it.org.uk/your\\_police\\_force](http://report-it.org.uk/your_police_force)
- In the event of immediate danger or for a crime in progress call 999
- Call 101 to report to local Police.

By reporting hate crime when it happens, this can prevent it happening to someone else. Reporting also helps the Police to better understand the level of hate crime in the local area, and improve the way they respond.

Support for anyone subjected to a Hate Crime is available through the Government victim and witness services: <https://www.gov.uk/guidance/victim-and-witness-services>

When reporting abuse, the following factors should be considered when deciding to report the incident to the police:

- The psychological impact on the staff member or witnesses
- If the assailant's behaviour is motivated by hostility towards a particular protected characteristic group, such as race, disability, religion, sexual orientation or gender reassignment which might indicate a hate crime
- A weapon (or similar other object) is used to threaten staff or used to damage property
- The incident was an unsuccessful attempt of physical assault
- This is not the first incident by this assailant / harassment
- If there is a concern that threats made will be carried out
- If there is a risk that the person's behaviour may deteriorate further
- It is obvious or believed that the staff member (or specific staff members) are being targeted
- If it is apparent that a specific team or area are being targeted

Where abuse needs to be reported to the Police, this should be done as soon as is reasonably practicable and full co-operation must be given to the Police by staff members to support any subsequent investigation which may take place.

### **After an incident / Debrief**

After any incident of violence, abuse or discrimination, a post-incident review should take place as soon as is practicable, ideally within 72 hours. The post-incident meeting should include the members of staff who were involved in the incident and their line manager. The Head of Service may wish to attend also, depending on the severity of the incident.

The aim of the review is to seek to learn lessons, support staff and people using CSWS and encourage the therapeutic relationship between them. The review will aim to establish:

- what happened during the incident
- any trigger factors
- each person's role in the incident
- what interventions were used
- why the interventions were used
- their feelings at the time of the incident, at the review and how they may feel in the near future
- what can be done to address their concerns.

**Effects of behaviours** – The effects of violence, abuse and discrimination are wide-ranging and it should be acknowledged that as well as the more evident impacts of a physical assault, such as a visible bruise or injury, there may often be non-evident impacts, such as longer lasting emotional and psychological trauma and shorter term effects such as alarm and distress. It is not necessary for there to be any physical injury as a result of the assault in order for further action to be taken. If staff and managers intervene when incidents occur, clarifying that certain behaviours are not acceptable, in many cases the instigator may stop without the need for further action.

### **Occupational Health**

Where any violence / physical assault has taken place which has resulted in time away from work or caused any on-going distress, the staff member should be made aware that a referral to Occupational Health may be undertaken by their line manager. The staff member will receive a copy of the submission to Occupational Health. It is also possible for the affected staff member to request their line manager refer them to Occupational Health.

For cases of non-physical assault / abuse the staff member should be asked if they wish to be referred to Occupational Health but have the right to decline.

#### Production History

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