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Codes of Practice 2014

Part I

Guidance on the delivery of non-physical conflict management training

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THE INSTITUTE OF CONFLICT MANAGEMENT

CODES OF PRACTICE

Guidelines for the prevention and management of work related violence

This document is designed to provide a framework for members of the ICM to adhere to in the prevention and management of work related violence.

The Codes of Practice are organised under twelve main headings and should be read in conjunction with the ICM's Memorandum and Articles of Association, other ICM guidelines, and other documents referred to in the appendix in section 12.

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1. **Introduction**

These codes of practice are designed to help companies and organisations, commissioners of training, in-house and contracted training providers adhere to ICM standards, principals for the prevention and management of work related violence. Through a commitment to research and development the ICM will undertake to ensure that, where possible, the information contained in the codes of practice are in-line with all currently recognised, and documented, theories and principals on best practice in the prevention and management of work related violence.

The information contained in here also places some responsibility on the proper conduct of individual ICM members, as they are the medium through which training and advice is provided. This is especially relevant to MICM, MICM (Reg.) and Affiliate members and not Associate or Student members. If an organisation provides training in physical skills, then they must also refer to Code of Practice Part II. If an organisation is an ICM Quality Award Centre, then they must also refer to Code of Practice Part III.

This information, along with other ICM policies, guidelines, and information, is designed to promote the provision of advice, information, and or training, through the ICM and its members that will provide the commissioning body with clear guidance on the following:

- 1.1 Advice and training that is relevant to their environment and risk assessments, and is proven to be effective in helping to reduce or eliminate the risk of violence, and where this is not possible, to effectively manage those risks that cannot be eliminated.
- 1.2 Accurate risk assessments to establish the extent and nature of the risks.
- 1.3 How to identify the 'triggers' to violent behaviour and other factors that prompt violence occurring.
- 1.4 Policies and staff guidelines that reflects the findings of the risk assessment and what the company/organisation will do to reduce the risks of violence to workers.
- 1.5 How to comply with current UK and European, or other, Health and Safety legislation.
- 1.6 A process of monitoring the effectiveness of these policies, guidelines and training in a way that can be reviewed at regular intervals.
- 1.7 Taking all reasonable steps to ensure the health and wellbeing of customers, clients, patients, residents or others that may enter or visit the workplace.
- 1.8 Being able to offer to those members of staff who have been involved in an incident, effective post incident support.

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- 1.9 Through their ICM member/trainer or directly through the appropriate channels, having access to up-to date research, statistics and other relevant information in all aspects of preventing and managing work related violence.
- 1.10 That those individuals and organisations involved in supplying advice and training adhere to the following additional standards:
- ◆ Train staff to work in the best interests of the company or organisation, other staff members, and service users
 - ◆ Adherence to the principals set out in the ICM Quality Award-Managing Work Related Violence (MICM (Reg) and Affiliates), and related Code of Practice.
 - ◆ Maintaining an up-to-date knowledge of all matters relating to their field of expertise and any other relevant changes in best practice and legislation
 - ◆ Only contract to undertake training for which they have the appropriate experience, qualifications and expertise
 - ◆ Work with other trainers and the relevant statutory and voluntary bodies to improve knowledge and promote best practice
 - ◆ Be prepared, where feasible, to provide independent and objective expert advice to outside bodies including the courts
 - ◆ Ensure that all public announcements, including advertising, are accurate and are not liable to misinterpretation with respect to the type of training provided, its content, quality, or likely impact, on the company's/organisation's image. (See ICM Membership Guide for more details).

2. **Health and Safety**

- 2.1 **The Health and Safety at Work Act 1974** states that employers have a duty of care to their employees. The Management of Health and Safety at Work Regulations 1999 add to the general duty on employers, and require an assessment to be carried out to identify the significant risks in the workplace. This Risk Assessment will help determine policy and guidelines required as part of preventive and protective measures.
- 2.2 The HSE's definition of violence: "***Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work.***"
- 2.3 Both employer and employees have an interest in reducing violence at work. For employers, violence can lead to poor morale and a poor image for the organisation, making it difficult to recruit and keep staff. It can also mean extra cost, with

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absenteeism, higher insurance premiums and compensation payments. For employees, violence can cause pain, distress and even disability or death. Physical attacks are obviously dangerous but serious or persistent verbal abuse or threats can also damage employee's health through anxiety or stress. (HSE)

- 2.4 The general duties under the Health and Safety at work act now extend to employers taking reasonable steps to preventing and managing work related violence.

All references to the Health and Safety at Work act act 1974 should be read in conjunction with the HSE publications listed in the attached appendix.

3. **REPORTING INCIDENTS**

- 3.1 The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995, which amended the original 1995 Regulations, and came into force in April 1996.
- 3.2 Under these regulations, all employers must now establish a process of incident reporting which, in some (more serious) cases, requires a formal report to be sent to the Health and Safety Executive. It requires employers to inform the appropriate enforcing authority (HSE or Local Authority) whenever there is an accident at work which results in death, major injury or incapacity for normal duties for three days or more. However, RIDDOR requires only acts of "non-consensual" physical violence to be reported. It does not cover verbal abuse or threats.
- 3.3 Although RIDDOR only covers physical violence, HSE guidance recommends that employers set up their own internal reporting arrangements, to build up a clear picture of violence experienced by their staff. The following type of incident could be reported:
- ◆ Angry or aggressive complaints
 - ◆ Threats and intimidation
 - ◆ Abusive or aggressive behaviour
 - ◆ Physical intimidation
 - ◆ Physical assault
 - ◆ Near misses
- 3.4 Accurate reporting of all incidents, however commonplace, will highlight problematic areas or working practices. They will also help:
- ◆ Companies and organisations comply with Health and Safety regulations
 - ◆ Monitor the effectiveness of policies and procedures
 - ◆ Safeguard against allegations
 - ◆ Safeguard and support any subsequent prosecution or compensation claim

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All references to the RIDDOR should be read in conjunction with the HSE publications listed in the attached appendix.

4. **The Law**

4.1 **The Criminal Law Act 1967, Section 3, provides that “a person may use such force as is reasonable in the circumstances** in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspect offenders or of persons unlawfully at large”.

4.2 Where necessary reasonable force can be used to control or restrain. Everyone has the right to defend him/herself against attack provided they do not use a disproportionate degree of force to do so.

4.3 By far the most effective method of dealing with volatile situations is to look at ways of preventing the problem occurring in the first place. Where this has failed staff should have a strategy for containing the situation until support is available and or where possible, for de-escalating the person or persons involved.

All references to The Law should be read in conjunction with the publications listed in the attached appendix.

5. **European Law on Human Rights**

On the 2nd October 2000 the European **Human Rights Act 1998** became Law in the U.K.

Relevant articles include **Schedule 1, Article 2,3,4,5.**

All references to European Law and the Human rights Act should be read in conjunction with the publications listed in the attached appendix.

6. **Risk assessment**

6.1 The Management of Health and Safety at Work Regulations 1999 require all employers to assess risk to their employees. The assessment should include the risk of work-related violence (both physical and verbal). Employers with five or more employees should record their findings from the risk assessment. As part of the process of assessing the risks, employers must identify:

- The extent and nature of the risks
- The causes and factors that contribute to the risks
- The control measures necessary to eliminate or reduce the risks

All references to Risk Assessment should be read in conjunction with the publications listed in the attached appendix.

7. **Conflict prevention**

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7.1 Much can be done to prevent or reduce the risk of incidents occurring. By continuously acting upon reported incidents and feedback from staff and service users it should be possible to make changes to policy, procedures, working practices and the environment. The National Occupational Standards on Managing Work-related Violence are an important bench-marking tool to aid the provision of training and advice. These should help in reducing the risk of conflict and confrontation. Consider the following:

- ◆ Policy and staff guidelines
- ◆ Working practices
- ◆ The triggers to violence
- ◆ Planning and awareness
- ◆ Personal safety and incident avoidance advice
- ◆ Design and arrangement of the environment
- ◆ Control of Lighting
- ◆ Control of Heating
- ◆ Control of Noise
- ◆ Staffing patterns
- ◆ Recognising potential problems early
- ◆ Strategies for promoting positive behaviours
- ◆ Review of existing control measures

8. **Conflict management**

8.1 Conflict management covers many possible levels of interaction between people. From basic communication and customer service skills such as dealing effectively with complaints, through to containing or intervening in a situation that has escalated to the point where someone's safety is being compromised. All training must provide staff with the opportunity to interact and contribute to the solution. Staff must be able to express their opinions and fears and discuss the common every day experiences they encounter.

8.2 As soon as one starts to interact with another person or persons, either through choice, following a decision to do so, or through another person's actions, he/she will

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require many skills to prevent escalation, or to be able to de-escalate the existing situation. These skills include:

- ◆ Knowledge of the appropriate policy and strategy for managing potential problems
- ◆ Knowledge of your rights and duties
- ◆ Being able to make a positive input during the initial response or during your initial approach
- ◆ Methods of deflecting the behaviour or distracting the aggressor
- ◆ Recognising other peoples emotions and feelings
- ◆ Understanding how people are effected, physically and emotionally, during a situation
- ◆ Taking positive steps to controlling these effects
- ◆ Projecting a positive attitude and appearance
- ◆ Understanding the factors that effect peoples behaviour
- ◆ Communication skills, both verbal and non-verbal
- ◆ A de-escalation strategy
- ◆ Dealing effectively with the after effects of an incident
- ◆ Effective post incident support and report writing
- ◆ Counselling facilities

8.3 **Physical responses to another person's behaviour** can take many forms that start with positive body language, evasion or escape. This may, on occasion, require that a person needs to free him/herself, or indeed a colleague, or service user, from the aggressor before being able to take any further action. These skills may also require the restriction of a person's movements by physically intervening to prevent injury. They can form part of individual care plans for people who work in certain environments. In some environments, or in-line with some working practices, it may even be part of the overall strategy to mechanically restrain a person until their behaviour, or the surrounding circumstances, are more favourable.

9. **Conflict resolution**

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9.1 Following an incident it is vital that as much information is gathered about how and why the incident occurred to help prevent it happening again. There should be a policy that covers immediate, intermediate and possible long-term effects on those involved. Consider the following:

- ◆ Witness statements
- ◆ Evidence gathering
- ◆ Effective post incident support for the victim, and where possible the aggressor
- ◆ Short term support
- ◆ Long term support
- ◆ Counselling
- ◆ Monitoring

10. **The teaching of physical skills**

10.1 This is a more complex subject than lecture or workshop based sessions. There are specific safety and ethical issues that need to be addressed.

10.2 Trainers delivering courses on physical interventions will need to be aware of the following:

- ◆ The principals set out in Code of Practice Part III.
- ◆ The duty of care and health and safety requirements which apply to the workplace
- ◆ Organisational policies on the use of physical skills
- ◆ The principle of 'progressive physical responses' e.g. guiding or shepherding before assisting, holding or restraining the person
- ◆ The importance of systematically monitoring the use of physical interventions and procedures to protect the best interest of those on whom the skills are being used
- ◆ The influence of staff attitudes and organisation culture and the importance of addressing attitudes during training
- ◆ The entitlement of staff to be trained in the use of physical skills where appropriate
- ◆ Staff care and safety policies

10.3 To ensure that staff training links directly with organisational policies trainers' will take all reasonable steps to ensure that training is an accurate reflection of the risk assessments.

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(See the ICM Codes of Practice Part III for the provision of Physical Responses and Interventions for full guidance in teaching physical skills).

11. **Summary**

- 11.1 These Codes of Practise have been compiled with the valuable input of many of the members of the ICM. The information contained in this document has also been drawn from many other sources, documentation, and organisations, that share the ICM's aims for developing national standards in preventing and managing abuse, threats, anger, aggression and violence in the workplace. We hope that those individuals and organisations will continue to exchange and share information, and other relevant material, in an effort to significantly reduce the risks many people face on a daily basis from the effects of conflict, aggression and violence.
- 11.2 These codes of Practise will be reviewed on an annual basis and up-dated in accordance with changes in legislation and current best practice.

The following appendix lists many points of reference, some of which were used in compiling this document.

12. **APPENDIX**

The following list of publications and organisations are all points of reference for more information on the subjects covered within the ICM Codes of Practice.

Please contact the relevant organisation, department or others to ensure the information is current and up to date.

HSE

Writing your Health and Safety Policy Statement (ISBN 0 7176 0424 1)

5 Steps to Risk Assessment, INDG 163(rev), (ISBN 0 7176 0424 1)

Successful Health and Safety Management, HSG65, (ISBN 0 7176 1276 7)

Management of Health and Safety at Work Regulations 1999: Approved Code of Practice and Guidance, L21, (ISBN 0 7176 2488 9)

Everyone's Guide to RIDDOR, HSE31, (ISBN 0 7176 1077 2)

A Guide to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995, L73, (ISBN 0 7176 2431 5)

Violence at Work – A Guide for Employers, INDG69(rev), (ISBN 0 7176 1271 6)

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Violence and Aggression to Staff in the Health Services (ISBN 0 7176 1466 2)

Violence in the Education Sector (ISBN 0 7176 1293 7)

Preventing Violence to Staff (ISBN 0 1188 5467 4)

Prevention of Violence to Staff in Banks, Building Societies (ISBN 0 7176 0683 X)

Prevention of Violence to Retail Staff (ISBN 0 7176 0891 3)

Stress at Work: A Guide for Employers, HS(G)116, (ISBN 0 7176 0733 X)

Managing Occupational Stress: A Guide for Managers and Teachers in Schools (1998), (ISBN 0 7176 1292 9)

Workplace (Health, Safety and Welfare) Regulations 1992: Approved Code of Practice and Guidance, L24, (ISBN 0 7176 0413 6)

HSE publications are available from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA, Tel: 01787 881165, Fax: 01787 313995. Further information and single copies of free guidance leaflets can be obtained from HSE's Info line service, Tel: 0541 545500.

EUROPEAN LAW

Human Rights Act 1998 (Chapter 42)

THE LAW

The Criminal Law Act 1967 (Section 3)

ADDITIONAL INFORMATION

BMA Handling Aggression and Violence – In Health Services (ISBN 0 9486 8043 1)

British Institute of Learning Disabilities (Physical Interventions – The Draft Code of Practice)

Royal College of Nursing (RCN) July 2000. The Management of Actual and Potential Aggression in the Health Care Organisations.

National Occupational Standards August 2002. "Managing Work Related Violence" Occupational Standards. Employment NTO.

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ICM Quality Award Guidelines-Managing Work Related Violence