

CYNGOR SIR POWYS COUNTY COUNCIL

Corporate Health & Safety Unit

**Protocol for the Use of, Access to and Maintenance of
the Personal Safety Register**

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Agreed by	Corporate Health & Safety Unit

1.0 The Personal Safety Register

The Powys County Council Personal Safety Register (PSR) is a register of individuals and properties that pose a significant (i.e. reasonably foreseeable) threat of physical or mental harm to employees who have to deal with them in the course of their work (see appendix 1 for examples). The Personal Safety Register gives specific advice when dealing with each individual on the register to help ensure the safety of themselves and others.

The Personal Safety Register (PSR) is intended to support existing Corporate Health and Safety Arrangements, and local protocols with regard to violence at work.

The primary purpose of the Register is to protect the health, safety and welfare of employees and others. However, the information on the Register is sensitive personal information. This information must be held and processed under the strict conditions imposed by the Data Protection Act 1998/General Data Protection Regulations (GDPR) and with sufficient safeguards to comply with the Human Rights Act 1998.

Under the GDPR, there is a requirement to specify the lawful reasons for processing individuals data. In the case of information held on the PSR, this data is required to enable a risk assessment to be undertaken for violence and aggression risks. This allows the service areas to put in place such control measures as necessary to reduce the risk to staff. The requirement to undertake a risk assessment is an explicit requirement in the following legislation:

The Management of Health & Safety at Work Regulations 1999

- 3** (1) *Every employer shall make a suitable and sufficient assessment of—*
- (a) *the risks to the health and safety of his employees to which they are exposed whilst they are at work; and*
 - (b) *the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,*

for the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997.

There is also a requirement in the Health and Safety at Work etc. Act 1974 to provide such information as is necessary to ensure the health safety and welfare of employees

2 General duties of employers to their employees.

- (1) *It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.*

(2) *Without prejudice to the generality of an employer's duty under the preceding subsection, the matters to which that duty extends include in particular—*

(c) *the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees;*

Each Service Area has an appointed Violence at Work Co-ordinator (VWC) to help ensure that the PSR is managed in accordance with this protocol.

2.0 Authorised Use

The Register is a computerised system that is accessed via the Intranet using your corporate login and password. Employees should access the system if they need this information to protect their own personal safety or are managing this information to protect the personal safety of colleagues. The system must **not** be used for any other purpose. The system includes an audit function to ensure that the system is being used appropriately. Authorised use includes, but is not limited to:

- Staff who work with the public in the community, including those in enforcement and community support roles e.g. social services, environmental health, housing, planning, trading standards, schools, revenues and benefits etc.
- Staff who interview members of the public either on our own premises or at other locations.
- Staff who work on reception, customer contact centres including libraries and other public facilities.
- 24 hour Care Line call centre operatives.
- Managers and supervisors who are responsible for anyone undertaking any role which includes contact with the public.
- Councillors when meeting with members of the public

Managers must ensure that Users have completed the e learning in the use of the Register before they are allowed access to the system This can be accessed from E-Learning. A record of this training will be maintained by the system. Newly appointed staff who require access to the PSR data base should receive this training as part of induction.

Line managers are responsible for ensuring that there is a system in place to cover staff who do not have direct access to the register and require notification in the interest of their safety. For example 24 hour Careline call centre operatives should have access to information on the system and **must** forward any details to on call operatives as part of the call out procedure.

It is the responsibility of each employee to access the register before carrying out a home visit or interviewing individuals and to follow the precautions described. Although there may have been no entry for an address/individual on a previous occasion it should not be assumed that this will continue to be

the case. The register will be updated and should always be consulted before meeting a member of the public. Staff are advised to search on **both** the **name** and **address** if possible. This is because an individual may be associated with more than one address.

Information on the register must never be given to third parties unless a written data sharing agreement has been drawn up through the Head of Legal Services, Powys County Council. N.B. This does not affect existing disclosure arrangements between partner agencies, where this information is required for their own risk. Additional guidance on data sharing agreements is given by the Information Commissioner's Office (see link on page 5524 of the Intranet)

Each Service Area has a Violence at Work Co-ordinator (VWC) appointed from within their area by the Head of Service. It is the responsibility of all authorised users to inform the VWC for their Service Area of any changes or inaccuracies in the information held on the system as soon as possible, so that necessary amendments can be made. A common example will be that an employee becomes aware of a change of address for a personal safety register subject.

It is the responsibility of all authorised users to inform the VWC for their Service Area of contacts with Personal Safety Register subjects and any other relevant information when requested to do so as part of the review process. It should be indicated whether these contacts did or did not give cause for concern.

The system contains an audit trail which allows VWC's to carry out regular checks to be made on who has accessed the system and which entries have been viewed. Any misuse of the system may result in disciplinary action being taken by the Council.

3.0 Accessing the Information

Access to the system is authorised by the VWC for each Service Area. Line managers should forward the names of individuals requiring access to the PSR as part of the induction process.

A link to the Personal Safety Register can be found on the Health and Safety Section of the Intranet.

- Logon using your normal username and password.
- To search for an entry, enter the details you have available in the relevant sections e.g. name, address, AKA (also known as). You do not have to have a complete set of details to search. If you are unsure of spelling you should carry out a "wild card" search
e.g. Not sure if it is Davies or Davis – try Davi*
Not sure if it is Tibbit or Tebbit – try *bbit*

- Click on “Search”. This should bring up any entries that match your search.
- It is advisable to search on **both** the **name** and the **address** if possible.
- To select an entry move the curser over the name (the name should change colour (blue) and the curser should change from an arrow to a hand) and left click the mouse. This should call up basic personal details and any safety recommendations, if applicable.
- Click on address to view alternative addresses and any other names that an individual is ‘also known as’ (AKA).
- Click on incidents to view the type of incident e.g. verbal threat or abuse and a brief description of the incident.

Step by step guides are in Appendix 2

4.0 Creating and Managing Entries

Only VWC’s are authorised to amend an entry or create new ones, subject to approval by the Senior Manager for their area. The information relating to those individuals and properties who may be entered onto the Register will be primarily obtained from the Council’s completed “Violent Incident” report form. Other relevant & reliable **written** information sources may be used as appropriate. These include:

- Multi-agency Public Protection Assessments (MAPPA)
- Department of Work and Pensions
- Police
- Local Health Boards
- Other Local Authorities
- Housing Associations
- Community Safety
- Food Standards Agency.
- Health & Safety Executive
- UK Border Agency
- Welsh Food Fraud Unit
- Mid and West Wales Fire
- Gambling Commission
- Public Health Wales

Entries that are not supported by written information must not be held on this or any other data base. Line Managers remain responsible for timely action in response to violent incidents including the notification to relevant colleagues where threats are made against staff in other departments.

Creating Entries

Entries are made subject to approval by the Senior Manager for their Area. Where there is a clear risk to staff and/or the public, entries should be placed

on the register in advance of notifying the Senior Manager and completing the relevant paperwork, notifying other VWC's where relevant on a need to know basis. All entries are made subject to further amendment or review should further information arise, and through ongoing communication with Senior Managers.

Where a property related hazard is given and there is no named person, the approved dummy name should be used: **Dr A N Other**, e.g. a house in multiple-occupation where there is a recorded history of confrontational behaviour.

The data base entry **must** include:

- Basic details of the hazard.
- Source of the information - i.e. name of department or unit.
- Contact number for further information if required.
- Basic details of any action to address behaviour e.g. formal letter, police involvement.
- Basic details of any correspondence with the perpetrator regarding their inclusion on the data base where applicable, including the date of any letter giving notification to an individual that they have been included on the data base.

The decision to inform or not inform an individual of their inclusion on the data base **must** be taken on a case by case basis. The decision taken should be to minimise the overall risk to staff and the public. The overall objective should be to communicate that violent behaviour will not be tolerated by the Authority, whilst taking appropriate steps to protect the health and safety of individuals. The relevant Senior Manager(s) must approve all decisions. If the individual is a young person (under 18), any communication should be directed via their parent / guardian.

Form1 is available on the intranet (and at the rear of this document) for the VWC to record the decision making process, as authorised by the Senior Manager. A copy **must** be forwarded to the PSR Administrator to ensure that a central record is maintained. Where information is being transferred from other data sources, this form must be used to ensure compliance with current health and safety arrangements, and associated legislative requirements.

Where it is decided, on balance, that an individual should be written to, it is essential that the letter complies with both health and safety and data protection requirements. The letter should set out:

- The nature of the threat or incident.
- If they are included on the register.
- Who you may pass this information to – usually any department within Powys County Council on a need to know basis.
- When they will be removed from the register or when the decision to review their inclusion on the register will be taken.

- Disclosure to other organisations where applicable – most records will be confidential to Powys County Council unless risks are presented to other organisations e.g. via referral or direct threat to partner agencies.
- Where appropriate, any action that may be taken should an individual continue to behave aggressively e.g. contact in writing, interview by appointment etc.

A draft letter is available on the intranet, and at the rear of this document. The draft letter also has information to ensure compliance with GDPR. A copy of the letter **must** be sent to the PSR Administrator so that it can be held on a central file.

Where it is decided, on balance, that an individual should **not** be written to this decision should be justified and recorded. A decision not to write to an individual may be justified because it is believed that writing to an individual and/or informing them of their inclusion on the register would in itself create a substantial risk of violence. This may occur, for example where the personal circumstances of a threatened employee is common knowledge within a local community, or risk is enhanced due to a requirement to carry out enforcement activities in the community. Consultation with targets of violent behaviour is therefore essential to inform any decisions that are made. The reason for any decision not to inform an individual of their inclusion on a register **must** be recorded on the **Form for Inclusion on PSR** (Form 1) to demonstrate that the decision is justified. A copy of the decision **must** be sent to the Health and Safety Department so that it can be held on a central file. As indicated above, there is a form available on the intranet which can be used to record this information.

If the perpetrator has been contacted to inform them that they are to be included on the PSR, this **must** be confirmed to them in writing and the date of the letter **must** be recorded on the data base.

It is essential that the health, safety and welfare of any employee who is a target of an incident is assessed and managed appropriately. For example subsequent visits (particularly alone) by an at-risk employee may be prohibited.

Review

On an annual basis, the VWC's will be prompted by the PSR System Administrator to review their entries on the PSR.

Entries usually stand for a minimum of three years if no further information is received to affect an earlier decision either way. However a shorter review period should be considered by the relevant VWC(s) in the following circumstances:

- Where the decision to include the individual on the PSR is finely balanced i.e. there is doubt about how likely further / potentially more serious incidents may occur.
- Where the individual is a young person.
- Where the individual is a vulnerable adult.

The need for a shorter review period should be considered on a case-by-case basis. This may be 12 months or less depending on the circumstances. A shorter review period is appropriate where the circumstances of an individual, and therefore the risk to others, is likely to change. The retention period is likely to depend on a number of factors. In particular, the following are recommended by the Information Commissioner's Office.

- The original level or threat of violence.
- How long ago this was.
- The previous and subsequent behaviour of the individual.
- Whether or not an incident was likely to have been a "one off". For example, where the individual was suffering an unusual amount of stress due to a particular set of circumstances.

Individuals who have been entered on the register, and have been notified of their inclusion, should be notified if they are subsequently removed e.g. because they no longer present a significant risk or have successfully appealed against their inclusion.

Other actions should be considered in addition to the PSR e.g. issuing alert notices, using exclusion procedures, using anti-social behaviour procedures, using the Habitual and Vexatious Complainants Policy and applying for an injunction (Please see the Corporate Working Arrangement for Violence and Aggression).

Deleting Entries

If it is felt by the VWC that an entry can be removed, Form 2 must be completed, signed by the Senior Manager and submitted to the PSR Administrator. The Administrator will review recent violent incident reports and if there have been no incidents involving the individual then they will be removed from the PSR. If there have been incidents involving other departments, then the relevant Service Area will be contacted to ascertain if these incidents would have resulted in inclusion on the PSR. The original service area will be informed of the removal, or otherwise, so that they can contact the individual if necessary. Entries can only be deleted from the PSR by the System Administrator.

Appeals

If it has been decided to place an individual onto the PSR, and they have been informed of this, they have a right of appeal. Any appeal to inclusion on the PSR must be considered by the Head of Service for the Service Area that

wished to place the individual on the system. The individual must be informed of the outcome of their appeal by the Service Area.

Examples of information that should, and should NOT be included on the Personal Safety Register

Named Person	Named Property (but no named person).	NOT for Inclusion
Person who has committed an act of physical violence against a member of staff.	Where there is a risk of violent behaviour but residency of individuals cannot be established e.g. property in multiple-occupation where some residents are known to be potentially violent.	Specific details of offending behaviour e.g. sex offences – although this would not preclude precautions being given without nature of offence being given. e.g. not to be visited by unaccompanied female officer.
Stalking.		
Person who has made a serious threat of violence against a member of staff.		
Threatening or intimidating behaviour		
Verbal abuse that has resulted in distress to a member of staff.		
Person who has used their dog or other animal as a means of attacking a member of staff.	Presence of a dangerous dog, particularly where ownership is unknown	
		Medical diagnosis e.g. Psychosis Schizophrenia Bi-polar disorder Hepatitis / HIV
Needle-sticks.	Needle-sticks	Most other physical Hazards e.g. Asbestos

Step-by-Step Guides

If you don't have access to the PSR speak to your Violence at Work Co-ordinator (VWC) to gain access

Viewing the Register

- 1 Log into the Intranet
- 2 Go to the Health and Section of the Corporate Handbook
- 3 Click on the PSR Button
- 4 Click on Search
- 5 Enter known details, click on Search button
- 6 Click on name of relevant person if found
- 7 Click on incidents button to see details
- 8 If no record was found, exercise usual risk management arrangements.

Adding a Person to the Register or Amending their Record(VWC Only)

- 1 Log into the Intranet
- 2 Go to the Health and Section of the Corporate Handbook
- 3 Click on the PSR Button
- 4 Click on Register
- 5 Search on known details (this is to ensure there are no duplicate records).
- 6 If there is no existing record click on the Add button
- 7 Add in the details of the assailant and other details using the Address and Incidents tabs
- 8 If there is already a record for the assailant, click on their name to open the record
- 9 Click on Incidents button
- 10 Add in new incident details

Adding Users (VWC Only)

- 1 Log into the Intranet
- 2 Go to the Health and Section of the Corporate Handbook
- 3 Click on the PSR Button
- 4 Click on User
- 5 Search on the users details
- 6 If there is no record click Add User button
- 7 Complete the form, their user ID is their IT userid, which you can get from the intranet contacts page.

Personal Safety Register “STRICTLY CONFIDENTIAL”

Record Form for an individual and / or location to be considered for inclusion on the PSR - to be completed by the Violence at Work Co-ordinator following discussion with the affected staff and relevant Senior Manager

Details of individual &/or location to be considered for inclusion on the PSR:

Name:	Primary Address:
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Has the individual / location concerned been placed on the PSR?

If “Yes” – please give reason(s) for inclusion:

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Register Reference Number:

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If “No” – please give reason for not including on the PSR:

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Has the individual / location concerned been written to informing them of the decision that they will be included on the data base (Please attach copy)?

YES / NO

If No – please give the reason for the decision not to disclose i.e. describe the nature of the risk should inclusion on the register be disclosed to the individual(s) concerned:

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Has the incident been reported to the police? YES / NO

Police Reference No:

Please describe any other action that has been taken to deal with the situation (See Violence and Aggression Flowchart for Managers) and warn others if directly at risk if necessary e.g. other service areas?

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Decisions authorised by Senior Manager:

Name:	Signature:
Date:	

Please send a copy of this form marked “Strictly Confidential” to:

- PSR Administrator, HR, County Hall, Llandrindod Wells, Powys LD1 5LG.
- The Service Area Violence at Work Co-ordinator.

Personal Safety Register – Subject Removal Form

Record Form for an individual (or location) to be removed from the PSR - to be completed by Violence at Work Co-ordinator in consultation with the affected staff and relevant Senior Manager

Details of Person to be removed from the PSR:

Name:	Primary address (if known):
Register Reference Number:	

Was the individual concerned written to informing them of the decision that they will be included on the database? **YES / NO**

If yes, you must inform them of their removal from the register. Please send a copy of this letter to the PSR System Administrator, HR, County Hall, Llandrindod Wells, LD1 5LG

Please explain why the individual can be removed from the PSR

Violence at Work Co-ordinator

Name	
Service Area	

Decision authorised by Senior Manager:

Name:	Signature:
Date:	

Please send a copy of this form marked "Strictly Confidential" to the PSR System Administrator, HR County Hall, Llandrindod Wells, Powys LD1 5LG. A copy should also be retained by the Violence at Work Co-ordinator

Head of [Insert Service Area]
Cyngor Sir Powys County Council
Neuadd y Sir / County Hall
Llandrindod Wells, Powys, LD1 5LG
Os yn galw gofynnwch am / If calling please ask for:

Name / Enw:

Tel / Ffôn:

Mobile / Symudol:

Fax / Ffacs:

Email / Llythyru electronig:

Our Ref / Ein cyf:

Your Ref / Eich cyf:

Date / Dyddiad:

Dear

RE: Recent Incident

I am writing to you following an incident on [date] in which [briefly describe incident] involving you at [give location]. Powys County Council is required to keep a record of this to comply with the requirements under the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations

This information is confidential to Powys County Council and will be held on a central register. Your personal information will be used in accordance with current data protection legislation; General Data Protection Regulations and the Data Protection Act 2018.

This information will not normally be passed to other agencies. There are, however, specific circumstances that permit or require the disclosure of this information. Information on how your data is managed is on the reverse of this letter.

A record of the incident will remain on the register until such time as you are informed of its removal. I seek to reassure you that all records are subject to an annual review process. This is to ensure the information retained is properly processed in line with data protection principles.

If you wish to appeal against the requirement for this information to be held please write to Powys County Council at the above address giving your reasons for the appeal.

Yours sincerely

For and on behalf of Powys County Council

cc	PSR System Administrator, Health & Safety Unit
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Privacy Notice and Information

Lawful Reason for Processing your Information

In the case of information held on the PSR, this data is required to enable a risk assessment to be undertaken when working with individuals. This allows the service areas to put in place such control measures as necessary to reduce the risk to staff from violence and aggression. The requirement to undertake a risk assessment is an explicit requirement in The Management of Health & Safety at Work Regulations 1999 – Regulation 3

There is also a requirement in the Health and Safety at Work etc. Act 1974 to provide such information as is necessary to ensure the health safety and welfare of employees. As such Powys County Council has a legal obligation to process your personal information to meet its obligations under the above legislation

Sharing Personal Information

Information that is held on the PSR will only be shared with partner organisations who undertake work on behalf of the Authority and where it is necessary to do so, such as when we are required to do this by law to safeguard employee safety. We will ensure adequate protection of the data by ensuring controls are in place. These will define the data to be shared, how it will be used and security controls to protect your information.

All council officers are required to undertake relevant training to ensure that personal data is processed in accordance with the principles of data protection legislation.

How Long we Keep your Information

We will only keep your information for the minimum period necessary. Data stored on the PSR is reviewed on an annual basis, although a shorter period for review can be set where appropriate. Any records relating to your inclusion on the PSR is deleted / destroyed in accordance with council approved retention schedules.

Your Rights

You are able to make a request to see and be provided with a copy of information about you that is being used by Powys County Council. This includes why information is being held and what sorts of decisions are being made using that information. To do this, you need to make a Subject Access Request.

Should you wish to discuss the use of your personal data in terms of this letter then please contact the person whose name is at the top of this letter.

For more information about Powys County Council's use of personal data and the rights of the individual then the Council's Data Protection Officer can be contacted by email at Information.Compliance@powys.gov.uk and by phone at 01597 826400 or you may view the Council's full privacy statement at www.powys.gov.uk/en/information-management/data-protection-and-privacy/

For independent advice about data protection, privacy and data sharing issues, you can contact the Information Commissioner's Office (ICO) at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF Tel: 0303 123 1113 (local rate) or 01625 545 745 national rate number

Alternatively, visit ico.org.uk or email casework@ico.org.uk

Head of [Insert Service Area]
Cyngor Sir Powys County Council
Neuadd y Sir / County Hall
Llandrindod Wells, Powys, LD1 5LG
Os yn galw gofynnwch am / If calling please ask
for:

Name / Enw:

Tel / Ffôn:

Mobile / Symudol:

Fax / Ffacs:

Email / Llythyru electronig:

Our Ref / Ein cyf:

Your Ref / Eich cyf:

Date / Dyddiad:

Dear

RE: Incidents involving Powys County Council Employees

I refer to our previous letter dated [insert date of letter regarding their entry onto the database] regarding your entry onto a central register in accordance with requirements under the Health and Safety at work etc. 1974 and the Management of Health and Safety at Work Regulations.

I am now writing to inform you that your details have been removed from the register. The date of your removal is effective from [insert date].

Yours sincerely

For and on behalf of Powys County Council

cc	PSR System Administrator, Health & Safety Unit
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