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Introduction

1. The procedures and instructions in this guidance are designed to reduce the level of risk which people working in the Department for Work and Pensions (DWP) face when dealing with customers, claimants and other members of the public whose behaviour is unacceptable. They form a vital part of the Department's strategy for minimising the risks involved in handling such customers and claimants. Failure to implement this guidance will mean that the business is failing to discharge their moral and legal responsibilities and employees' safety may be at risk.
2. The Secretary of State has made it clear that violent and abusive behaviour towards our people will not be tolerated and appropriate action must be taken in every case.
3. In accordance with health and safety legislation each business must ensure that all hazards are risk assessed and that control measures are introduced to reduce any identified risks.
4. Each business must follow the processes in place to report and investigate incidents and Line Managers and Nominated Managers must ensure all incidents are reported.
5. By following these procedures the level of risk attached to dealing with customers and claimants will be reduced.
6. The guidance deals with roles, responsibilities and control measures. Within the Framework provided, individual businesses may develop their own processes and procedures to suit their own organisation and arrangements
7. Managers must ensure that all employees read and understand the policy and guidance and are familiar with the contents of the Incident Management Plans. These set out the practical arrangements and the control measures in place in a particular office or environment, in the event of an incident occurring, and must be tested quarterly.
8. Managers must engage Trade Union (TU) Safety Representatives in consultation on the arrangements for the implementation of this policy and guidance at the appropriate level.

The Policy

9. DWP regards every incident directed against its employees as serious and is committed to ensuring that the risks of assault are eliminated or minimised. It expects every manager to ensure that risk assessments and control measures, for dealing with customers, claimants and others, both in the office and off site, are in place, up to date and adhered to. They must ensure that risks are minimised through training, safe office layouts and well-known and well-rehearsed procedures for dealing with threatened or actual incidents.
10. Individual employees also have a part to play particularly in relation to the reporting of incidents. It is the responsibility of all employees to comply with the control measures in place to reduce the risk of incidents occurring. Employees should be aware that their behaviour can and will influence the behaviour of others. Lessons will be learned when incidents do occur.

Managers must identify failures in existing procedures and introduce new or amend existing measures to help prevent a similar incident re-occurring.

11. The key elements of the policy are

- Providing effective customer service
- All DWP employees must have completed the appropriate level of the modular Keeping Safe training
- All incidents must be reported via the DWP on line Incident Report Form
- Nominated Managers are “champions”. They must decide what action to take following every incident, encourage employees to report, ensure managers take the necessary supporting action, inform employees what action has been taken following the incident and consult with employees on best approaches to manage UCB in their areas.
- Information on customers and claimants who pose a risk must be shared with relevant organisations e.g. Health & Disability Assessment Service (HDAS) and work programme providers at the appropriate time
- Contractors e.g. HDAS, Work Providers etc. should ensure they have local arrangements in place for DWP employees to input details from the Third Party Referral Form onto the DWP UCB database. Group 4 Security however, should report incidents via a DWP employee who will use the on line Incident Report Form.
- Incident data must be analysed by H&S safety committees and local management meetings, to monitor trends. It is important that analysis of incident data is undertaken to identify trends and to reduce the numbers of incidents by effective prevention measures. This will ensure appropriate action is taken to prevent re-occurrences by identifying and implementing areas for improvement in procedures, as well as ensuring the effectiveness of control measures in place.

Providing Quality Customer Service

12. One of the most effective ways to manage the risk of violent incidents is to prevent them happening in the first place.

13. Good customer service is an important factor in good health and safety practice when dealing with the public

14. Effective and efficient business delivery is a key control measure in managing customer or claimant's expectations and behaviour. How the business operates can make things better or worse, increasing or decreasing the risk. It is important that we review procedures to make sure that business processes do not increase the risk. Delays, not keeping our promises, not returning calls, officious letters and communications, queues, or refusals can all increase the risk of a violent incident – but can be managed.

15. Most incidents do not ‘just blow up out of nowhere’. Sometimes, the way that people are dealt with, the tone of our letters, queues, or desperation can all lead people to become angry or frustrated.

Managing Personal Risk

16. Everyone who deals with the public, even occasionally, must have completed the necessary Keeping Safe training appropriate to their job
17. Training provides the skills and knowledge to help to anticipate and defuse potential incidents, avoid triggering a violent incident and help employees to keep safe during an incident.
18. Regular refresher training for all employees should be considered to make sure that recommended skills and procedures are kept up to date.
19. Everyone must know what to do when an incident occurs and a colleague requires support or help. Incident Management Plans will set out the practical arrangements for how control measures, designed to keep employees safe, will work in the event of an incident occurring. DWP offices have both public facing offices and offices that deal with customers or claimants over the telephone or by email and therefore must have Incident Management Plans in place. The arrangements may differ, but the key factor is that employees are familiar with the procedures in place in their particular office
20. Employees must not persist in trying to 'defuse' an incident when they should be retreating from the situation or summoning help or support.
21. Risk assessments must be reviewed regularly and recommended procedures must be adhered to by all employees all of the time.
22. Everyone who works off-site or travels must also apply the relevant health and safety guidance and controls. Managers have a duty of care to make sure that the advice in Keeping Safe: Travelling and Working off Site is applied

Definition of Unacceptable Customer and Claimant Behaviour (UCB)

23. Unacceptable Customer Behaviour (UCB) is any **incident** that causes employees or **has the potential to** make employees feel upset, threatened, frightened or physically at risk and is directed at them because of their work in the Department. Employees should note that we should have a zero tolerance view of UCB. Consideration should thus be afforded to the levels of sensitivities and tolerance colleagues may have if they were experiencing the same behaviour.
24. The above also applies fully to staff from partner organisations e.g. providers, HDAS and G4S. There is guidance on how and when to report third party UCB incidents for inclusion on the UCB database.
25. Examples of UCB can include:
 - Violence
 - Verbal abuse (inc. by telephone)
 - Abuse of a discriminatory nature e.g., sex, race, disability, religion, age
 - Threats, which are implied or otherwise
 - Intimidation
 - Sexual innuendo

- Harassment
- Unwelcome attention
- Attempted or actual assaults - spitting that makes contact with the body is classed as an assault
- Damage to property
- Employees filmed, photographed or recorded in the workplace or working off-site, without their express consent
- Threats made in writing or via email
- Information about employees posted on social media e.g. face book

26. The list is not exhaustive. Any other incident that makes an employee feel uncomfortable, vulnerable or threatened must be reported. Incidents where the person's identity is not known should also be reported.

27. Unacceptable Customer Behaviour that takes place outside the workplace, involving claimants (or others) and employees should also be reported as an incident. This includes UCB in non-working hours. It is important to note on the incident report form that the employee was abused because they are a DWP employee.

28. DWP will support any employee in having their unauthorised details removed from the internet whether these take the form of video, still photographs, in writing or email or information posted on social networks. Employees should report this type of UCB to Digital Services Division, who will help liaise with the website owner to have the content removed.

Racist and Sexist Behaviour

29. Crimes committed against someone because of their disability, gender-identity, race, religion or belief, or sexual orientation are classed as hate crimes and should be reported to the police. Abuse of this nature should be reported as an incident and the police contacted by the Line Manager.

Definition of Third Party Referral

30. A third party referral is where information has been received about an **underlying risk** in respect of a customer or claimant's behaviour but where no actual UCB incident **involving DWP employees** has occurred. There may have been an incident involving another organisation.

31. Information on customers or claimant's behaviour can be received from external bodies such as Social Services, providers, health care practitioners as well as other Government Departments. Third party referrals can also be made by DWP employees e.g. DWP visitors and customers or claimants themselves e.g. ESA 50 advising about their behaviour on the form. Third party referrals should be reported on the Third Party Referral Form.

Examples of Third party Referrals can be found here

Definition of a Fast Track Incident

32. The definition of a Fast Track Incident is as follows:

“A serious incident occurs, which compromises the health and safety of DWP staff or the staff of our Partners and/or our ability to safely use our premises. The serious nature or sensitivity of the incident warrants an immediate notification to senior management, prior to further investigation”

The following is not an exhaustive list; sometimes an incident may not neatly fit within the criteria below:-

- actual assault (intentional physical contact) has occurred – which is directed at DWP or Partner employees (including CCOs) in connection with their duties.
- weapon, or other item presenting a similar level of threat, has been used to harm, attempt to harm or intimidate.
- is significant disruption to normal business.
- is a significant cost implication (i.e estimated at over £2,000) for the business/DWP/ Partners, e.g. damage to property.
- has been a viable targeted or personalised threat that, in accordance with the UCB policy , has been reported to the Police.
- suicide, attempted suicide or self-harm incident, understood to be directly connected to DWP business.

Incidents occurring on provider / partner / co-located premises / claimant homes may also be Fast Track incidents and reported using the FT1 form.

Please contact your relevant HSBP for an opinion if you are in any doubt as to whether an incident should be reported as a FTI.

33. Due to the nature of a Fast Track incident, they must be reported to senior managers within the business as soon as possible via the Fast Track incident forms FT1 and FT2. A review of the risk assessment and IMP. A review of all appropriate risk assessments and IMP must also be undertaken

34. There are specific procedures in place for handling the internal and external communications relating to Fast Track Incident and developing procedures for dealing with the aftermath, including the support of employees and the use of the Employee Assistance Provider.

For further information refer to Operational Fast Track Guidance

Reporting Incidents Policy

35. All incidents of UCB **MUST** be reported including those where the identity of the person displaying UCB is not known. This will allow appropriate action to be taken, database records to be updated and managers to identify trends and learn lessons from these. Incidents involving a Special Customer record should be reported as outlined in NM portal bulletin 5.

36. Reporting incidents of verbal abuse over the telephone is just as important as those that occur face to face. Prolonged or repeated verbal abuse can lead to anxiety and stress therefore it is imperative this risk is managed appropriately. Early action can be taken within the office to help prevent another incident occurring and protect colleagues who may have future

dealings with that individual e.g. to warn the customer/set out control measures.

37. All contract staff employed on DWP business e.g. Customer Care Officers (CCO), Medical Examiners and partner organisation's staff must also report any incidents with our claimants on the appropriate form whether on or off DWP premises.

38. Witnesses to incidents must also complete a Witness Report Form and send it to the Nominated Manager preferably by email. This is irrespective of whether an actual original incident report has yet to be completed.

39. Any customers or claimants who subsequently have control measures applied will be entered onto the Staff Protection List (SPL). The SPL is an internal departmental control measure to ensure the safety of DWP employees, particularly those with visiting responsibilities.

40. Incidents must be reported straight away and in any event within one working day, unless there are exceptional circumstances. This will allow employees to recall exactly what was said or done while it is still fresh in the memory. It will also ensure the follow up action can be taken immediately after the incident and a decision on the control measures to be applied is communicated to employees, Line Manager and TU Safety Representatives quickly. This will reduce the risk of another, possibly more serious, incident occurring shortly after. The incident should be discussed with the employees Line Manager or another manager if the Line Manager is absent.

41. It is important that CCOs report all incidents of UCB. As they do not have access to the DWP database, they will complete a G4S clerical incident report form and pass a copy to a DWP employee who will input it to the DWP database by completing an on line Incident Report Form. In the case of a Group 4 CCO suffering an incident, it is important that staff record the incident accurately as "CCO-Group 4" from the drop down menu on the form. The entry for "Line Manager" on the form, completed by DWP staff, should be the DWP Line Manager not a manager in Group 4 Security. HDAS will complete a copy of the pro-forma provided to them for this purpose by DWP and their incidents will be recorded as third party referrals.

Accident Reporting & The Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR) Regulations 1995 (RIDDOR)

42. Where an employee is physically assaulted by a customer, claimant or other person, whether on our premises, or working off site, an accident report AR1 should also be completed. This includes Customer Care Officers (CCOs).

43. Where incidents result in an injury, an AR1 or the appropriate service provider's form should be completed in addition to the DWP incident report. For example, an employee may fall and hurt themselves when running from an incident. Both forms should also be completed in the event of an attempted assault and where an incident has caused ongoing stress or trauma.

44. In the event of injury arising from an incident that meets the RIDDOR criteria, **Telereal Trillium on PRIME sites, or the responsible manager on non-PRIME sites, will report it to the HSE . In order for them to do this in**

cases of over seven day absence, the Line Manager should contact the Telereal Customer Helpdesk on 0870 606 0065 for PRIME sites or the senior manager on non-PRIME sites to notify them that the absence has reached seven days.

Unreasonable Persistent Contact (UPC), Including Persistent Callers

45. Unreasonable Persistent Contact (UPC) activity is not defined as Unacceptable Customer Behaviour (UCB) but is mentioned here to avoid possible confusion. However if the person becomes abusive or threatening, an Incident Report Form must be completed and appropriate UCB action taken.

46. Unreasonable Persistent Contact is defined as repeated correspondence and/or telephone calls about the same issue(s), after the customer or claimant has received a full and final response to the issue(s), in line with established complaint/escalation procedures. Businesses will have a Single Point of Contact (SPOC) who deals with UPC cases. If the customer or claimant is abusive or threatening, UCB action is also appropriate. The Nominated Manager and SPOC should liaise and share information so they can effectively handle future contact with the claimant.

A full and final response is defined as:

DWP Operations – a response from or on behalf of the Chief Operating Officer (or equivalent)

ICE service – a response from the Independent Case Examiner or a member of the ICE Senior Management Team

ICE findings – a response from the ICE, signposting the complainant to the Parliamentary Ombudsman

DWP policy or the corporate centre - a response from the Head of Unit/Divisional Head

47. There is specific guidance in place for dealing with unreasonably persistent contact from customers or claimants.

UCB GUIDANCE

48. Under Health and Safety Legislation it is the duty of managers and employees at all levels to comply with the Department's health and safety policy and follow safe systems of work and instructions. It is also their duty to accept and carry out their legal responsibilities for themselves, fellow employees, customers and claimants and anybody else affected by the Department's activities.

49. The following guidance defines the Unacceptable Customer Behaviour roles for staff, management and Nominated Managers.

Staff Guidance

50. Employees should be aware that their behaviour can and will influence the behaviour of others.

Employees should:

- Complete the necessary procedural and Keeping Safe training before they undertake any duties that entail dealing with customers and claimants.
- Read and fully understand the IMP and be aware of their responsibilities and those of management.
- Report all incidents on the DWP online Incident Report Form, straight away and in any event within one working day For special customer records refer to NM portal bulletin 5 (special records)
- Give their Line Manager or Nominated Manager their own views following an incident e.g. suggestions on how to prevent a re-occurrence, or feedback on whether they believe a work process or control measure failed
- Ensure they always receive feedback from the Nominated Manager to show what action has been taken. Employees can contact the Nominated Manager themselves if no feedback is received within one working week
- Complete Behaviour Report Forms when appropriate. Guidance can be found here

51. Employees can access the DWP Incident Report Form on the UCB Portal. Employees should add the link to their desk tops to enable faster access to the report form. Guidance can be found on how to create a shortcut. There is also guidance available for staff on completing the incident form which can be found as well as examples of UCB incidents.

52. The incident report form will be automatically forwarded to the relevant Nominated Manager when submitting the form. **The employee must also select their Line Manager's name OR person acting on their behalf, from the global address list** so that the Line Manager OR person acting on their behalf, can receive a copy of the incident report at the same time by e-mail for their action. The portal also contains key information and guidance on UCB. The portal is updated regularly. **Employees should be aware that changes to the server may result in the shortcut failing to work properly but this can be remedied by creating a new shortcut at regular intervals or using the link on the Unacceptable Customer Behaviour portal.**

53. If employees are not able to record the incident details themselves, they should be recorded by the Line Manager, person acting on their behalf or by another employee who has knowledge of the incident, to ensure actions and decisions arising from the incident are not delayed. The employee should check the information for accuracy when they are able to do so.

In the unlikely event that there is a system failure and it is not possible for staff to input an incident, an alternative form is available via the Health & Safety intranet site which staff can download and complete either clerically or electronically. They should then forward this immediately to the nominated manager to take the relevant action. The incident can then be input on to the UCB database by the member of staff once the system is available and the nominated manager record their action.

54. The **actual words** a customer or claimant uses and whether an employee felt threatened, should be recorded in the narrative part of the on line form. All words in the narrative, including swear words and derogatory language **must be written in full**. It is not sufficient to enter phrases such as “he swore at me”. This will be particularly relevant in the event of any legal proceedings. Information provided by employees following an incident could lead to control measures being put in place to ensure the safety of employees who have future dealings with the claimant.

55. Witnesses to incidents must also complete a Witness Report Form and send it to the Nominated Manager, preferably by email. This is irrespective of whether an incident report has yet to be completed

56. In addition all contract staff employed on DWP business e.g. Customer Care Officers, Medical Examiners and partner organisation’s staff must also report any incidents with our claimants whether on or off DWP premises.

57. Further guidance for employees **who work off site** can be found in the Keeping Safe: Travelling and Working off Site.

58. DWP employees should be aware of the confidential and specialised support that they can receive from The employee Assistance Programme.

Telephone Incidents, Non Face To Face Incidents

Abuse, threats and difficult calls

59. Employees must have received the appropriate Keeping Safe training telephone module which is accessed via RM and be familiar with the Incident Management Plan before they start to deal with customers or claimants over the telephone for the first time.

60. Employees should be aware that their behaviour can and will influence the behaviour of others.

61. Although employees working in a non public facing environment such as contact centres may be at low risk of actual physical abuse they may still be subject to all forms of UCB, particularly verbal abuse. Managers must take action to make it clear that such behaviour will not be tolerated. They need to be aware of guidance and good practice for dealing with these incidents.

62. Prolonged or repeated verbal abuse can lead to anxiety and stress therefore it is imperative this risk is managed appropriately and action take

63. If threats or verbal abuse are made over the telephone, the incident must be reported on the DWP online Incident Report Form and employees must be given time away from their duties to complete the report. Prompt and effective action must be taken by Line Managers and Nominated Managers following an abusive phone call. Line Managers should listen to call recordings where possible. The incident report form is automatically forwarded to the Nominated Manager for their action. Reporting incidents of verbal abuse over the telephone is just as important as one that occurred face to face. The information will also be used to inform the risk assessment process. Examples of UCB incidents can be found here

There may be instances where a copy of the abusive call is required for the police. A copy of the call, where available, should be requested as outlined in NM Bulletin No 3 (Requesting a copy of a call)

Customer makes a threat to a DWP office

If, within a telephone call, the customer threatens to go to a DWP office e.g. a jobcentre within their vicinity, staff must alert their line manager. The line manager should then immediately contact the manager of the site concerned to inform them of the threat. If the site cannot be contacted (site details may be unavailable), the line manager should contact the district office for the information.

Unauthorised Filming

DWP Guidance on Unauthorised Filming states that filming / sound recording is prohibited in our offices **without permission**. It outlines those laws that support the department in taking action against claimants who have filmed without permission and used it inappropriately e.g. posted on Facebook

Bomb Threats

If a bomb threat is received by telephone, staff must follow the Emergency Evacuation Procedures as outlined for the site. If a site has been stated to the member of staff handling the call, the information should be immediately communicated to the appropriate site by the ECO.

Where the location of the DWP site is not known, but the area/city has been established, the ECO should contact the WSD group office as well as any CMG/Pension & Regional Benefit centres that are in that same area. Where location of the DWP site cannot be established, the ECO should contact each WSD group office, CMG Area Directors office, Pension Directors office and Regional Benefit Directors office.

Processes outlining good practice for NM to follow for a bomb threat scenario, can found here in the Nominated Manager aide memoir

64. It is important that employees who have direct face to face contact with customers or claimants are made aware of any incident of UCB as there may be a risk to them should the customer or claimant call into their office or if they are arranging a visit to them at home. This is important both on sites where contact centre employees are co-located with those employees who have face to face contact and also where contact centre type work is carried out on a virtual basis. Employees who could have face to face contact with the customer or claimant must have the opportunity to instigate necessary control measures should they come into contact with them.

65. If a customer or claimant becomes abusive after failing security questions, complete the Incident Report Form as usual with the details provided by the customer or claimant.

66. An Incident Management Plan (IMP) adapted to reflect the risks in the contact centre environment must be in place and regularly read by all employees. This includes guidance on the action employees should take in the event of an incident, how Line Managers are to be alerted and how they will support and intervene where necessary.

67. If a customer or claimant deliberately uses the telephone system to deliver a loud noise to the call handler's headset this acoustic incident is attempted or actual physical assault and the incident must be reported. Depending on the seriousness of the incident Fast Track action may also be required. An accident report form should also be completed and RIDDOR action may also be necessary.

68. Employees who receive abusive or threatening calls must inform their Line Manager who must give them time to complete the incident report as soon as possible, but on the same day. If required, Line Managers must ensure that employees take time away from their desks after a stressful call and are reminded of the services of Employee assistance programme. The Line Manager should listen to the call recording prior to completing their part of the incident report form.

69. If a customer or claimant becomes abusive or threatening on the telephone the employee taking the call should clearly advise the caller that unless they are able to continue the discussion in a civilised manner the call will be terminated. If, despite the warning, the behaviour does not improve, the call should be terminated and the incident reported.

Employees carrying out visiting duties and other employees working off-site, e.g. outreach sites

70. Following the policy contained in this guidance at all times will ensure that up to date information on customers and claimants is available to employees with visiting responsibilities and other employees working off-site.

71. Both visiting officers and accompanying officers must have received the appropriate module of Keeping Safe training before undertaking any visits and applied the Travelling and Working off Site guidance .

72. The manager must ensure that a lone worker risk assessment is carried out for each visiting officer or any other relevant employees and any recommended lone worker control measures implemented.

73. All visits must be thoroughly planned and previewed. This must include a mandatory check of the claimant's records, unsafe areas lists and the Staff Protection List to identify if there are other residents who have been identified as a risk. If a customer, claimant or resident has control measures stipulated in their records these must be applied. Visits to these customers and claimants may need to be accompanied.

74. The unsafe areas lists must be kept up to date

75. Any incident must be reported for appropriate action to be taken. Examples of UCB incidents can be found [here](#).

Third Party Referrals

76. DWP may be notified of a customer or claimant's behavioural issues by other bodies e.g. by social services, providers, health care practitioners, other government departments etc. This is known as a third party referral. Information received from a customer or claimant advising on their behaviour e.g. on a claim form ESA50 can also be treated as a third party referral. These should be recorded on the Third Party Referral Form and emailed to

the Nominated Manager immediately. **Direct threats towards DWP should be treated as an incident.** Examples of Third party Referrals can be found here

77. Group 4 Security has its own incident report form. On receipt of this form, a DWP employee should complete a DWP Incident Report Form scan the G4S form and email it to the Nominated Manager so it can be attached to the DWP record.

78. Health Disability Assessment Service (HDAS) use a clerical version of the DWP form. All HDAS incidents e.g. PIP, ESA should be treated as a third party referral.

On receipt of this form, a DWP employee should complete the Third Party Referral Form and forward the original to the Nominated Manager. Other providers should follow their own guidance. **Their incidents are to be treated as third party referrals.**

79. External organisational (Providers) delivering services on behalf of DWP have specific provider Guidance within the DWP web site that should be followed, in the event of customers or claimants displaying UCB on how to report back to DWP as a third party referral.

80. Where a customer or claimant suffers from a severe mental illness **and** a qualified medical practitioner or relevant authoritative source inform the Department that they are likely to pose a danger to employees a third party referral form should be constructed. It is wrong to assume that everyone with a mental illness poses a danger, so control measures should only be applied following such advice. Reasonable adjustments should be considered and specialist advice obtained if appropriate, further information can be found via the Delivering Equality for Customers site.

81. Employees should scan and copy all supporting documents and email them to the Nominated Manager with the third party referral form.

Reporting an Incident or a Third Party Referral to a Line Manager and Nominated Manager

82. Any DWP incident must be reported straight away and in any event within one working day for appropriate action to be taken. The report must then be emailed to the Line Manager and Nominated Manager at the same time, using the database link. Line Managers must complete and take the necessary follow up action. Third Party Referrals should be emailed directly to the Nominated Manager on the Third Party Referral Form along with any supporting documentary evidence.

Incidents involving special customer records formerly known as sensitive cases should be reported on the clerical incident report form and Emailed to your Line Manager and Nominated Manager, marked as confidential.

83. Employees should give their Line Manager or Nominated Manager their own views following an incident, e.g. suggestions on how to prevent a re-occurrence, or feedback on whether they believe a work process or control measure failed. Where the incident is over the telephone, the Line Manager

should listen to the call recording prior to completing their part of the incident report form.

84. Employees involved in an incident should ensure that they always receive feedback from the Nominated Manager to show what action has been taken. The form used by the Nominated Manager to email employees is the Notification of action taken template. Employees can contact the Nominated Manager themselves if no feedback is received within one working week.

Fast Track Incidents

85. Fast Track Incidents are serious occurrences that require a full investigation and review. There are specific roles and responsibilities outlined in guidance. The Fast Track process to follow can be found in the Fast Track Guidance.

IT Systems

86. It is not possible to enter control measures directly onto 'Legacy' IT systems, instead a 'Special Interest Indicator' (formerly known as PV Marker) is used to prompt staff to view the customer or claimant's details via the 'Staff Protection List'

87. Customer Information System' (CIS) is currently the most accurate source of identifying customers and claimants who have a 'Special Interest Indicator' (PV Marker) set.

88. It is the Nominated Manager's responsibility to arrange for the relevant IT systems to be marked as appropriate. An appropriate warning marking must be entered to ensure employees are made aware that the claimant poses a risk. Employees are then able to refer to the Staff Protection List to identify what control measures have been deemed appropriate. The Nominated Manager is also responsible for arranging for the markers to be removed, when appropriate.

Reporting on the behaviour of customers or claimants with control measures in place.

Customer displays UCB

89. If an incident of Unacceptable Customer Behaviour occurs again with a customer or claimant who already has control measures applied, an Incident Report Form must always be completed. This enables the Nominated Manager to immediately review the existing control measures.

Customer behaviour gives cause for concern but no incident takes place

90. There may be occasions when the behaviour of a customer or claimant with control measures gives some cause for concern whilst making contact with the department, either face to face, by telephone, in writing or email. The customer or claimant's behaviour, whilst not directed at any one individual, may draw attention. They may appear anxious, agitated or unsettled e.g. continually pacing up and down an office, animated gestures

91. If their behaviour gives cause for concern but is not considered to fall under the definition of a UCB incident, a behaviour report form should be completed and emailed to the Nominated Manager. The Nominated Manager will attach the form to the relevant incident record or third party referral form within the UCB database which will be used to help inform any review activity

92. If there are any doubts about the behaviour i.e. whether the cause for concern warrants an incident then it should be discussed with the Line Manager and/or Nominated Manager.

Customer's behaviour does not give cause for concern

93. If a customer or claimant who already has control measures applied makes contact and there is no cause for concern there is **no requirement** to complete the Behaviour Report Form.

Customer Breaches a Ban

94 If a customer or claimant is subject to a banning order and they breach it e.g. they enter DWP buildings included in the banning notice. The NM should inform Government Legal Department (GLD) see further guidance under Banning orders

Staff Protection List

95. The Staff Protection List (SPL) is an internal Departmental control measure to ensure the safety of employees, particularly employees with visiting responsibilities. Employees can search the Staff Protection List by entering a customer or claimant's full National Insurance Number. If a control measure exists for the customer or claimant it will be displayed together with the customer or claimant's first name for validation purposes. Where the customer or claimant is to be dealt with by a named contact, the officer's name and telephone number will also display.

96. The SPL also contains, where appropriate, details of any members of a customer or claimant's household or associated person, who have control measures. Their relationship to the customer or claimant is displayed but their name is not.

97. Nominated Managers, their deputies and other licence holders such as DWP Visiting staff, have access to the DWP UCB database containing detailed information on all incident records. Owing Nominated Managers and their deputies also have access to documents attached to individual records. The Nominated Managers should be contacted for more detailed information, if deemed appropriate.

Employees should be aware that changes to the server may result in the shortcut failing to link to the SPL but this can be remedied by creating a new shortcut or using the link on the Unacceptable Customer Behaviour portal.

The benefit systems and CIS have PV markers, which are solely to alert staff of control measures and they must search the staff protection list to determine what these are.

When a PV marker is shown on IT systems but the staff protection list shows there are no control measures, staff should ask the nominated manager to confirm that control measures are not required. The nominated manager will determine whether there are outstanding incident records requiring action and, if there are not and there is no live record, they should arrange for the PV marker to be removed from IT systems.

If there is a problem with the removal of markers on JCP IT systems a workaround is covered in JSAPS CIT CSD JCP Application Live Support Bulletin 11/10. Other areas should follow their own procedures

98. Because relevant organisations should be notified of the markings at the time of the initial classification, on an individual basis, there is no business need to disclose the SPL. The list should not be passed outside the Department. There is still a duty of care towards individuals such as medical staff who may examine or visit customers or claimants on our behalf. . They should be notified of control measures on an individual basis where extra care or precautions are necessary.

99. It is defensible to share information where there is a clear health and safety imperative, even where there may be an apparent conflict with Data Protection legislation. It is therefore very important that information is kept up to date.

Notifying Other Organisations outside DWP

100. Other businesses that have contact with the customer or claimant must be notified that they pose a risk and what control measures are being applied, using the Notification of Control Measure to Third Parties form. The relevant IT systems can be used to identify those businesses. If a customer or claimant has control measures applied and is to be referred to HM Courts and Tribunal Service (HMCTS) or HDAS, employees must include a copy of the actual Incident Report Form. This is because HMCTS and HDAS require incident details to enable G4S to undertake a Risk Assessment on an individual customer or claimant. The incident report can be requested from the Nominated Manager. Employees must also include a copy of the Notification of control measures/removal of control measures form in any papers sent to them.

101. For all other businesses who have a one-off dealing with a claimant a Notification of control measures/removal of control measures should be included with any papers sent.

102. If the control measure marking has not been disclosed to the claimant, this fact and the reasoning behind it should be highlighted on the referral papers.

Line Managers Guidance

Line Manager UCB responsibilities

103. Line Managers must

- Ensure employees report all incidents (including verbal incidents) via the DWP online Incident Report Form. Verbal abuse can lead to anxiety and

stress if not managed effectively and can also be the start of a behavioural process that escalates, leading to something more serious

- Ensure employees have appropriate time to report an incident as well as time to recover
- Offer the services of Help Employee Assistance
- Ensure employees have appropriate training and information
- Ensure employees undertake the relevant module of the Keeping Safe training before dealing with customers or claimants for the first time and have refresher training where it is considered necessary
- Take steps to reduce risk e.g. set up control measures (including in respect of telephone UCB)
- Ensure all employees have regular sight of the Incident Management Plan, are aware of its contents and their roles
- Ensure that employees complete Behaviour Report Forms when appropriate
- Ensure accident and RIDDOR reports are completed, where appropriate
- Ensure that a lone worker risk assessment is carried out for each visiting officer or any other relevant employees and any recommended lone worker control measures implemented
- Ensure contact procedures with local police are current and that all employees know how and when to contact them
- Recognise that some incidents of UCB can also be criminal offences and may require police assistance. Relevant laws and possible actions to take are outlined in The Law and Unacceptable Customer Behaviour

104. Employees should be made aware that their behaviour can and will influence the behaviour of others. In cases where it is identified that a member of staff's own behaviour has in some way contributed to the incident occurring or escalating, Line Managers should discuss their behaviour and take action to prevent such behaviour re-occurring in future.

Line Manager's action Incident Report Form

105. When employees complete an Incident Report Form on-line their Line Manager should receive an e-mail notifying them of the incident. A copy automatically goes to the Nominated Manager at the same time. Where the incident is over the telephone the Line Manager should listen to the call recording and note their findings on the narrative section of the incident report form.

106. The Line Manager should complete the form as soon as possible as the Nominated Manager has to consider making their decision straight away. In any event, the whole process should take place within 24 hours of the incident form being submitted.

107. Line Managers should take appropriate action as outlined in the UCB portal, Line Manager's Guide. It is important that the Line Manager completes

their section of the incident form including as much information as possible outlining any actions taken such as listening to a telephone call, advising the employee to take a break, advising the services of Right Core Care (RCC). The comments box on the incident report form is very important as this helps inform the Nominated Manager decision on the application of control measures. The comments box must be completed with as much information as possible that is relevant and proportionate. **It is not acceptable** to simply enter a limited number of words as a work around on the form or to have limited narrative such as 'Listened to phone call and recommended Employee Assistance Programme)". The Nominated Manager needs to know how the incident has affected the person and what the Line Manager's view on the incident is along with any remedial action they feel is appropriate. Helpful examples on how to complete the forms can be found in the NM portal (NM good practice guidance)

108. If the customer or claimant subsequently apologies and/or supplies details of mitigating circumstances, the Line Manager should include this in the narrative or notify the Nominated Manager as soon as possible if the incident report form has already been submitted.

109. Line Managers must send a copy of the Incident Report Form to the local Site Manager and the TU Safety Representative and ensure all parties are notified of the action taken by the Nominated Manager. TU Safety Representatives may also be available to provide support in the management of incidents. When sending a copy of the incident report form, the Line Manager should ensure it is fully completed. They need to save the form by selecting "File" then "Save As" naming the file and location so they can easily retrieve it and e-mail it to the TU Safety Representative and Site Manager. Before attaching the incident report form and sending the e-mail, they must ensure they use OFFICIAL in the title, as the form will contain customer or claimant details

110. Line Managers must ensure that accident and RIDDOR reports are completed, where appropriate.

Providing support and guidance for Employees

111 One of the main reasons employees don't report incidents is the perception that they will not be supported by their managers. This can result in the potential for under reporting and prevent DWP from identifying UCB and therefore not taking action to prevent such behaviour.

112. Give employees time away from their normal duties to complete the Incident Report Form. Unless there are exceptional circumstances this should be straight away and in any event within one working day of the incident occurring. Best practice would be to provide sufficient time immediately following an incident to increase the accuracy of the report.

113. Allow time that employees may need to recover from an incident if necessary. They may be upset following an incident and should be given time to compose themselves and the facilities to recover. Incidents will affect

different employees in different ways. Several factors including age and level of experience can affect a person's reaction to an incident.

114. Discuss the incident with the employee/s to demonstrate support, being aware that some employees may find the incident embarrassing.

115. Consider all appropriate measures to support employees by liaising with the Nominated Manager, TU Safety Representative and the employees involved as necessary.

116. Give support and guidance to employees who are required to attend court to give evidence in the event of a prosecution. More guidance can be found on the [Government Legal Department](#).

117. Ensure employees are aware of the facilities of the [Employee Assistance Programme](#). Where an incident has involved or affected several employees, a manager may contact the provider to arrange a group session with a counsellor. For a very few, medical help may be required. Employees may need support and advice to help them avoid such incidents in future.

118. Managers themselves may also feel upset and worried about dealing with the after effects of an incident. Right Core Care (RCC) offer support and guidance to managers to help them cope and manage these situations.

Communicating action and progress

119. Keep employees informed of what action is being taken and discuss the outcome of each incident with those staff involved. This should help encourage staff to report all incidents in the future.

120. Listen to employees concerns and feedback. Managers can learn from employees following incidents. Employees should be given the opportunity to give their own feedback into causes of incidents and possible solutions to prevent a re-occurrence.

121. Ensure that the local TU Safety Representative is notified of the action taken by the Nominated Manager. They may also be able to provide support in the management of incidents.

122. Share ideas and observations about any action that could either prevent a re-occurrence or help employees deal with a similar situation better next time. Discuss with the Nominated Manager what action could be taken in future to avoid a recurrence.

123. Communicate lessons learned from previous incidents

Consider police action

124. The police must be called in every incident that involves violence or a targeted threat of violence towards our people, where there is any evidence of the presence of an offensive weapon, where the incident is of an extreme racist nature or of a sexual nature e.g. obscene letter/telephone call, use of social media such as Facebook /Youtube. The customer or claimant must also be informed that a threat made in writing, including by email, has been referred to the police

Line Managers should also consider police action if a customer continues to display UCB despite being issued with warning letters. [The Law and Unacceptable Customer Behaviour](#).

125. Call the police during or immediately following an incident, (in line with locally agreed procedures contained in the IMP) which involved violence or a targeted threat of violence or where there is any evidence of the presence of an offensive weapon or when the customer continues displaying UCB despite being issued with warnings. [The Law and Unacceptable Customer Behaviour](#)

126. Ensure that, where employees are being stalked or harassed, they contact the police and complete an [Incident Report Form](#). In assessing the risk to the employee, all potential control measures identified should be discussed with the Health & Safety Business Partner (HSBP), Nominated Manager, the employee and TU Safety Representative.

127. Seek advice from your HSBP, Nominated Manager and Site Manager if the police do not prosecute and consider a private prosecution.

All Site Managers and DWP Visiting Managers

128. Involvement in the handling of incidents is a vital role of managers at all levels. It demonstrates to employees that managers are committed to their health and safety and will not tolerate such behaviour. It will also encourage employees to report incidents because they know that appropriate action will be taken to make the customer or claimant aware of unacceptable behaviour and to lay down standards for the future. If any actions are to be undertaken following the Nominated Manager decision they must be carried out straight away and in any event within one working day.

Managers must:

- Ensure measures are in place to prevent incidents occurring and all employees are aware of the procedures
- Ensure that all contacts with the public that take place both within and outside the office are risk assessed, that suitable and sufficient control measures are in place, that they are working effectively and reviews are carried out when appropriate. This includes email and telephone contact
- Ensure that If a notification is received from a call centre advising that a customer is threatening to come to the office, then the office **must** check the SPL for control measures and put in place appropriate control measures dependant on the risk i.e. Call the local police; shut the office etc.
- Act as the Incident Management Plan (IMP) champion /consultant
- Ensure an Incident Management Plan (IMP) is in place where there is face to face, e-mail or telephone contact with claimants. Ensure procedures for testing the plan are in place and reviews are undertaken in line with guidance and following a Fast Track incident
- Ensure appropriate action is taken when a Fast Track incident occurs
- Initiate any local action needed as a result of any review of the risk assessment

- Make alternative arrangements in the event of a banning order against a customer or claimant, for them to contact the office on benefit related issues and ensure that the customer or claimant is advised promptly of these arrangements as details will not be included in the banning letter.
- Ensure TU Safety Representatives receive a copy of the Incident Report Form from the Line Manager.
- Ensure they liaise with the managers on sites to help inform their decision making, where Nominated Managers are remote from the site where the incident occurred,
- Ensure weekly testing of personal safety/alarm equipment and CCTV in public facing offices is undertaken by the service provider, these systems are in working condition, records kept of the tests and any faults are reported and rectified by the service provider
- Ensure Nominated Managers provide incident data for analysis. Incident data should be analysed at Safety Committee meetings to identify causes and trends
- Consider if there are any local network groups to join, which look at tackling anti social behaviour in their areas. There will be Crime and Disorder Reduction Partnership (CDRP)/ Community Safety Partnerships (Wales) in your area. These are a combination of police, local authorities and other organisations who have joined together to discuss crime and disorder problems in their areas and develop and implement strategies for tackling them. These partnerships also share information on crime statistics and incidents in the local area which can help identify and analyse trends. Your local police authority will be able to provide details of the arrangements in your area
- Liaise with the managers of contract staff employed on DWP business, regarding UCB action taken
- Liaise with police regarding possible prosecutions and note outcomes after sentencing
- Managers of public facing offices should establish an effective working relationship with the local police and have regular liaison meetings. This is a very important and effective way of managing incidents as it creates both a partnership approach and creates a sense of safety within the office environment. The initiative will also have benefits to the police. Site Managers are in the best position to liaise directly with the police when necessary

129. Ensure the police are called by Line Managers or the person identified in the Incident Management Plan during or immediately after any incident that involves violence or a targeted threat of violence, where there is evidence of the presence of an offensive weapon or in cases where extreme racist or obscene remarks have been made.

130. Liaise with the Health and Safety Business Partner, Nominated Manager and employee to consider a private prosecution if the police do not prosecute. If the decision is taken not to follow up the case or consider a prosecution, a

note of the reasons should be obtained from the police authorities, Director of Public Prosecutions or Procurator Fiscal.

Consideration of office closure in the event of a serious incident

131. When an incident of UCB escalates in an office, the Manager may be required to make a 'judgement call' as to whether or not it is appropriate to close the doors of the office. The closure should last as long as necessary in order to bring the office back to being a safe environment

Further guidance can be found here on the Operational H&S site

The Role of the Police

132. A good relationship with the local police is essential and can often be an effective remedy in dealing with difficult customers and claimants. Senior Managers should aim to foster and maintain such a relationship. Liaison meetings should be set up with the police wherever possible. The police must be called whenever it is judged necessary. Line managers should be aware that some incidents of UCB can also be criminal offences and may require police assistance. Relevant laws and possible actions to take are outlined in The Law and Unacceptable Customer Behaviour.

133. Generally the police are co-operative and will remove a customer or claimant from the premises if a breach of the peace has occurred, or is likely to occur. They may then decide to prosecute for Public Order offences, except in Scotland where the police would refer the matter to the Procurator Fiscal. If the Senior Manager believes that the necessary level of police support is not forthcoming they should discuss this with the local station's senior police officer or the station of the attending officers if this is not the local station. In the unlikely event that this does not resolve the issues it should be reported urgently to an appropriate DWP senior manager, so that it can be taken up at senior level within the force concerned.

134. If the police decide not to remove a member of the public, customer or claimant because either they consider there has been no breach of the peace, or there is unlikely to be one, they should be allowed to remain in the office for as long as their business requires. During this period the claimant's behaviour should be closely monitored.

135. If the person is still on the premises when the office is officially closed to the public they should be asked to leave. If they refuse to do so the police should be contacted and asked to remove them.

Nominated Manager

136. The Nominated Manager will be a "champion" for managing UCB in the areas for which they are responsible.

137. Each DWP business has Nominated Managers of at least Band D/HEO and a deputy to cover absences, to deal with all reported incidents.

138. Nominated Managers must have the authority to take the necessary action and apply the practices to manage UCB in their area of responsibility.

Nominated Manager Role

Their role involves:

- Making a decision on the application of control measures to keep employees safe
- Ensuring compliance with the policies and control systems in place, e.g. Fast Track incident action taken and UCB arrangements applied, arrangements for UCB training are in place in their area
- Encouraging and ensuring employees report incidents on time, using the correct forms
- Being a source of expertise for employees and managers for any UCB issues
- Ensuring measures to raise employees awareness of Keeping Safe procedures are in place, e.g. consider holding regular awareness sessions for employees and managers, discussions of incidents at team meetings
- Liaising with local managers on what lessons can be learned from incidents
- Being open to the views of employees on how to manage UCB or following an incident
- Assist site manager in addressing difficult UCB issues e.g. telephone/e-mail contact.
- Building networks with Health and Safety Business Partners (HSBP) and other DWP Nominated Managers to ensure a consistent approach across DWP
- Building contacts with providers and contractors to ensure their staff report incidents involving our customers and claimants
- Ensure procedures are in place for Benefit Centres and Contact Centres employees to notify customer or claimant facing businesses of control measures when referring a customer or claimant for interview or visit
- Referring case to GLD by way of a completed template where appropriate (warning, banning and final warning letters, and injunction applications).
- Liaising with Jobcentre External Relations Managers to ensure MAPPA offenders and others convicted of violent offences have control measures considered. Refer to MAPPA Guidance for additional information. To note, Mappa arrangements in Scotland only applies to sex offenders

Action upon receipt of an Incident Report or Third Party Referral

139. Upon receipt of an incident report / third party referral, Nominated Managers must:

- Check the Staff Protection List, using the “By All Cases” view, for evidence of earlier incidents/third party referrals

- Check that each individual incident report form is completed fully and accurately and that all appropriate information is obtained in order to be able to make an informed decision.
- Ensure that any incidents involving a Special Customer record are reported as outlined in NM portal bulletin 5 (Special Records)
- Make an immediate decision on the action to be taken in all cases and whether control measures should be applied (with the exception of referrals from Veterans UK (formerly SPVA). Where a customer/Claimant has a disability
- Ensure that the Line Manager has forwarded a copy of the Incident Report Form to the TU Safety Representative at the time the form is completed so that they are aware of the incident
- Make decisions on warnings, taking into account the severity of incidents and past history
- In consultation with the Line Manager identify the control measures necessary for future dealings with the claimant. Guidance is available on the control measures that may be applied via the Control Measure Matrix
- Ensure that all supporting relevant documentary evidence is attached to the record, using the 'attach' button within the database. This may necessitate the scanning of documents, when appropriate
- Ensure that cases are linked on the system where there are multiple incidents recorded for the same claimant
- Note and record the action taken and arrange for markers on all relevant IT systems to be added and removed as appropriate. This includes notifying other parts of DWP with a benefit interest via the Markers on IT Systems form so that they can note their IT systems
- Ensure customer or claimant records are noted with details of any control measures applied to any person living in the same household, where known
- **Give feedback to employees and Line Managers to ensure they know what action has been taken and what the outcome is**
- Communicate lessons learned from previous incidents to help prevent a re-occurrence
- Following an incident, advise managers on arrangements for interviewing the customer or claimant, if that is considered the best approach
- Formulate individual strategies for handling difficult customers and claimants, liaising with HSBPs, Health Safety & Wellbeing Team (HSWT) and legal service providers
- Liaise with the managers of contract staff employed on DWP business regarding action taken where an incident has occurred with their staff
- Arrange to notify any businesses that are known to have contact with the same customer or claimant, that they pose a risk. This includes other DWP

businesses and external partners, e.g. HDAS, Providers, Her Majesty's Courts and Tribunal Service (HMCTS),

- Consider whether the incident has identified any deficiencies in office, business or DWP procedures
- Recommend whether a review of the office procedures or risk assessment is required. Instigate the necessary action with the Site Manager who will consult with the TU Safety Representative
- Advise managers wishing to obtain injunctions, civil prosecutions and banning orders that they should also consider whether incidents are criminal offences and thus, may require police assistance (The Law and Unacceptable Customer Behaviour)
- Ensure that employees complete Behaviour Report Forms when appropriate
- Review behaviour and the control measures that are in place, at least annually or more frequently and notify other businesses of the outcome
- Keep the information on the Staff Protection List up to date
- Liaise with owning Nominated Managers when there is already an entry on the staff protection list and control measures need to be amended
- Inform the customer or claimant when a direct threat made in writing, including e-mail, has been referred to the police

DBS Veterans Agency 3rd Party Referrals

140. The DBS Veterans Agency will send details to DWP NM's of the control measures they have in place to manage their claimants, along with a review date. DWP Nominated Managers should use this information and input the details into the UCB database as a third party referral. If further referrals and/or UCB incidents are received for the individual, the NM should link the cases in the database and copy to the DBC VA NM to inform the review. The DWP NM can apply suitable 'additional' control measures for incidents reported directly to DWP. and continue to review on a yearly basis regardless of the length of the DBS review date. However, **under no circumstance** should correspondence be sent to the claimant, notifying them of the control measures that have been applied, either by the DBS Veterans Agency or DWP

141. Nominated Managers must decide, in consultation with Line Managers, Site Managers and employees involved, what action to take after **every** individual incident. Action must be taken straight away and in any event within one working day to ensure it has the desired effect. If it is appropriate, the objective must be to support a prosecution or support employees in taking civil action against a customer or claimant who commits an offence.

142. If a customer or claimant becomes abusive after failing security questions, an Incident Report Form should be completed, as usual, with the details provided by the customer or claimant and normal UCB action taken.

143. The police must be called in every incident that involves violence or a targeted threat of violence towards our employees and where there is

any evidence of the presence of an offensive weapon. Site Managers must consult with the police to find out what action they intend to take and consider what other action is possible and inform the Nominated Manager of outcomes so they can update the UCB database. The police may also be called in cases where a customer is persistently displaying UCB despite numerous warnings being issued. They may also be called where it is considered that incidents are criminal offences (The Law and Unacceptable Customer Behaviour)

Applying Control Measures

144. Applying a control measure for future handling of a claimant is a serious and important decision designed to safeguard employees. Accountability for the decision must rest with the Nominated Manager, although the administrative action may be delegated.

When publishing or removing customers on the SPL, markers must be updated immediately on all relevant IT systems. For benefit paying systems the following process must be used.

In Legacy/Opstrat, access PD53 and input or remove the relevant code as appropriate:

- 01 Customer Potentially Violent
- 02 Partner Potentially Violent
- 03 Other Member of Household Potentially Violent
- 04 Customer & Partner Potentially Violent
- 05 Customer & Other Member of Household Potentially Violent
- 06 Partner & Other Member of Household Potentially Violent
- 07 Customer Partner & Other Member of Household Potentially Violent

PD53 will automatically update CIS which is used by all parts of DWP.

Further action must be taken to ensure linked systems are also updated. Daily emails should be sent to the SPOC in the Benefit Centre to carry out the updating of linked IT systems with the use of PD370 and the work-around in Memo 22rd March 2010 PV Markers on JSA Claims. It is recommended that the SPOC in the Benefit Delivery Centre is based in the Work Capability Assessment (WCA) Team. If a claimant is given UCB status during a WCA referral, Medical Services must be advised of the UCB status. The system fault is not restricted to JSA claims. Nominated Managers are responsible for the updating of stand-alone systems within their own business i.e. LMS.

Work Capability Assessment (WCA) teams must also be included in the notification process to ensure MSRS is updated. When a marker is added, if the case has already reached the scheduling stage, it must be withdrawn and re processed to allow the arrangement of a G4S presence.

145. Guidance is available on the control measures that may be applied via the Control Measure Matrix.

146. A person should have control measures applied for future handling if they:

- Commit an actual physical assault on an employee, regardless of injury
- Commit an actual physical assault on an employee's family member.
- Attempt to commit a physical assault
- Stalk an employee (which is defined as "the wilful, malicious and repeated following and harassing of another person")
- Make a threat of violence either face to face, over the phone or in writing including e-mail and use of social media
- Display threatening, intimidating or aggressive behaviour
- Are known to carry an offensive weapon
- Display verbally abusive behaviour that is personal, racial, sexual
- Display other inappropriate behaviour e.g. during a home visit where visiting staff felt threatened

Control measures should be considered where they are under the supervision of Multi Agency Public Protection Arrangements (MAPPA) The Nominated Manager will be informed if they pose a specific threat to DWP employees, on MAPPA J form by the MAPPA Single Point Of Contact (SPOC).

Nominated Managers should ensure that managers are aware that any claimants who have a control measure of 'must be seen in a screened environment' are not allowed into any unscreened public areas when seeking to use claimant telephones, job points or Internet Access Devices, whilst the measure is in place.

Customer with Disabilities

147. In cases where a claimant has displayed UCB **and** has a disability, whether that is physical or mental, the NM will need to consider this and take into account when considering applying control measures. e.g written correspondence only may not be suitable for people who by nature of their disability are unable to communicate in this way. In addition, any reasonable adjustments should be considered and specialist advice obtained if appropriate, further information can be found via Delivering Equality for Customers site

148. The Nominated Manager should closely consider any such evidence to determine whether a referral should actually be recorded as an incident. It could be the case that an incident report form has been used in error to report a third party referral. If so, the Nominated Manager should record the information from the incident report form onto the third party referral form in the database and record it as such. The Nominated Manager should also arrange for deletion of the incident report form by e-mailing the UCB Admin team at UCB.DATABASEADMINANDQUERIES@DWP.GSI.GOV.UK.

149. The key issue is that a **third party referral incident** is not recorded as an **incident** simply because the incident report form has been used and vice versa.

150. The Nominated Manager should advise the person who originally completed the incident form of the correct procedures.

Action Following a Third Party Referral

151. A person should have control measures applied for future handling if appropriate information is received. This may include:

- Advice from police
- Information from MAPPA
- Following a conviction for a serious violent offence
- As a result of information provided by another reliable organisation (e.g. HDAS, Local Authority)
- As a result of information received from DWP visiting staff
- Referral from veterans UK (formerly SPVA)
- The receipt of any information obtained from the claimant e.g. as a result of an interview, telephone conversation, claim form or written correspondence
- Where a customer or claimant suffers from a severe mental illness and a qualified medical practitioner or relevant authoritative source inform the Department that they are likely to pose a danger to employees. It is wrong to assume that everyone with a mental illness poses a danger, so control measures should only be applied following such advice. Any reasonable adjustments should be considered and specialist advice obtained if appropriate.
- Where the customer or claimant indicates that they carry a weapon

152. On receipt of a third party referral, the Nominated Manager will need to create a third party referral within the UCB database. There is a How to Guide on this subject.

153. The Nominated Manager should ensure that all supporting relevant documentary evidence is attached to the record within the database. This may necessitate the scanning of documents, when appropriate. There is an 'attach' button in the database to enable this action to be taken

154. It is important that any evidence attached must only be relevant to the UCB activity. It may be appropriate, for example, to delete a number of paragraphs from a detailed medical report, leaving only the relevant paragraphs to attach. The date, signature and name of the author of the report should be included in the scanned document for future reference.

155. For Veterans UKA referrals the Nominated Manager will transpose the information and add the control measures and review date as advised by the Veterans UK Nominated Manager. Veterans UK review dates may be for a future date of more than one year. When the review is due the Veterans UK NM will review the case and advise either removal from SPL or a further review date.

Linking Cases

156. In cases where there are multiple incidents recorded for the same customer or claimant it is recommended that the Nominated Manager link

them all together. This will ensure that only one review will be required rather than for each and every incident. For consistency, it is recommended that all cases are linked to the original incident or third party referral record, archiving and filing subsequent records within it. There is a How to guide on this subject.

157. For incident and/or Third Party referral cases where the person behaving unacceptably is not the actual customer but someone who lives at the customer's address, the SPL will pull through the other person's NINO (where held) so there will be no need to create and link the customer. A post code search will identify the other person at the customer's address thus there is no requirement to create another record for the customer to link back to UCB person.

158. If there is no NINO available for the person who displayed unacceptable behaviour it is recommended that a third party referral record is also raised for that individual. This will result in an entry on the SPL in their name so that there is a point of reference in the event of any direct contact with them in the future. This entry will not be visible on the intranet version of the SPL.

Action Following the UCB Decision

Disclosure of Markings

159. Note and record the action taken and arrange for markers on all relevant IT systems. This includes notifying other parts of DWP with an interest via the Markers on IT Systems form so that they can note their IT systems.

160. Once the Nominated Manager has made the decision to apply control measures, the customer or claimant must be informed unless it is likely that this action will itself provoke a risk of further unacceptable behaviour.

161. In consultation with the Line Manager, the Nominated Manager will direct the action required and choose the most practical manner to inform the claimant that their behaviour is unacceptable e.g. by letter or at an office interview. However, most decisions to apply the control measures will be the result of a recent incident of UCB and in these circumstances, it will be appropriate to issue the relevant Combined Warning and Advisory letters

Sharing Information with Other Organisations outside DWP

162. Other businesses that have contact with the customer or claimant must be notified they pose a risk and what control measures are being applied, using Notification of control measures/removal of control measures form. The relevant IT systems can be used to identify those businesses.

163. When a customer or claimant has control measures applied and is to be referred to another business on a one-off basis such as The Appeals Service, or HDAS, details of the control measure must be included in any papers sent to them. If the control measure marking has not been disclosed to the claimant, this fact and the reasoning behind it should be highlighted on the referral papers.

Withholding Disclosure to claimant

164. The exception to notifying the customer or claimant is where by doing so it could lead to further behaviour which would put employees at risk. If this is considered to be the case it is permissible to withhold this information. Each case must be judged on its merits and the reasons supporting the decision should be documented. In making this decision, Nominated Managers should give particular consideration to the nature and severity of the original incident or third party referral and any other relevant information.

165. The information can also be withheld if the customer or claimant suffers from a mental illness that causes violent behaviour and e.g. a doctor or other professional has informed the Department that releasing the information would lead to a violent incident or would be likely to cause serious harm to the health or condition of the individual

166. When a Subject Access Request (SAR) is received Data Protection Officers (DPOs) should always check with the Nominated Manager whether the claimant has been notified of the marking and whether disclosure is appropriate. It is the Nominated Manager's responsibility to decide whether disclosure is appropriate.

167. When approached by the DPO and where disclosure is appropriate, the Nominated Manager should ensure that staff names are withheld where not essential and any other third party data included in the supporting documentation is also withheld.

Claimant handling following an Incident

168. Depending on the severity of the incident/s, the following action may be appropriate. Nominated Managers and local managers will need to assess the level of any risk in undertaking this action. If for example, the customer or claimant is not known at the office, a face to face interview may not be the best course of action:

- Interview the claimant - this will usually be done by a local Site Manager as soon as possible after the incident has taken place. The incident may have been embarrassing or upsetting in retrospect and they may want to apologise or may worry about attending the office again afterwards. This gives them the opportunity to talk about the incident and explain their behaviour. The manager must then write up an account of the conversation and ensure that a copy is sent to the Nominated Manager so that the customer or claimant's records are noted accordingly.
- A Warning Letter from either the Nominated Manager or a local manager explaining the behaviour is unacceptable. If the incident was generated at a Contact Centre or Benefit Centre and then referred to the local Nominated Manager, the Nominated Manager will need to liaise with the local manager to determine who issues the warning letter in such cases. The Nominated Manager should keep a copy of any warning letter that has been issued
- An oral warning, usually issued by a manager advising the customer or claimant that their behaviour is unacceptable. The issuing manager must also write up an account of the conversation and ensure that a copy is

sent to the Nominated Manager so that the customer or claimant's records are noted accordingly.

- A warning letter from the Departmental solicitors advising the customer or claimant their behaviour is unacceptable. This could be in cases of serious abuse or threatening behaviour.
- A banning order for a specified period covering either a single office or group of offices having regard to the nature and seriousness of the incident. The Nominated Manager advises the solicitors on the extent of the banning order and what alternative arrangements have been put in place for them to contact the office on benefit related issues. Nominated Managers should take into account the proximity of other offices and the customer or claimant's ties or "connections" in other areas.
- An injunction (England & Wales) or an interdict (Scotland) through the Civil Courts
- Criminal prosecution through Crown Prosecution Services (England & Wales) and Procurator Fiscal (Scotland)
- Request to Government Legal Department regarding other legal remedies e.g. private prosecutions, private prosecutions with a view to obtaining an ASBO

169. The Nominated Manager will choose the most practical method for the business to disclose control measures and the marking i.e. office interview, by telephone or in writing using the relevant letter and the review date must be set. However, the exception to notifying the claimant are where by doing so it could lead to further behaviour which would put employees at risk. If this is considered to be the case it is permissible to withhold this information. Each case must be judged on its merits and the reasons supporting the decision should be documented. In making this decision, Nominated Managers should give particular consideration to the nature and severity of the original incident or third party referral and any other relevant information.

Where to Get Legal Advice

170. Government Legal Department (GLD) (previously known as the Treasury Solicitor's Department (TSol)), provides a shared legal service across Government. There are specific processes to follow in order to obtain legal advice and assistance on UCB cases. Advice requests should be clearly marked '**Advice Request**'. However before seeking advice from GLD internal sources of advice and internal escalation should have been exhausted. [

How to make a UCB referral to GLD

171. There are occasions where NMs need to seek advice and services from GLD in relation to UCB cases e.g. the issue of a warning letter or banning order. The NM must complete the GLD template and provide relevant information for GLD to act upon. Guidance on making the referral and the correct process can be found in the UCB portal

Banning Orders

172. In the event of a banning order against a customer or claimant, Nominated Managers need to make alternative arrangements for them to contact the office on benefit related issues and ensure that they are advised promptly of these arrangements as details will not be included in the banning letter.

Customer or Claimant Breaches a Ban

173. When a ban has been breached or there has been another subsequent UCB incident this should trigger a review within DWP **at the time** rather than at the end of the ban in all but exceptional circumstances. If, due to the breach, the NM decides that an extension is appropriate, a template should be completed to make the request at the same time. It may be more difficult to justify an extension at the end of the ban if the further incident took place a substantial time before.

Complaints, Reviews, Reconsiderations

174. Claimants must be given the opportunity to respond to a warning letter or banning letter if they believe the decision is unfair and this will be referred to in the letters, which will provide the contact details of GLD. Some claimants may take exception to the application of control measures and seek legal advice. It is therefore important to keep robust documentary evidence. Further information can be found in Complaint, Review, Reconsideration - Guidance Note

175. Further guidance can be found in the DWP UCB Portal.

INJUNCTIONS (England and Wales) (refer to Interdicts for Scotland)

What is an injunction?

176. An injunction is an order made by a Judge, in court. In the context of Unacceptable Customer Behaviour, it will normally be an order to an individual to desist from a certain type of behaviour – for example persistent harassment of the Department's employees.

177. The document will contain clear, precise and enforceable conditions so that the respondent (the person to be bound by the injunction) can clearly understand what it is that they are not to do.

178. The application for an injunction will be prepared by Government Legal Department (GLD), the DWP's legal representatives. The Judge hearing the application may decide:

- To accept the terms of the injunction as presented to the court,
- To modify the terms of the injunction as they see fit, or
- To reject the injunction.

179. The process, from submitting the evidence to Government Legal Service to the court hearing can take several weeks, however, in certain more urgent cases it is possible to expedite the process.

When should I consider an injunction?

180. An application for an injunction may be considered where a customer shows a persistent disregard for previous control measures implemented by DWP to protect the well being of staff. Typically, an injunction may be appropriate to a customer who determinedly ignores a banning order. Sufficient weight of factual evidence will be needed to support an application for an injunction, so incidents must always be recorded on the Unacceptable Customer Behaviour database.

Who should be involved in the decision to apply for an injunction?

181. Applying for an injunction is a significant step. There is a relatively high threshold for proving harassment and it does not cover behaviour which is simply unreasonable or unattractive, or only causes embarrassment or annoyance. The Court has a discretion whether to grant an injunction and may be particularly concerned that the customer is not unduly prejudiced in respect of their ability to obtain benefits. Therefore the case should be discussed at an appropriate operational level in DWP before an application is submitted to Government Legal Department. A case conference is required before an injunction application may be made. This discussion should include the following people:

- The Nominated UCB Manager
- The appropriate site / Jobcentre Manager
- A Senior Manager / CSOM
- The Operational Health & Safety Business Partner
- The appointed Trade Union (TU) Safety Representative

182. The discussions should be supported by a timeline document, and focus on:

- the measures currently in place
- the evidence of the breaches of control measures and their impact on staff and other customers,
- consideration of other options for further controls, including the identity and use of a Single Point of Contact (SPOC) for the customer
- consideration of any current police involvement or whether involving the police is a more appropriate option than an injunction (reference to UCB and the law)
- Role of the lead witness if required. See paragraph 187 onwards.

183. The discussions should also identify any ongoing customer complaints (the Complaints Resolution Team should be consulted for information about any ongoing complaint issues), details of a customer's known disabilities and or health conditions, and vulnerability.

184. Once the proposal to apply for an injunction is agreed, the Nominated Manager is responsible for

- submitting the request to GLD
- Sending a copy of the request to their Operational Health and Safety Business Partner

Making the Request

185. The Nominated Manager will collate all documentation and applicable evidence, and produce a timeline document to track events. This evidence should include previous incidents, previous warning or banning letters (both from DWP and GLD or previous solicitors such as Field Fisher Waterhouse). Relevant customer information about ongoing complaints, disabilities, health conditions, and vulnerability should also be presented to GLD. Once GLD has decided that an injunction is necessary a final warning letter will be issued by GLD in all but exceptional cases. This is because:

- Experience has shown that it is often effective in stopping UCB without the need for Court action.
- If an injunction application becomes necessary it strengthens DWP's case before the Court as the customer cannot now be in any doubt as to the effect of continuing with their course of conduct.

Government Legal Department Action

186. GLD will consider the submission and provide any necessary advice. If instructed to seek an injunction by DWP they will

- Prepare the witness statement
- Prepare the other injunction documentation to be presented to the court.
- Make the necessary arrangements for the court hearings

187. The witness statement will require the name of a member of staff – this person is nominally the department's "lead witness" in the matter. The name of the lead witness will be visible to all parties. Injunction applications are in most cases brought in the name of the SSWP, unless the specific circumstances of the case mean that it would be more appropriate to bring the case in the name of a member of staff (e.g. where the acts of UCB are directed solely at one staff member).

188. Commonly the named member of staff will be the Nominated UCB Manager, but it can be someone else if necessary (particularly where the nominated Manager has concerns that their anonymity or safety will be compromised) – it is important that the lead witness role is discussed and agreed before the submission is made, as changes will lead to additional work amending statements to the court.

189. Court appearance by the lead witness is rarely necessary. GLD will advise where it seems likely that the presence of the lead witness will assist the progress of the application.

190. Staff may want to be aware that any copies of the witness statement that are sent to the customer will be redacted to obscure staff names (other than the lead witness), in order to protect them. GLD provides the court with an un-redacted copy for reference during the court hearing, but this is not provided to the customer.

Do DWP staff have to attend the County Court hearing?

191. GLD take the view that witness attendance is likely to help the satisfactory progress of the application and whilst attendance is not normally a obligatory, it can be most helpful. If you do attend court, you are there as a party to the proceedings, not an observer, and may therefore be asked questions by the judge or other legal representatives, however, in most cases all questions will directed solely at the DWP's barrister. GLD will discuss with the Department if attendance is highly recommended.

If you do attend court as a witness

192. Ensure you take with you a copy of all of the documentation that has been submitted (GLD will provide you with copies by email as they are prepared and submitted).

193. You may want to contact the court in advance to arrange for a private room to be available for you to meet the barrister and discuss the case. If you do not do so, you may find you are waiting in the same room as the customer.

194. Allow enough time in advance of the hearing time to meet with the barrister – they will be able to talk you through the court processes and the features of the case, including what you may get asked when appearing as a witness. Allow yourself enough time for a debriefing with the barrister after the case is heard – this may provide valuable information and enhance your understanding of the Judge's decision.

What is the court hearing like?

195. If you are attending court, you will enter court with the barrister and sit behind them. Sometimes, if there are few people attending, the hearing will take place in the judge's chambers (his room). The barrister will go through the evidence submitted, with the judge asking questions of the barrister. If the defendant is present, they will make their statement. Once the judge has heard all the evidence he/she requires, the court will normally adjourn briefly whilst the judge considers their decision. The court will then be reconvened for the judge to give their decision.

196. During this process, it is unlikely that you will be asked any direct questions, but it is possible. In most cases all questions will be directed at the DWP's barrister and your role will be to offer you advice to him/her when asked. Experience so far suggests that the kind of questions that may come up are likely to be about what alternative arrangements can / have been put into place to allow the customer to access our services. More rarely, the judge may ask questions about the terms of the injunction – for example to ensure there is precision about exactly where the customer may or may not go.

What happens next?

197. If the judge accepts and agrees the injunction, it will not be effective until it is personally served on the customer (i.e. handed to him/her). Whilst this is often not an issue if the customer is present in court, as dispensation of this requirement can be obtained, many of our customers do not attend the injunction hearing. In these cases, GLD will arrange for the papers to be served by personal courier, and they will let you know when the papers have

been effectively served. At this point the injunction terms are active and the customer is expected to abide by them.

198. Once the injunction has been served, the Nominated Manager will need to ensure that the relevant managers are aware of this, and of the terms. GLD will provide you with a copy of the agreed terms of the injunction and evidence that it has been served on the customer. It is suggested that key managers in the process should be informed directly – for example the relevant Jobcentre Manager / CSOM, Contact Centre or Benefit Centre manager – so that they can communicate the relevant information to their staff as needed.

199. The Nominated Manager will also need to arrange to record the injunction on the UCB Database. The preferred approach to doing so is to record the control measures in the normal way, then use the “Named Officer” section to record:

“INJUNCTION – contact NAME NUMBER for further information”. An appropriate review dates will need to be set to review the situation shortly before the injunction expires.

What if the customer breaches the injunction?

200. The breaching of an injunction order by a customer is a criminal offence, which may lead to them being arrested, imprisoned (for up to six months), or fined. However, the appropriate action will very much depend on the nature of the breach and the seriousness of the incident. The responsible manager will need to make a judgement at the time

- In the event of a serious incident, office managers should follow their usual Incident Management processes first (for example calling the police via 999). Where necessary, the existence of the injunction can be brought to the attention of the police once the critical incident has been dealt with.
- Less serious breaches should be reported to the police on each occasion they occur, alerting or reminding the Police of the existence of the injunction (for example, if a customer approaches the office closer than the injunction permits...).
- Please note that DWP does not have the discretion to allow variations to the conditions once an injunction is in force. For example, if an injunction prohibits a customer from entering a named office, the DWP office manager may not permit the customer to attend the office, say, for the purposes of making a new claim.

201. GLD have advised that, whilst injunctions do have a power of arrest attached, police are not likely to treat non-serious breaches as urgent. They are likely to arrange to meet with the office manager in the following few days. At such a meeting, the police will need a copy of the injunction together with evidence that it has been served on the customer, and witness statements detailing the breach(es).

INTERDICTS (Scotland) (Refer to injunctions for England and Wales)

What is an interdict?

202. An interdict is a civil court order (similar to an injunction) which prohibits an individual from doing certain things; for example, entering particular Jobcentres or threatening or abusing staff members within particular premises by verbally abusing, threatening or assaulting them or putting them into a state of fear or alarm. If the number of incidents or the level of the threats are sufficiently serious at the time of applying for the interdict or subsequently, a power of arrest can be attached to the interdict.

203. If an incident occurs following the granting of the power of arrest by the court the police can be notified that the interdict has been breached and arrest the person for breaching the interdict, even if the police were not minded to arrest the person for commission of a breach of the peace or other criminal offence. The party against whom the interdict has been taken will then appear in court for breaching the interdict.

204. If the interdict does not have a power of arrest, but the court order is breached by the actions of the party against whom it is obtained further court proceedings can be raised against the individual for breaching the terms of the court order. They are then brought before the court to explain to a Judge why they have breached the terms of the original interdict where imprisonment could be imposed as a sanction against them for breaching the terms of the original court order.

Obtaining an interdict

205. For acts of UCB that occur in Scotland, on the whole the same procedures should be followed as set out in paragraphs 180 to 185. GLD will issue a final warning letter to the customer if this is necessary (see paragraph 185). Only if there is a further incident will consideration be given to an interdict application. One difference is that the process of obtaining an interdict is rather different from that used by GLD to obtain an injunction. GLD should be contacted as above; however, they will allocate the matter to a firm of Scottish solicitors who will advise the relevant Nominated UCB Manager directly. If the advice is that an interdict is a realistic possibility and the DWP wish to proceed, all legal work will be completed by the DWP's Scottish solicitors and GLD will not take further part in proceedings with the exception of arranging for the payment in relation to legal fees incurred by the Scottish solicitors.

206. The same criteria applies to DWP staff in Scotland in considering whether or not UCB should be dealt with by provision of a warning letter to be sent to the individual or a letter imposing a ban upon the individual for a specific period. GLD are the first port of call in relation to such matters and will provide advice on the best course of action to take. If letters are sent and/or a ban imposed for a period but the individual persists in harassing employees or attending at the premises consideration will be given by the Scottish Solicitors to the course of conduct and advice tendered as to whether or not it amounts to such conduct as will allow an application for an interdict to be made.

207. The Scottish Solicitors will consider the documentation and applicable evidence collected and provide advice to the DWP OAT Managers who have collated the information as regards whether or not an interdict is likely to be obtained.

208. If it is considered that the behaviour is such to merit an application for an interdict an initial writ (application to the Court) is drafted seeking to either interdict the individual from entering or attempting to enter premises within the jurisdiction of the Sheriffdom in which the application is made; or prevent the individual from threatening or being abusive towards staff. If required, due to the seriousness of the conduct, the writ can include a request for a power of arrest for a fixed period of time to the interdict order.

Jurisdiction of the Court

209. It should be noted that the court will not grant an interdict preventing the defender from entering or attempting to enter premises throughout Scotland unless the application is made within the Court of Session in Edinburgh. Only the Court of Session has a Scotland wide jurisdiction. However if the individual has a history of attending or contacting Jobcentres across an area of Scotland not all of which involves premises within the Sheriffdom (similar to a county – 6 Sheriffdoms cover the whole of Scotland) of a particular Sheriff Court then there may be merit in considering an interdict within the Court of Session to cover JCP premises in more than one Sheriffdom.

210. An application for an interdict to prevent the defender from threatening or being abusive towards staff can be wide enough to cover staff members of the Department of Work and Pensions within the whole Sheriffdom as opposed to requiring to specifically state which premises the employees work in. This is relevant where there may be telephone abuse of staff members located in Call Centres in England and Wales. In those cases the jurisdiction of the court would be established by the residence of the defender from where it is assumed the calls are being made.

The court has to be satisfied that there is a risk of the individual entering or attempting to enter different premises before it will grant an interdict preventing the defender from entering all those premises referred to in the writ. Otherwise the interdict will be limited to those premises that it has been demonstrated the individual has entered or attempted to enter.

Obtaining an interim interdict

211. Shortly following the lodging of the writ seeking interdict and/or power of arrest the court will fix a hearing where the Scottish Solicitor appears, in order to seek an interim interdict. If successful this can immediately bring into effect the orders sought against the individual. The court may not grant a power of arrest on an interim basis and may appoint a separate hearing for parties to be heard on the granting of the power. The court order and the writ are then served by sheriff officer upon the individual and a copy of the court order obtained granting the interim interdict is sent to the UCB managers. The individual has 21 days from the date of receipt of the writ to contest the terms of the writ or the granting of the interim order. If the defender wishes to oppose the imposition of an interim order he can apply to the court to have a further hearing to have the granting of the interim order reviewed. Otherwise, he is required to lodge documentation with the court to indicate his intention to defend the proceedings raised against him.

212. If the defender disputes the narration of events (the description of the events which led to the interdict application) contained within the Writ seeking the granting of the interdict he is required to provide a written defence to the action and ultimately the court will fix a hearing on evidence to assess whether or not the interim interdict and interdict should remain in place.

213. If the defender does not defend either the granting of the interim interdict or the application for an interdict against him following the expiry of the 21 day period the Scottish solicitors can move for the court to grant decree of perpetual interdict against the individual.

Again, sheriff officers would serve a copy of the decree upon the individual and should any incidents occur following service of the decree upon him these incidents would be collated and form the basis of an action for breach of interdict if required.

Power of Arrest

214. If the court grants a power of arrest with an interdict, an application is made to attach a power of arrest to an existing interdict, or after a hearing on the granting of a Power of arrest, Police Scotland are also provided with a copy of the interdict, and the power of arrest, together with the court order granting the power of arrest and proof of service of the granting of the court order upon the individual. A power of arrest runs for a specific period, usually 3 years from the date of it being granted or such other period as the court considers appropriate. The individual can apply to the court to have the duration of the power of arrest varied. It is open to the DWP to seek an extension of the power of arrest if incidents have arisen that justify that.

Breach of interdict proceedings

215. Should the individual persist in attempting to enter premises or harassing members of staff after an interdict has been granted an application can be made to the court for breach of interdict proceedings to be commenced against the individual. A further writ requires to be drafted explaining when and where the original interdict order has been breached. Affidavits (being sworn statements of particular DWP staff) are required to be taken and submitted in support of the application. The individuals who complete the applications may be required to give evidence in court regarding the incidents. If however the individual accepts breaching the terms of the interdict order the court will give consideration to the content of the affidavits in deciding what punishment should be imposed for breaching the court order. The court has the ultimate sanction of imprisonment for what amounts to contempt of court as a result of the failure of the individual to adhere to the original perpetual interdict.

Criminal offences

216. It should be borne in mind that if an individual harasses members of staff or puts them into a state of fear and alarm Police Scotland may become involved at the time of the commission of the incident and charge the individual with a criminal offence. This would be distinct from any proceedings which the DWP wish to take on their own part in either obtaining an interdict or commencing proceedings for breach of an existing interdict order.

217. Furthermore it is open to the DWP to continue to ban an individual from entering or attempting to enter premises that are not covered by an interdict if there is a concern that the individual is now attempting to contact staff members at offices outside his own area. It would not be necessary to issue a banning letter for those offices covered by the interdict. The service of the decree granting interdict should be sufficient notice to an individual that he is not entitled to enter or attempt to enter premises.

FURTHER ADVICE

Can be obtained from your Health and Safety Business Partner

And from the Government Legal Service

See link for more information about appearing in court as a witness.

The Law and Unacceptable Customer Behaviour

218. The Secretary of State has made it clear that violent and abusive behaviour will not be tolerated and the Department manages this through the 'Unacceptable Customer Behaviour' policy and procedures.

219. All incidents must be reported swiftly and in full using the DWP online Incident Report Form. Managers also need to have regard to the Fast-Track Incident Reporting guidance. When completing the Incident Report Forms staff should be aware of the fact that ultimately they might be used as evidence, if for example an anti-harassment injunction is required. It is for this reason that they should be completed in as comprehensive manner as possible.

220. It is important to recognise that incidents of unacceptable customer behaviour can also be criminal offences and may require Police assistance.

221. The Police must be called to the office whenever there is a serious incident and it is likely they will prosecute under the following laws as a matter of course. It is however important to remember that whilst the police may decide to arrest and charge individuals for breaches of the laws set out below, whether they in fact do this is a matter for them and/or the 'Crown Prosecution Service' or 'The Procurator Fiscal' (In Scotland). It is a good idea to seek to maintain a good relationship and liaise with the local police.

222. A detailed written statement based on the incident reports will be required if the Police decide to prosecute. (Please see the information relating to disclosure here).

Assault charges

Breach of the Peace

Public Order Act 1986

Criminal Damage Act 1971

Mental Health Act 1983

Communications Act 2003

Malicious Communications Act 1988

Protection from Harassment Act 1997

Assault

223. When deciding on the appropriate charge in most assault cases, prosecutors and police officers will consider the level of injuries that have resulted; and the likely sentence that the court will pass.

224. In more serious cases where offences of inflicting grievous bodily harm, or wounding with intent, or attempted murder are being considered, the level of intent will also be a key determining factor.

225. For all other cases, it is the level of injuries and the likely sentence that are crucial. In simple terms, Parliament has determined that there should be separate offences reflecting three levels of injury –

- Common Assault,
- Actual Bodily Harm (ABH) and
- Grievous Bodily Harm (GBH).

226. As a starting point, where there is no injury or injuries which are not serious, the offence charged should generally be Common Assault. Where there is serious injury and the likely sentence is clearly more than six months' imprisonment the offence charged should generally be ABH. And where there is really serious injury the offence charged should generally be GBH.

Breach Of The Peace

227. Breach of the peace is an old common law concept which is used to prevent unlawful violence against people or property. A breach of the peace is not a criminal offence in itself, however special powers exist for the purpose of stopping or preventing anyone from breaching or threatening to breach the peace by committing unlawful violence. A breach of the peace may occur on either public or private property.

228. Generally, the police have three options: to attempt to defuse the situation and resolve it without using one of their common law powers, to use their common law powers of arrest, or to use their common law powers of entry.

229. The police are able to arrest and detain anyone who is committing, or they have reasonable cause to believe is about to commit, a breach of the peace.

Public Order Act 1986.

230. This Act covers two criminal offences. These are set out below:

Affray – this consists of the use or the threat to use violence which causes people to fear for their personal safety.

Fear of violence – a person is guilty of this offence if they threaten abuse or insult a staff member leading them to believe violence will be used against them or someone else.

Criminal Damage 1971

231. This act may be used where a Claimant has damaged DWP property or has threatened damage to DWP Property.

Mental Health Act 1983

232. This Act could be used where a Claimant could be suffering from a mental disorder that might best be treated in hospital for their safety and the safety of DWP staff members. The Police have powers to detain people who appear to be suffering from mental disorders. This Power is contained in the 'Mental Health Act 1983'.

The Police may use this Act in cases of threats of suicide or self harm.

Challenging Behaviour – Other Areas Of Law To Consider

233. Some Claimants demonstrate particularly challenging and / or persistent behaviours. In these cases the Claimant may be committing a less obvious offence than those listed above. The following guidance is designed to highlight these offences to Managers and assist them in discussion with their local Police.

234. Also included below is guidance on laws relating to 'Malicious Communications', 'Harassment and Stalking'.

Communications Act 2003

Malicious Communications – Over the phone / Electronic Media

235. Section 127 of the Act makes it an offence to send a message that is grossly offensive or of an indecent, obscene or menacing character over a 'public electronic communications network' i.e. Over the telephone; e-mail; internet.

Communications that:-

- Contain credible threats of violence, harassment, or stalking such as aggressive internet trolling which specifically targets an individual or individuals
- Are aggravated by references to race, religion or other minorities.
- Persistently make use of a public electronic communications network for the purpose of causing annoyance, inconvenience or needless anxiety.
- Sends by means of a public electronic communications network a message or other matter that is grossly offensive or of an indecent, obscene or of a menacing character; or knowingly contains false information.

Using the Communications Act to deal with Unacceptable Customer Behaviour in DWP

236. DWP staff members can be subjected to incidents of verbal abuse / threats either over the telephone, e-mail or electronic media. Reporting incidents of abuse over the telephone / email etc. is just as important as those which occur face to face. Prolonged or repeated verbal abuse can lead to anxiety and stress and it is imperative this risk is managed appropriately and action is taken.

237. Action must be taken by Line Managers and Nominated Managers following abusive / threatening communications. Incidents must be reported

on the DWP online Incident Report Form. Care should be taken to include as much detail of **specifically** what was said during telephone calls, as this will be vital evidence to ensure a prosecution. If over the telephone the Line Managers should listen to call recordings where possible and if we intend to pursue a prosecution, the call should be recorded for evidence purposes. Details on how to record voice calls can be found [here](#).

238. If the abuse is persistent or falls into any of the categories listed above this could be a breach of the Communications Act 2003.

239. In the majority of cases in order to pursue a conviction there has to be a **history** of persistent, threatening and abusive communications. An incident report should be completed and recorded on the UCB Database for every case.

240. The Nominated Manager should send a warning letter stating that abusive, threatening communications are totally unacceptable and could amount to a criminal offence under the Communications Act 2003.

241. Only in the more serious cases should a request be made to GLD for their assistance at an early stage. In most situations the Nominated Manager should send the Department's own warning letter to the Claimant and take other steps (e.g. notifying the Claimant that JCP will not deal with them by phone/e-mail) and following this up, before involving TSol.

242. If the abuse continues after the 'Warning Letter' has been sent the Line Manager should contact the local Police in order to pursue a prosecution.

243. The Nominated Manager should provide copies of all the incidents / recordings which will be used in the prosecution case.

244. A person guilty of an offence under this section could be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine, or to both.

Malicious Communications Act 1988

This Act relates to hand written correspondence

245. The Malicious Communications Act 1988 section 1, deals with the sending to another of any article which is indecent or grossly offensive, or which conveys a threat, or which is false, provided there is intent to cause distress or anxiety to the recipient. The offence covers letters, writing of all descriptions, electronic communications, photographs and other images in a material form, tape recordings, films and video recordings.

246. The offence is one of sending, delivering or transmitting, so there is no requirement for the article to reach the intended recipient.

247. In the majority of cases in order to pursue a conviction there has to be a **history** of persistent, threatening and abusive communications. An incident report should be completed and recorded on the UCB Database for every case

248. The Nominated Manager should send a warning letter stating that correspondence intended to cause distress or anxiety to the recipient are

totally unacceptable and could amount to a criminal offence under the Malicious Communications Act 1988.

249. **N.B:** It does need to be understood that obtaining prosecutions under the Communications Act & the Malicious Communications Act is very difficult (particularly in respect of section 127 of the Communications Act.) as the weight of evidence needed for a conviction is very high and in many cases the police or Crown Prosecution Service / Procurator Fiscal might decide not to take matters further. It might however be the case that the involvement of the police would be what is required in order to ensure the customer stops or substantially reduces the communications; the police would be more likely to take action if the Department had exhausted all other possibilities.

Protection from Harassment Act 1997 and Other Specific Related UK Legislation

250. Harassment is the term used to describe a pattern of repetitive behaviour that is threatening or disturbing to the victim. It is calculated to cause alarm or distress, is oppressive, and may put the victim repeatedly in fear of violence. It can include repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person.

251. In some cases the Claimant can be abusive to a number of staff members. In these cases GLD applies for injunctions on behalf of the Secretary of State, as a representative of one or more employees of the Department. The injunction applied for will cover all the employees of the Department, for example as a result of claimants making harassing calls to numerous JCP offices and Contact Centres

252. Harassment is a criminal offence under a wide range of specific UK legislation – for example racial, sexual, and employment equality laws all have provisions relating to harassment. The offence is also covered more generally by other laws, including the Protection from Harassment Act 1997 which is specifically enacted to address this.

253. Stalking is a particular form of harassment (also covered by the Protection from Harassment Act 1997) that may involve:

- following a person
- contacting, or attempting to contact, a person by any means
- publishing any statement or other material (i) relating or purporting to relate to a person, or (ii) purporting to originate from a person
- monitoring the use by a person of the internet, email or any other form of electronic communication
- loitering in any place (whether public or private)
- interfering with any property in the possession of a person
- watching or spying on a person

Stalking is a criminal offence under that Act.

Using Harassment Laws to deal with Unacceptable Customer Behaviour in DWP

254. DWP staff members can be subjected to incidents of Harassment and Stalking. Such a case is likely to be very disturbing for a staff member if they are targeted in this manner and may have substantial adverse effect on their day to day activities.

255. This type of case should be discussed / highlighted urgently with a Senior Manager and Health & Safety Business Partner. The Line Manager / Nominated Manager should contact the Police who should be involved at the earliest opportunity. Managers also need to have regard to the Fast-Track Incident Reporting guidance, as this type of behaviour may well fit the criteria, both because it may compromise the health and safety of staff, and because it may have escalated into a viable targeted or personalised threat.

256. A person found guilty of an offence could receive a substantial fine and prison sentence for serious cases.

257. UCB Managers should also consider contacting GLD in addition to the police and seeking an anti-harassment injunction against the Claimant. These injunctions are civil in nature and are obtained in the County Courts. If the Claimant breaches the injunction then this is a criminal offence with a maximum penalty of 6 months imprisonment.

258. The Laws listed above are not exhaustive. If you require any further guidance on any of the above, or you wish to discuss a specific case assistance should be sought via your HSBP.

Recording of Information

259. The control measures must be entered on the DWP database by the Nominated Manager to enable the appropriate action to be taken by employees in future dealings with the claimant. These control measures will link through to the Staff Protection List. The following link outlines the Nominated Managers UCB database guidance.

260. Information received from a third party will be entered on the database by the Nominated Manager, who will consider if control measures are applicable. These control measures will also link through to the Staff Protection List. The following link outlines the process How to enter a third party referral onto the UCB database.

261. The IT systems must also be marked accordingly. It is not possible to enter control measures on IT systems, but an appropriate warning marking must be entered to ensure employees are made aware the customer or claimant poses a risk. Employees are then able to refer to the Staff Protection List to identify what control measures are appropriate. The information held must be kept up to date. Some other Government Departments still use P.V markers.

Sharing Information with Other Organisations Outside DWP

262. Local Authorities have access to CIS to check for any PV (UCB) markers but do not have access to the Staff Protection List. Child Maintenance Group (CMG) and Veterans UK (formerly SPVA) have access to the Staff Protection

List (SPL) thus negating the need to send them Notification of control measures/removal of control measures form.

263. Other organisations that have contact with the customer or claimant must be advised that they pose a risk by using the Notification of control measures/removal of control measures form and what control measures are being applied. The relevant IT systems can be used to identify those businesses.

264. If a customer or claimant has control measures applied and is to be referred to HM Courts and Tribunal Service (HMCTS), or HDAS, employees must include a copy of the latest actual Incident Report Form. This is because HDAS and HMCTS require incident details to enable G4S to undertake a Risk Assessment on an individual customer or claimant. This can be requested from the Nominated Manager. Employees must also include a copy of the Notification of control measures/removal of control measures form in any papers sent. If the control measure marking has not been disclosed to the claimant, this fact and the reasoning behind it should be highlighted on the referral paper.

265. If a customer or claimant has control measures and the Jobcentre are referring the claimant to HDAS, the employee should ensure that the relevant flag is set in MSRS and the control measures are entered onto the system. Other parts of the business who do not use the MSRS should follow their own guidance for HDAS medical referrals.

266. When a customer or claimant has control measures applied and is to be referred to another business on a one-off basis. Employees must include a copy of the notification letter (Notification of control measures/removal of control measures).

267. Businesses should follow their own guidance to notify such bodies. The following links outline processes for appeals and work providers

Appeals Procedure

Work Programme

Review of Markings

268. Control measures cannot remain in place indefinitely unless there are good reasons. The Nominated Manager is responsible for carrying out a review of the customer or claimant's behaviour and assessing whether the control measures are still relevant. This includes control measures applied following a third party referral, with the exception of those received from Veterans UK. Depending on the type of benefit in payment, it may be that there is little or no contact with the customer or claimant. This can make the review difficult for the Nominated Manager to accurately assess whether there has been an improvement in their behaviour. If no contact has been recorded the marking should not be removed unless the level of risk presented in the original incident is deemed relatively low.

269. It is particularly important that when reviewing control measures, DWP Nominated Managers check for Veterans UK (formerly SPVA) cases. Where the referral has been made by Veterans UK the Nominated Manager must

contact the Veterans UK SPOCs before removing control measures from our computer systems.

Veterans UK contacts

These can be found on the contacts list

270. There have been examples of markings being removed when the DBS Veterans UK Medical Advisors have given advice that these claimants present a clear risk to employees as a result of longstanding psychiatric conditions. Veterans UK employees do not follow DWP protocols and have a longer review period. **DWP managers must not review or change markers set by Veterans UK managers in any case.**

271. Reviews should take place at least annually, but would take place at more frequent intervals if the customer or claimant is seen on a regular basis, if the only control measure is to monitor behaviour or in the case of a ban, which is usually of three months duration.

272. The Nominated Manager reviewing cases should consider

- The nature, type and seriousness of the original incident leading to the marking
- The number and types of contact since the original incident
- The customer or claimant's behaviour since the original incident
- Any other relevant contact with other DWP businesses, contractors or organisations
- Checking CIS, PD053 for most up to date information and status e.g checking for change of address, date of death, in prison etc
- The Rehabilitation of Offenders Act (ROA) if appropriate

273. If the control measure marking is as the result of a newspaper report that the customer or claimant had been found guilty of a violent offence, the Nominated Manager should take into account the nature and seriousness of the offence, the Rehabilitation of Offenders Act and the circumstances of the case, including their behaviour, when considering whether it should be removed. If the customer or claimant is still in prison for a serious violent offence at the time of review, removal would not be appropriate.

274. The outcome of the review and the reason for the decision should be recorded on the database.

275. If a decision is made to remove the control measures, the Nominated Manager should notify the customer or claimant immediately by issuing the Removal of Control Measures Letter unless they were not initially notified.

276. Organisations outside of DWP who have been notified of the control measures must be advised as soon as the marking is removed by issuing the Notification of control measures/removal of control measures form.

277. Arrangements should be made for the customer or claimant's records to be noted accordingly including the removal of indicators from IT systems and their details from the Staff Protection List. Other DWP businesses with a benefit interest should also be notified using the Markers on IT systems form

Retention of Documents

278. Incident reports and letters are stored electronically on the database. Other documents, such as clerical reports related to an incident or third party referral should be scanned and attached to the appropriate Incident Report/Third Party Referral record, with the exception of any 'Special Customer Record' cases which MUST NOT be entered on the database/SPL and instead kept in a secure, separate run managed by the Nominated Manager.

279. Retain clerical records for 6 years, unless the incident leads to control measures, in which case retain for as long as control measures exist if that is longer and for one year after their removal.

280. When a customer or claimant has control measures applied, any supporting documents must be retained until the decision is taken in a review that the marking will be removed. This will still apply even when the claim is dormant as the annual review will still need to take place. Details of Retention periods are included in the H&S Document Retention Schedule.

Rehabilitation of Offenders

281. Where control measures are in place solely because of a conviction or on the advice of police, the conditions of the Rehabilitation of Offenders Act must be applied. The link above includes a table of the rehabilitation periods for particular offences. If applying control measures on the basis of a criminal offence, Nominated Managers must establish the nature of the offence and the length of the sentence imposed.

282. Disclosure of a spent offence is a criminal offence. Therefore a customer or claimants name must be removed from the Staff Protection List once a conviction is spent if that is the sole reason for the control measure.

283. However, if their behaviour continues to give cause for concern, control measures should be reapplied but with reference to that behaviour rather than the original offence.

284. A person who has become a rehabilitated person for the purposes of the Act shall be treated for all purposes in law as a person who has not committed or been charged with such an offence.

Fast Track Incidents

285. Fast Track Incidents are serious occurrences that require a full investigation and review by the Site Manager and TU Safety Representative. An FT1 form must be completed by employees and managers within 4 hours of the Fast Track Incident and senior officers informed. Further details can be found in the Fast Track Guidance. Nominated Managers should ensure that arrangements are in place for them to be informed of all incidents that are classed as Fast Tracks and ensure that copies of the Fast Track documentation are placed on the UCB database with the original incident form.

Ownership of Cases

Ownership of risk

286. There are instances where customers or claimants display UCB to staff in contact centres but the area of risk lies with DWP office(s) in the locale of the customer or claimant. In cases where the UCB risk is identified as at another office, the UCB incident case should be forwarded urgently to the NM in the area where the customer resides for a decision on application of control measures by transferring the case (link to para 204). The exporting NM should ensure that they inform the receiving NM that they are transferring a UCB case to and ensure that all relevant details are completed on incident form before transfer.

287. Some customers or claimants with control measures may be in receipt of multiple benefits. To ensure consistency and avoid double handling, a decision needs to be made about ownership i.e. which Nominated Manager will be responsible for any further incidents and the annual review.

288. This often involves DLA/AA customers who are also in receipt of benefit administered by Work Services Directorate (WSD) offices or Pensions Centres.

289. Where DLA/AA claimants have medical evidence to support the fact that the claimant poses a **longer term risk**, these claims are administered by the Blackpool Benefits Centre (BBC).

290. To manage the risk in multiple benefit cases, if a claimant has DLA/AA in payment, cases of UCB coming up for review the Nominated Manager should liaise with the BBC Nominated Manager who will determine whether it is such a case.

291. The case should be referred to the BBC Nominated Manager by attaching details to a simple e-mail to the BBC Nominated Manager at DCPU.UCBTEAM@DWP.GSI.GOV.UK so they can consider ownership in the light of evidence held. The BBC Nominated Manager will liaise with the referring Nominated Manager to determine what action is appropriate. **It is important not to transfer the case at this stage.** Both Nominated Managers will determine who should own the case considering where the greater risk lies, e.g. face to face contact in the Job centre office. The BBC Nominated Manager will be able to scan and attach any evidence they hold to assist in future dealing with the claimant.

292. Any new incidents or third party referrals that occur in such multiple benefit cases should also be referred to the BBC Nominated Manager, following the process above. However, the Nominated Manager should make the decision to apply control measures on the new incident or third party referral **before** sending the e-mail. The BBC Nominated Manager will liaise with the referring Nominated Manager to determine what action is appropriate. **It is important not to transfer the case** unless both Nominated Managers agree that this is the best course of action. The BBC Nominated Manager will be able to scan and attach any evidence they hold to assist in future dealing with the claimant.

293. If a review, new incident or third party referral is being considered by the BBC Nominated Manager in a multiple benefit case, the same process will occur in reverse.

Transferring Records

Transferring Records to another Nominated Manager

294. There are instances where UCB cases need to be transferred from one Nominated Manager to another. This is because the Nominated Managers have responsibility for cases within their own area

Examples may include

- Telephone Incident occurring at a Contact Centre, Benefit Centre or other environment away from their local site
- Change of address
- Changes in geographical office workloads
- FIS incidents
- Simple error- cases not appropriate to the Nominated Manager

Before transferring cases, Nominated Managers should:

- In cases that are being transferred for a decision e.g. an incident occurs at a Contact Centre, check that the Line Manager has correctly completed their part of the incident form and that all information is available so that the Nominated Manager receiving the case can quickly make their decision on whether to apply control measures. Cases should be transferred within one working day
- Where possible, ensure that all evidence is attached to the case, within the database. Documents can also be scanned and attached. Any evidence that is still paper based (including any 'Special Customer Record' must be forwarded to the receiving Nominated Manager via the appropriate secure postal procedures.
- Advise the receiving Nominated Manager that a case is being transferred. Nominated Managers should check the database daily. However, in the event of a more serious case, the exporting Nominated Manager should contact the receiving Nominated Manager directly to ensure that they are aware of the case and can take immediate action.

Transferring cases in the UCB Database

295. To transfer a case, the Nominated Manager needs to open the incident report form and then choose the 'Transfer to New NO' option. A 'Transfer Incident Report' option will appear. Nominated Managers should type the name of the site where they are transferring the case and select the search option. This will present the site and the relevant Nominated Manager. Select 'OK' and this will automatically transfer the case. Nominated Managers should be aware that pressing the OK button instantly transfers the case so care needs to be exercised in selecting the correct site.

Trade Union Safety Representatives

296. TU Safety representatives are expected to make the safety of employees a priority and to co-operate with managers in promoting and developing a culture which ensures the health and safety at work of all employees. It is important that they are copied in to incident reports both at the time that the Line Manager has completed their parts of the form AND once the outcome has been recorded by the UCB NM.

297. TU Safety representatives will be involved in ensuring incidents are reported and in the examination of the causes of incidents. They will bring to managers' notice, normally in writing, any unsafe or unhealthy conditions/ working practices or unsatisfactory arrangements for welfare at work which come to their attention.

298. They are also available to make representations to managers on any issues affecting the health, safety and welfare of employees, which includes that relating to UCB. A copy of the Incident Report Form will be sent by the Line Manager once they have completed their parts of the form.

299. Further guidance on the role of the TU Safety Representative can be found in The Role of the Safety Representative.

Advice

300. For further advice on any of the issues in this guidance please contact your Health & Safety Business Partner in the first instance before the Health, Safety and Wellbeing Team