

Conflict Management Delegates Workbook Day 2



Health & Safety and the Law

Health & Safety at Work Act 1974 (HASAWA)

Sections relevant to workplace violence

Section 2 (1)

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

Section 7

General duties of employees at work

Take reasonable care for:

- *The health and safety of himself; and*
- *Anyone else who may be affected by his acts or omissions.*
- *Co-operate with his employer or any other person as far as is necessary to enable the employer to meet his legal obligations.*

Use of force

The legal system in this country is made up of two types of law - Common Law and Statute Law. Both allow a person to use force on another in certain circumstances provided that the force used is lawful, necessary and reasonable in the circumstances.

PLAN

Any use of force on another should be considered in light of PLAN, i.e. were your actions:

Proportionate: to the perceived threat. Is it the least intrusive/injurious method?

Legal: is your action based on clear Statute, Common or Case Law/current legislation?

Accountability: record your actions and tactical options, including why you decided NOT to do something.

Necessary: can you justify your actions and any infringement of a person's rights to an independent third party?

It is important that you carefully weigh the situation before considering using force as this should be the last resort once all other options are no longer viable. As an individual you are accountable for your actions. Any use of force must be in accordance with the PLAN mnemonic.

Common Law

Common law is a well established principle, which entitles any person to defend him or herself from 'attack' using 'reasonable force'.

It clearly states that:

- *A person has the right to protect himself from attack*
- *And to act in the defence of others*
- *And if necessary may inflict violence on another in doing so*
- *Provided that no more force is used than is reasonable to repel the attack*

Therefore:

If you have a genuine honest held belief that you or another are in imminent danger, you may use such force as is reasonable and necessary to avert that danger.

Section 3 - Criminal Law

A person may use such force as is reasonable in the circumstances:

- *In the prevention of crime*
- *Or in effecting or assisting in the lawful arrest of offenders or suspected offenders*
- *Or of persons unlawfully at large*

Health & Safety and the Law Quiz

1. Which one of the following is included in the Health & Safety Executive's definition of violence in the workplace?

- a. Insults
- b. Aggression
- c. Assaulted
- d. Swearing

2. Section 2 of the Health & Safety at Work Act 1974 states "it shall be the duty of every employer to ensure as far as reasonably practicable ...

- a. the health & safety at work of all his employees"
- b. the health & safety and welfare at work of all his employees"
- c. the health & security at work of all his employees"
- d. the health & safety and well being at work of all his employees"

3. Which one of the following responsibilities is placed upon employees under section 7 of the Health & Safety at Work Act 1974?

- a. To take reasonable care for their own health and safety
- b. To report all health and safety incidents
- c. To comply with the employer's health and safety instructions
- d. To conduct risk assessments of their working environment

4. What is the most important reason for having policy and guidance in relation to work related violence?

- a. It protects the company from prosecution
- b. It sets out how risks will be reduced
- c. It demonstrates the commitment of senior managers
- d. It sets out the vision and values of the organisation

5. "People will only be justified in the use of force if they have a genuine and honestly held belief that there is imminent danger which justifies the force being used."

Which one of the following describes the type of force that can be used on the basis of this belief?

- a. Rational
- b. Responsible
- c. Respectable
- d. Reasonable

6. What is the meaning of 'proportionality' in relation to self defence?

- a. The force used must be whatever is thought necessary
- b. The force used must be balanced of the level of threat offered
- c. The force used must be greater to overcome the threat offered
- d. The force used must be justifiable retaliation from threat offered

7. What does the 'A' stand for in the pneumonic PLAN?

- a. Actual
- b. Active
- c. Accountability
- d. Arson

8. What is another Health and Safety law relating to conflict?

- a. COSHH
- b. IOSH
- c. RIDDOR
- d. UWRLD

9. What can you do when someone has spat on your clothes?

- a. Reasonable and necessary force
- b. Citizens arrest
- c. Nothing
- d. Detain until police arrive

10. What does Common Law not state?

- a. A person has the right to protect himself from attack
- b. Act in the defence of others
- c. Use force in the prevention of a crime
- d. Such force as is reasonable

Dynamic Risk Assessment

Definition

"The Dynamic Risk Assessment process helps an individual to effectively assess a situation from a personal safety perspective, as it is unfolding. The person can continuously assess the circumstances and adjust his or her response to meet the risk presented moment by moment".

One of the greatest threats to an individual is complacency. This is something that anyone can fall prey to and often happens because the individual concerned has performed a task hundreds of times before. Being approached by a member of the public or finding someone asleep on a bus are routine parts of the job and it is easy to miss signs of danger. Work-related violence can be difficult to predict and to control because it is hard to anticipate the range of responses that someone might use in a confrontational situation.

The risks may be compounded at certain times and locations, or by factors relating to others who may, for example, present challenging behaviour, be influenced by drink or drugs or have a history of crime and/or violence.

It is important that you are always alert to any potential threats. Good dynamic risk assessment means using the SAFER and POP mnemonic.

SAFER

S =

A =

F =

E =

R =

POP

P =

O =

P =

Common Flashpoints & Triggers

What is a flashpoint?

- *Trouble spot: a place where violence is likely to break out suddenly, usually as a result of social or political tension*
- *Critical stage: the critical stage in some process, event, or situation at which action, change, or violence occurs*

What is a trigger?

- *Anything that sparks off an incident, continues it or escalates it*

As the saying goes '**It takes two to tango**'. In many instances of violence and aggression, 'It takes two to tangle'. This is because the majority of incidents of emotional or angry aggression and have a history and time course. This history and time course refers to the sequence of behaviours (actions, words, etc.) of each person involved. How one person responds to another's trigger can intentionally or unintentionally often constitute a further trigger in return. Even if one party to an incident played no part in the origin of that disagreement, how they respond to the other person's anger, frustration, etc. may well help determine the future course of that anger.

Read the following 'train journey' scenario and answer the questions on the following page.

The Train Journey

Imagine that you are travelling by train from the very north of England to Cornwall and you are due to change trains at Birmingham. The journey southwards has suffered innumerable delays and you are increasingly worried that you might not be able to make a connection from Birmingham. You ask the on-train guard/ conductor several times for information and advice but all she advises, "Check on arrival at Birmingham because I can't help you? Upon arrival at the station in Birmingham you leave the train very anxious about your onward travel. You spot a guard on the platform and ask "Has the train for Penzance left yet?" The member of station staff replies that he has no idea and says, "You'll have to go to the information desk and ask there?"

1. How would you feel?

2. What do you think of the behaviour of both the on-train guard and the station staff? Do you think the behaviour of either of these is likely to make you feel better or worse?

3. If you feel worse, do you think they intended to make you feel worse?

4. Even if you think they did not intend it, do you think the response of either member of staff is likely to make the incident worse, i.e. escalate it?

5. What might either member of staff said or done to improve rather than worsen the situation?

Open Palms

The PALMS mnemonic supports safer working following five easy steps.

Position

By moving out of the customer's exit route you are not blocking them in. Remember a person is always communicating so be guided by your training and experience - plan for safety at all times.

Attitude

Is about displaying a positive and helpful attitude. We've already covered this in your training yesterday and today i.e. Positive Mental Attitude (can do), Bataris' box and Internal cycle.

Look and listen

Let's break this down into the two elements. Firstly, one of the ways to build and maintain rapport is to have reasonable eye contact, and you already know this, don't you.

You should adjust the % time spent on maintaining eye contact to either build or break rapport; you must also be sensitive to other cultures.

The second element is listening. You should listen to what is being said and let the person finish. Do not interrupt or speak over the other person as this may inflame the situation. Focus on what they are saying and not what you are going to say. Use good listening body language - listen actively and paraphrase where appropriate.

List below 5 Do's (+) and 5 Don'ts (-) of active listening

Do's (+)

-
-
-
-
-

Don'ts (-)

-
-
-
-
-

Make space (where possible)

Intimate zone - less than 18 inches, as a general rule is regarded as the intimate zone. This is normally family, friends, partners etc. If anyone else comes that close, we regard it as unsettling and threatening.

Personal zone - (18inches to 4 feet) we are comfortable to admit people we know well into this space, but again would feel uncomfortable if casual acquaintances spent too much time this close.

Safe zone - (4-5 feet) circumstances and/or the environment will not always allow you the luxury of controlling your space. For personal safety reasons this is the recommended distance. We also refer to this zone as the reactionary gap. Something to bear in mind is that an action will always beat a reaction. This is why you need to keep a reactionary gap and is particularly important if a weapon is being used.

Social zone - (4-12 feet) we are comfortable with most people in this area. This is in fact the zone in which most business is conducted, and it is often reinforced by the presence of a desk or counter between two parties.

Stance

Interview stance - Always maintain your safe distance if the other person moves towards you, retreat. Always be aware of where your escape route is, and retreat towards it. You should stand to the side and only slightly ahead of them. This allows for face to face communication whilst encouraging effective communication and restricts access to you as you at an angle to them.

Movement and balance is easier when you adopt the correct, safe, stance from the outset. The recommended stance is slightly side on to the other person. One foot should be in front of the other, with the leading foot pointing toward the other person. The other foot should be at an angle. Your feet should roughly form the letter "L".

This gives a balanced, firm posture that does not communicate aggression. You can easily slide away from the other person, and if you are pushed you are less likely to lose your balance.

Your aim is to have your hands to the front in a relaxed position so that they can be used to maintain a reactionary gap and block any potential grabs or strikes.

Blocks to Communication

"At some points in our lives we've all felt either at the time or afterwards that "that could have gone better!" It may have been something that was said or not said or something that wasn't quite clear enough."

Blocks to Communication Word Search

Blocks to Communication

n e l s y s r t a r i t c h e i
o o r t r s i c u l a a c o t t
i y i a l c o h o l o l p n e d
t l i t r f u o n i e t t i a u
a r u o a p s l a g c r s a l c
t t n a e c o t t r a u g i d l
a n t s i n i o t u s s o o u s
r t n g l c c n e e r t s o e t
p t s u l a n g u a g e t o o p
r m c r n l m u c m s r s u l i
e s e d e p n l o s m e t s t a
t i d i s t r a c t i o n s e l
n p i o s u l r l t s t c s u i
i e t s e s y i n s u y o r t t
s e r l c c a u f a n p t s t o
i t u i c m c u i n r e a o r t
m i p a a u l e o n o s o r n t

Illness
Language
Misinterpretation
Distractions

Alcohol
Access
Stereotypes
Communication

Drugs
Trust
Filters
Cultures

Signalling Non-Aggression

4 As of Signalling Non-Aggression

- Manage **A**nger
- Manage **A**buse
- Maintain a Positive Mental **A**ttitude
- Be **A**ssertive

Thinking about your previous learning how can we manage our anger?

How do we cope when customers are being abusive towards us?

Positive Mental Attitude, is a psychological term which describes a mental phenomenon in which the central idea is that one can increase achievement through optimistic thought processes. PMA implies that one has a vision of good natured change in one's mind; it employs a state of mind that continues to seek, find and execute ways to win, or find a desirable outcome, regardless of the circumstances. It rejects negativity, defeatism and hopelessness.

Assertive

- Assertiveness is about rational thought not emotions
- It is about stating your position whilst maintaining respect for other people and their views
- It has a clear moral dimension which stems from ownership
- Not just what you say but how you say it
- You have a right to work without being abused
- You do not have a predetermined outcome in mind so you aim for a win-win outcome
- There are different types of assertion that can positively influence effective communication
- Three basic types of assertion
 - Basic
 - Empathy
 - Consequences

Workplace Violence Support & Management

What is an assault?

The term assault is often used incorrectly. This is because what determines an assault is partly based on an individual's own perception of the circumstances.

The Community Safety, Enforcement & Policing Directorate definition of an assault can be summarised as:

- **'... any act by which a person intentionally or recklessly causes another to perceive a threat or 'offer' of immediate unlawful violent force'**

This means any act where a person tries to harm you or deliberately cause you to feel threatened with immediate violence.

Report and Record

Setting the scene on a bus. A situation develops with a passenger and you decide to try and diffuse the situation, but the passenger strikes you and remains standing laughing at you.

- Remove yourself from danger as quickly as possible.
- You or your colleagues contact CentreComm. If the passenger remains on the bus contact the police before CentreComm. Await the Police but if the passenger leaves the bus cancel the '999' call. Use code 5 prior to an assault.
- Then contact your Line Manager/Coordinator to report the incident as soon as possible.
- You or a colleague submits a CCTV request form.

If you do not continue with your shift then on your return to work.

- Complete an assault report along with your Coordinator.
- Complete a post assault questionnaire. The first part of the questionnaire is used to record additional information about the incident of workplace violence you have experienced. This information helps us continue doing everything we can to reduce such incidents. The second part of the questionnaire helps us monitor how we are managing workplace violence incidents. This section is CONFIDENTIAL.
- Attend post assault interview (not the same as the back to work interview).
- Attend back to work interview. This will determine if you are fit to return to your role and then if you require any additional support i.e. working with colleague or reduced hours to ease you back into your job role.

Review Incident

How can you review what happened and why it happened?

What is the purpose of reviewing the incident?

You are going to look at a scenario loosely based on actual assault forms (no names etc. mentioned) using firstly perceptual positions (**this is a way of looking at situations including conflicts from three different perspectives**) then evaluating the information.

Perceptual Positions Scenario

RPI xxxx and I completed our ticket check and were sitting upstairs filling in our duty statements with the details of the bus.

Three male passengers boarded the bus at xxxx road and came upstairs. As they reached the top of the stairs RPI xxxx noticed the middle one of the three pass up a blue Oyster holder to the youth in front. They then walked passed us and sat at the rear of the bus - on the back seat.

RPI xxxx got up and asked to see their ticket or passes. They all claimed to be 15 or 16 and not to have any passes on them. I went to the aid of RPI xxxx in completing the penalty fares for two of the three youths. RPI xxxx repeatedly asked to see the pass that she had seen in their possession. They denied having any pass. I asked the youths to empty their pockets, which two of them did but the last youth refused.

RPI xxxx, stated" I'm going to stop the bus and call the police. You can then tell them your stories". Then the youth she was questioning then leapt up and accosted me. I asked him to sit down and he grabbed me by the shoulders and tried to barge through me. Then he shoved me and ran down the stairs. I shouted to the driver to close the doors but he pushed past a female passenger and ran off laughing.

The other two youths got off the bus with us but subsequently ran away.

After reading the scenario, use the three stages of perceptual positions; give a brief overview what happened, why it happened and what could be learned for next time if a similar incident occurs.

1. Give a brief overview to what happened in the scenario.

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2. Why did the assault or incident happen?

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3. What can be learned for next time a similar incident occurs?

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Why do you need to review incidents of work related violence?

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The aim of the course was to:

Alter thinking

Build better behaviours by improving skills

Change understanding

By employing the skills you have learned the last two days and practicing them whenever possible, you can alter your, colleagues and passengers thinking, build better behaviours by using your skills even more and change understanding in the way you interact in a conflict situation.

Review Exercise

Write below how YOU will transfer the course aims into YOUR role as an RPI. Give one example for each of the course aims.

A _____

B _____

C _____

