



**VIOLENCE AT
WORK -
A SURVEY OF
UNISON
EMPLOYERS
IN SCOTLAND**

October 2011

UNISON Scotland
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Violent Assaults on Public Service Staff in Scotland
Follow up Survey 2011

1. INTRODUCTION

Since 2006, UNISONScotland has carried out an annual survey of assaults to public sector workers by issuing a Freedom of Information request to all employers of UNISON members in the public sector. The 2011 survey was carried out from August to October 2011.

Our analysis of the figures received for 2011 shows a total figure of **27,775**, a slight decrease of **187** in the level of assaults compared with last year's figures. Over the year Local Government assaults have increased by **780** to **12,169**, whilst in health they have decreased by 1,281 to **13,552**. When figures for other services are added in, the number of assaults rises to **27,775**, a decrease of **187** from **27,962** in 2009/10.

Our first survey in 2006 identified just over 20,000 violent incidents that year in the NHS and local government, and the figures have increased since that time and remain unacceptable. This may of course partly reflect greater awareness and better reporting, however, it is clear the problem is not going away.

The recording of incidents in the health service continues to improve, with their computer programme which appears to have made reporting much easier, although, there is not as much breakdown into job categories or additional information given.

Reporting in local authorities has greatly improved over the year, with more councils being able to produce proper information. However, there are still one or two whose information is limited, e.g. a list of assaults, with no totals. This clearly indicates that whilst we are starting to get our message across, many local authorities still do not collate adequate statistics on violence and cannot, therefore, have a strategy for combating the level of assaults on their workers. The reasons given for late submission of figures were to do with receiving statistics from all the different departments, indicating that there is still no central collation. Overall monitoring of figures within an authority cannot take place if the statistics are kept in departmental silos and never collated centrally.

The work that UNISON had instigated with the STUC, the Scottish Centre for Healthy Working Lives and representatives of Scottish local authorities to develop best practice guidelines came to an end when guidelines for local government were published in February 2010, entitled “**Managing occupational violence in the workplace**”. These guidelines are now acknowledged by several councils and many have produced or are in the process of drafting new policies, based on the Guidelines.

2. **EMERGENCY WORKERS (SCOTLAND) ACT, 2006**

UNISON Scotland campaigned for and welcomed the introduction of the Emergency Workers (Scotland) Act (EWA) in 2005. We would have wished to see legislation much wider in scope than the Bill as originally drafted. We favoured a Bill covering all public service workers and it remains our view that the Bill should have given statutory effect to that guidance, recognising that workers providing a service to the public should be given specific legal protection.

Since the introduction of the EWA UNISON Scotland has sought to widen the scope of the provisions to incorporate a wider group of public service workers. In January 2005, the Scottish Government promulgated a Modification Order that extended the Act to a limited number of additional health staff. Whilst welcoming the extension we argued that this was only a limited provision that did not cover the main groups of staff at risk of violence and resulted in a two-tier level of protection for staff. To date there has been no movement in the Scottish Government’s position.

There were significant objections to the Emergency Workers (Scotland) Bill including the Law Society and Faculty of Advocates who argued that the common law and other statutory provisions covered most of the Bill’s provisions. It was even claimed that there would be no successful prosecutions. However, the Act has been used extensively with over 1110 prosecutions to date. The latest figures available show that in 2009/10 there were 280 convictions under the Emergency Workers Act

Persons with a charge proved in Scottish courts under the Emergency Workers (Scotland) Act 2005⁽¹⁾, by category of offence, 2005-06 - 2008-09					
Charge	2005-06	2006-07	2007/08	2008/09	2009/10
Emergency workers (Scotland) Act 2005 Section 1(1)	11	44	40	74	113
Emergency workers (Scotland) Act 2005 Section 2(1)	14	74	90	76	37
Emergency workers (Scotland) Act 2005 Section 3(1)	0	3	2	4	2
Emergency workers (Scotland) Act 2005 Section 5(1)	29	79	143	147	128
Total	54	200	275	301	280

S:1(1) - Assault, obstruct or hinder constable/fire officer/person providing assistance in terms of S:35 or S:36 of the Fire (Scotland) Act 2005/ambulance worker.

S:2(1) - Assault, obstruct or hinder other emergency workers responding to emergency circumstances

S:3(1) - Assault, obstruct or hinder person assisting emergency worker responding to emergency circumstances

S:5(1) - Assault, obstruct or hinder health worker/ambulance worker/assistant to said workers on hospital premises

Since the introduction of the EWA, the issue of workplace violence has been moved higher up the public agenda and deliberate acts of violence on public service workers is, rightly, condemned by most members of the public. However, there is still a reluctance on the part of some employers and even some staff, to acknowledge assaults by “looked after people”, e.g. children, elderly people, or those with learning disabilities, as there are in some instances perceptions that these types of assaults are just part of the job and have to be tolerated. Since 2003, however, the Scottish Government has accepted the extent of violence against public sector workers and for a time worked with trade unions to examine ways to tackle the problem.

However, the experience of our membership and the results of crime surveys inform us that the most vulnerable workers are not necessarily emergency services workers – all workers who deal with the public are at risk. Care workers faced twice the national average risk of assault and nurses four times. The current EWA list with its emphasis on ‘blue light’ services has the consequence of providing protection to predominantly male groups of workers. This is an equal opportunities issue.

3. PROTECTION OF WORKERS (SCOTLAND) BILL

The Workers (Aggravated Offences) (Scotland) Bill proposed by Hugh Henry, MSP in 2009 received the necessary backing by MSPs in 2010 and went forward to debate on its first stage as the Protection of Workers (Scotland) Bill.

UNISON Scotland responded to the Call for Evidence for the Bill and continued to support its passage through Parliament. We made several suggestions for improving the Bill and intended to submit amendments at the various stages of the Bill.

<http://www.unison-scotland.org.uk/response/ProtectionofWorkersScotlandBill.pdf>

The proposed Bill built on the Emergency Workers Act but widened it to cover more public sector workers and some private sector workers who provide a service to the public, such as shop workers.

The STUC mounted a campaign in support of the measures contained in the Bill and UNISON fully participated in this. We contacted all branches and Health & Safety stewards to advise them of the campaign seeking as much support for it as possible. We also ran an e-mail campaign telling members to contact their MSPs and urge support.

However, despite our efforts and the support of mainly Labour MSPs the Bill fell at its first stage and was not, therefore, able to continue through its Parliamentary stages.

The current Scottish Government’s Legislation Programme does not include any measures to give public service workers further protection from violence when going about their normal business.

4. MANAGING OCCUPATIONAL VIOLENCE IN THE WORKPLACE

For this year's survey, we asked specific questions to councils to ascertain which of them were using the above guidelines and to what extent they were incorporating them into new arrangements or policies for dealing with violence in the workplace.

In their responses 18 councils and 2 ALEO/Joint bodies advised that they used the guidelines. Most of the 18 were currently reviewing their policies and intended to incorporate the elements of the guidelines they considered relevant into them. Those who had participated in the working group that set up the guidelines were in the main further ahead with their plans. Some of those who were using the guidelines were introducing lone working policies and personal safety systems for their staff. Some of the councils who did not use the guidelines believed that their current policies were adequate and did not see the need to change them.

Most of the ALEOs and joint bodies who responded had not heard of the guidelines, although some, in particular Joint Valuation Boards attached to certain councils said that they used the policies of their local council.

5. FREEDOM OF INFORMATION SURVEY

As in our previous surveys, the 2011 survey was sent to all local authorities and health boards in Scotland, as well as to other public sector areas in which UNISON organises, including police, universities and colleges, NDPBs, etc, asking for details on the number of assaults on workers during the past year, broken down by job title or department. Although not covered by the Freedom of Information legislation, for the first time we asked some Arms Length Associated Organisations (ALEOs) if they would give us information on assaults to their staff and we were pleased to note that several did so, including City Building in Glasgow and the Glasgow Housing Association, who both recorded incidences of violence towards their staff. ALEOs are companies or trusts set up by Councils to deliver a wide range of activities such as leisure services, economic development and property maintenance. They are 'arm's-length' because the council retains a degree of control or influence, usually through a funding agreement, and 'external' because they have a separate identity to the council. There have been attempts to extend the Freedom of Information legislation to include them but unfortunately, this has not been successful to date. We also sent our questionnaire to local government associated bodies, e.g. Joint Valuation Boards, and Fire and Rescue services, which are all subject to the Freedom of Information requirements.

In response to the survey, we received data from 28 local authorities, eleven of the 14 area health boards, six of the Special Health Boards, but only a few police forces, universities and colleges responded. The local authority and health boards who did not respond all said that they had not received the original letter. A reminder has been sent out to those who did not reply in the required time. For comparative purposes, the figures from last year have

been counted for those councils and health boards that did not respond in time.

Local Government

Local government figures had increased by 780 over the previous year, from 11,389 to 12,169. This year, twelve councils had cut their assault levels, but these were matched by sixteen others who had shown increases. Considerable improvements to collating figures had been made, with some preparing yearly reports for councils to consider and make recommendations. Education continues to have the highest levels of assault, on both teachers and support staff, particularly classroom assistants, and special needs assistants, but also including, instructors, janitors, and admin staff. Social care also continued to have high figures, especially in residential and home care settings.

In this year's survey, councils were asked if they could indicate the levels of assaults on classroom assistants and other support staff who often deal with pupils who are excluded from their main classes. We had had anecdotal accounts of increases in assaults on these staff and wanted to confirm this with hard evidence. This year, there were more who broke their figures down to indicate non-teaching staff or classroom assistants/pupil support assistants, etc. This indicated a total of over 3,300 in the figures given. Differences with reporting systems could mean that this total could have been a lot higher, as some only gave classroom assistants, not other non-teaching staff, and some didn't break down at all.

As in previous years, Glasgow had the highest number of assaults, with a small increase over last year. This was despite the fact that several departments had now left their direct employment and were not, therefore, counted for the survey. The fact that the figures have still increased is a cause for concern. Dundee City are now the second highest, with over 300 of an increase, whereas City of Edinburgh's figures had fallen by 50, dropping into third highest.

In many councils the standard of reporting had improved, but this unfortunately had taken away some of the more detailed information seen in previous surveys where it was often possible to follow progress in dealing with individual assaults and get a flavour of the types of assaults which had occurred. The methods of reporting are still not consistent, however, making it difficult to make comparisons.

In local government much continues to be made of the fact that many of the assaults are caused by children with special needs, or elderly people with dementia. There continues to be an assumption that because some people have a reduced capacity, assaults are therefore, part of the job. One council referred to intentional and unintentional abuse. UNISON is aware that some people have illnesses which can lead them to kick out at staff for various reasons, however, this does not excuse employers, as there are many

precautions and safeguards that can be implemented by employers to protect their staff, which some have done, as is reflected in their figures.

Health Service

The Health service continued to have the largest number of assaults, despite decreasing its figures by almost 1,300 over the year to 13,552. seven of the Boards responding had cut their figures, some such as Ayrshire & Arran and Scottish Borders by 1101 and 842 respectively. Four Boards had increased their figures, but not by huge numbers. NHS Greater Glasgow & Clyde continued to have the highest figures at 2,881, 300 up on last year. Unfortunately, the next three largest boards were ones who did not respond, so their current figures are not known.

Most boards are now recording centrally, following the amalgamation of the NHS trusts into Area Health Boards but most did not break down into divisions as they had previously done. Again, the majority of assaults were on nursing staff, both in acute hospitals and in the community and mental health settings.

Among the Special Health Boards, NHS 24's figures showed a marked decrease in incidences of phone rage. UNISON and the Scottish Government carried out research into phone rage and produced a protocol which is now part of the work of the Scottish Centre for Healthy Working Lives. NHS 24 has introduced a series of rest rooms where staff can go to take time out following abusive or difficult calls.

The Scottish Ambulance Service reported assaults of 266 for the year, an increase of 49 on last year and the State Hospital's figures had increased by 613 to 764 over the year.

Police and Fire services

The figures available show that during 2010/11 there were 1,903 assaults on police officers and police staff, an increase on 2009/10, although not all forces responded and some responded who hadn't the previous year. Most of these assaults were on police officers however, there were several assaults recorded on police staff, such as special constables, police custody support officers, community wardens and traffic wardens many of whom are categorised as police staff, although some do work for local authorities.

Fire services were included in the survey for the first time, although not all responded. Those who did showed 101 assaults, although as with the police, most were fire-fighters, although some control staff had been verbally abused.

Universities and Colleges

Again, there were very few incidents in Universities and Colleges and these were mainly to security staff.

NDPBs/Miscellaneous

There were 18 incidents to NDPB staff recorded during the year; 5 in the Scottish Children's Reporters Authority (SCRA), which were a mixture of verbal aggression on the telephone and aggressive behaviour associated with the Children's Hearing System and 11 on staff from Skills Development Scotland, with customer-facing staff.

In the Miscellaneous category there were 14 incidents; 11 mainly phone abuse to staff in the newly formed Social Care and Social Work Improvement Scotland (SCSWIS) and 3 assaults on rangers in the Loch Lomond and Trossachs National Park.

6. CONCLUSIONS

The main conclusion to be drawn from this report is that despite a small decrease in the level of assaults on public sector workers the number continues to be unacceptably high. The reporting systems, particularly in local government have improved considerably, but still show no consistency. We need to urge all councils to put the guidelines produced by the working party into practice, in the hope that the level of assaults can fall across Scotland

As we continue to stress, however, whatever the figures, and however they are collated, it is still clear that there is an unacceptably high level of violence being perpetrated against public facing staff in Scotland.

UNISON Scotland believes that attacks on any staff delivering public services should be treated under the law as serious assaults, not just attacks on emergency workers.

Further information

UNISON Scotland Health & Safety pages

<http://www.unison-scotland.org.uk/safety/aboutths.html>

UNISON Health & Safety Site – Anti -Violence Campaign

http://www.unison.org.uk/safety/pages_view.asp?did=6077

It's not part of the job: UNISON's guide to tackling violence at Work.

<http://www.unison.org.uk/file/4096.pdf>

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