



Warning Marker Register

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Erewash Borough Council
Warning Marker Register
Version Control

Version	Date	Revision Description
1.0	2 nd August 2010	Agreed by CMT 27 th July 2010 and distributed to Managers
1.1	3 rd August 2011	Annual review – no change
1.2	6 September 2016	Review – no change
1.3	30.6.17	Review date amended

Contents

1.0	Introduction	4
2.0	Overview	4
3.0	System Administration	5
4.0	Reasons for Inclusion on the Warning Marker Register	5
5.0	Adding/Altering/Removing Data	5
6.0	Implementation & Operation	6
7.0	Security/Access to Data	7
Appendix 1	Form for Entry onto the Warning Marker Register	8
Appendix 2	Process Map	9

1.0 Introduction

- 1.1 The Warning Marker Register outlines the arrangements to be followed to ensure that employees and or contractors under the control of Erewash Borough Council (EBC) are made aware of any potentially violent people or hazardous premises or animal. This document will detail the use and inclusion of their details on the Warning Marker Register.
- 1.2 In the first instance a person affected by an incident whilst in the performance of their duties as an employee or contractor of EBC should contact the police where it is appropriate to do so.
- 1.3 The Warning Marker Register is to be used by all employees and or contractors under the control of EBC who could, during the course of their work for EBC, come into contact with members of the public who have the potential to become violent, abusive or aggressive.
- 1.4 There are separate policies and procedures in place if you experience violence, or aggression from an employee or elected member. Please refer to the Council policies and procedures; Discipline & Grievance, Harassment at Work, Employee Code of Conduct or Member Code of Conduct

2.0 Overview

- 2.1 EBC recognises the potential for verbal abuse, threatening behaviour or physical assault from customers and the detrimental effect this can have on staff. Such behaviour by customers is unacceptable. The personal safety of employees is of paramount importance and therefore employees are instructed not to accept or tolerate any level of violent, abusive or threatening behaviour that is directed towards them. The process map for the use of the Violent Warning Register is given in appendix 2.
- 2.2 Reference is made to the Councils Health and Safety Protocol PRO10-2 Violence and Abuse at Work.
- 2.3 A Warning Marker Register contains individuals or a domestic or business address where there could be a potential risk to employees from aggressive behaviour. The register is used to raise the awareness of those employees having the need to visit those properties in the course of their duties so that they can take appropriate or alternative control measures to minimise the risk of an incident. Persons with no fixed abode will be registered as such to identify the fact they have no known address.

- 2.4 The Council considers the maintenance of a Warning Marker Register a reasonably practical measure to reduce the risk to health, safety and welfare of its employees in complying with its duties under Section 2 of The Health and Safety at Work etc. Act 1974 (HSWA).
- 2.5 Sections 7 & 8 HSWA impose a duty on employees to take reasonable care for their own safety and that of others and to co-operate with the Council's safe systems of work.
- 2.6 The Data Protection Act 1998 now covers both computerised and sequentially filed paper systems for the recording of personal details. The Warning Marker Register must therefore be created and maintained to comply with the Data Protection Act 1998. The Health and Safety of employees and or contractors under the control of EBC is paramount although, the Human Rights Act 1998 and the Freedom of Information Act 2000 do have a bearing on this procedure.
- 2.7 Guidance on the use of violent warning markers is given by the Information Commissioner's Office and can be found [here](http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/use_of_violent_warning_markers.pdf) -
(http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/use_of_violent_warning_markers.pdf).

3.0 System Administration

- 3.1 The system will consist of a Warning Marker Register on a shared area of the Council's main network server that will give restricted access to authorised personnel across different departments throughout the Council. Where just cause necessitates an entry onto the database a marker can then be attached to the property address to warn employee's of a potential hazard. The marker will identify that a risk is attached to that property.
- 3.2 It is the responsibility of managers to ensure that this guidance is fully implemented.

4.0 Reasons for inclusion on the Warning Marker Register

- 4.1 An inclusion on the register will be warranted if any of the following criteria are met.
- If an employee is physically abused.
 - If an employee is verbally threatened.
 - If an employee is threatened with a weapon.
 - If an employee is threatened with an animal.
 - The premises are in such a condition that employees are at a high risk of injury if they enter the property.
 - A dangerous or intimidating animal is present on the premises

5.0 Adding/Altering/Removing Data

- 5.1 All data to be added to the register or alterations or removal to existing data shall be approved by the Borough Solicitor. The Borough Solicitor shall ensure that the information posted is concise, accurate and appropriate before approval is given. The information contained on the system will be reviewed on a regular basis and the Borough Solicitor will make any necessary alterations and deletions of data. **NOTE: An individual has a legal right of access to receive a copy of the data held about them.**

Erewash Borough Council

Warning Marker Register

- 5.2 An individual will be registered once the Unacceptable Customer Behaviour Incident Report Form (Appendix 1) has been filled in and a decision is reached to register by the Borough Solicitor (in his/her absence this will be completed by the Assistant Chief Executive).
- 5.3 If the decision is taken to register, a letter will be sent out to inform the individual that they are now on the Council's Warning Marker Register. They will remain on the register for a period of 12 months or such a period as is deemed appropriate by the Borough Solicitor.
- 5.4 The Borough Solicitor will:
- Take all reasonable steps to ensure that any data is accurate before addition to the register.
 - Determine whether the subject of the report should be entered on the register. In making the decision, consideration should be given to the circumstances surrounding the incident.
 - Make appropriate arrangements for the disposal of data in line with the Council's retention and disposal schedule.
 - Notify Heads of Service and above on an annual basis of the content of the register and of changes to the register as they arise.
 - Write to individuals identified setting out the reasons for his/her inclusion on or removal from the Warning Marker Register. There will be exceptions where criminal acts may have taken place or be taking place or where there is a police involvement – in any case no employees will be specifically identified in the communication.
 - Take account of any further evidence supplied at a later date as to the inclusion, extension or removal from the Warning Marker Register.
 - Notification will be sent to those authorised to view the register that a new hazard has been added.

6.0 Implementation & Operation

- 6.1 Every employee shall consult the register prior to a visit to a property to ascertain any potential risk. On identifying a risk the employee shall consult with their line manager to determine how best to proceed.
- 6.3 Every employee shall report all incidents on the Council's AE1 Adverse Event Report form which may result in the completion of Unacceptable Customer Behaviour Incident Report Form and an entry onto the Warning Marker Register, subject to approval by the Borough Solicitor.
- 6.4 In the Borough Solicitor's absence all responsibilities will automatically pass to the Assistant Chief Executive for completion and inclusion onto the register.
- 6.5 A letter will be sent to the individual informing them that they have been included on the register. This will outline the allegation and give them the opportunity to object to their inclusion on the register. If no objection is received within 7 days then the entry on the register will continue. The Borough Solicitor will make the final decision as to whether the entry is struck off the register or not. The individual will be informed in writing of the decision. All decisions will be documented.

7.0 Security/Access to Data

- 7.1 Access to data will be by a read-only file on the Y: Drive.
- 7.2 Access to the read-only file is restricted to those officers who deal with the public.
- 7.3 Permissions to edit the register have been granted to the Borough Solicitor, Assistant Chief Executive and Information Officer only.
- 7.4 The register entries will consist of the individuals name, address, sex, date included on the register, review date and the reason they are on the register.
- 7.5 When visiting a member of the public or property it will be the responsibility of the employee and or contractor under the control of EBC to check whether the member of the public or property is or is not on the Warning Marker Register.
- 7.6 Where others, such as contractors or visitors have access to a property listed on the register the responsibility to inform those persons will rest with the person who has made the arrangements for those persons to attend that address or location.

Erewash Borough Council Unacceptable Customer Behaviour Incident Report Form for Entry onto the Warning Marker Register

Date of Incident Time

Location of Incident

EMPLOYEE DETAILS

Name

Job Title Department

PERPETRATOR DETAILS

Name

Address

INCIDENT DETAILS: Give an account of the incident, events leading up to it and any witness details.

DECLARATION

I declare that the information supplied in this document is a true statement of facts.

Signed Date

This form, when fully completed, must be forwarded to the Borough Solicitor

DO NOT MAKE COPIES OF THIS FORM.

Process map for the use of the Warning Marker Register

