



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

October 2010

UNISON Scotland
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Violent Assaults on Public Service Staff in Scotland
Follow up Survey 2010

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 2010 survey was carried out from August to October 2010.

Our analysis of the figures received for 2010 shows a total figure of **28,399**, an increase of over three thousand in the level of assaults compared with last year's figures. During the year, the figures in health have increased by 1,510 to 15,212. In Local Government, assaults have also increased by 773 to 11,447. When figures for other services are added in, the number of assaults rises to 28,399, an increase of 3,353 from 25,407 in 2008/09.

Our first survey in 2006 identified over 20,000 violent incidents that year in the NHS and local government, and the figures have remained high. This may of course partly reflect greater awareness and better reporting, however, it is clear the problem is not going away. The 2006 report highlighted the lack of adequate monitoring statistics.

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

Reporting in local authorities has slightly improved over the year, with more councils being able to produce proper information. However, there are still many whose information is very disjointed, 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 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*". Although these guidelines would not have had a great deal of time to bed in, our survey asked local authorities to indicate whether they had used the guidelines to

improve their reporting and monitoring procedures, but this question was not answered by many councils.

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

UNISON Scotland campaigned for and welcomed the introduction of the 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 Emergency Workers Act (EWA) in 2005 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 any 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.

We followed up our concerns with the Minister for Public Health and later the Cabinet Secretary for Justice who now has responsibility for general matters in relation to the Act. We held discussions with Fergus Ewing, Minister for Community Safety, and other civil servants but these discussions are proceeding at a very slow pace. During this time representatives from the STUC and the Scottish Hazards Group have also met with Fergus Ewing to press for other occupations to be included in the EWA, but again, no progress has been forthcoming.

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 cover 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 well over 1000 prosecutions to date. The latest figures available show that in 2008/09 there were 301 convictions under the Emergency Workers Act - an increase of 247 since the first year the Act was introduced (26 from the previous year) and recent figures released by the Scottish Government show that there were over 2,600 assaults on workers covered by the definitions of the EWA between 2006 and 2009.

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
Emergency workers (Scotland) Act 2005 Section 1(1)	11	44	40	74
Emergency workers (Scotland) Act 2005 Section 2(1)	14	74	90	76
Emergency workers (Scotland) Act 2005 Section 3(1)	0	3	2	4
Emergency workers (Scotland) Act 2005 Section 5(1)	29	79	143	147
Total	54	200	275	301

(1) Where main offence.

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 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 has been working 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

Workers (Aggravated Offences) (Scotland) Bill proposed by Hugh Henry, MSP in 2009 received the necessary backing and is now going through the Scottish Parliament as the Protection of Workers (Scotland) Bill.

UNISON Scotland responded to the Call for Evidence for the Bill and will continue to support its passage through Parliament. We made several suggestions for improving the Bill and will be submitting amendments at the various stages of the Bill.

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

The STUC is to mount a campaign in support of the measures contained in the Bill and UNISON is participating in this. We will shortly be contacting all branches and Health & Safety stewards to advise them of the campaign and seek as much support for it as possible.

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

In our evidence, we highlighted the following groups of our members who face daily risks when facing the public, but are not covered by the EWA and we believe that the new Bill would protect them:

- Healthcare: The main group not covered by the EWA is nursing assistants but it would also include a range of ancillary staff including security and porters, as well as Professions Allied to Medicine who also work in A&E and other emergency settings.

- **Social care:** As successive surveys have shown, many social care staff including social workers, care assistants, home care staff, those in mental health and childcare protection roles are regularly assaulted in course of their duties, but are not covered by the EWA. This includes a range of health and social care staff in the voluntary sector who are at equal risk.
- **Environmental:** Several groups of environmental workers work in potentially violent situations. Some SEPA members, port authorities, housing, traffic wardens, environmental control staff, pest control, roads and even some Leisure services staff including pool attendants are regularly faced with violent members of the public.
- **Utilities:** Scottish Water staff and workers in the energy companies regularly respond to potentially dangerous situations. This is not limited to National Grid Transco but includes gas workers employed by other energy companies and electricity line and response staff.
- **Police:** With the increasing civilianisation of the police force a range of police staff are faced by violent members of the public. Similar provisions apply to community wardens who are usually employed by local authorities.

4. FREEDOM OF INFORMATION SURVEY

As in our previous surveys, the 2010 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. For the first time, Special Health Boards, such as NHS 24 and the Scottish Ambulance Service were included.

In response to the survey, we received data from 30 local authorities, ten of the 14 area health boards, 5 of the Special Health Boards, but only a few police forces, universities and colleges responded. A reminder will be sent out to those who did not reply in the required time, and the numbers will be updated if significant. For comparative purposes, the figures from last year have been counted for those organisations that did not respond.

If the figures for only health and local government are taken into account, then assaults have increased by over 2,000 from 24,376 to 26,659 over the year. (The figures given in last year's survey increased as a result of reminders sent to those local authorities that had not replied in the correct time.)

Local Government

Local government figures had increased by 773 over the previous year, from 10,674 (adjusted from 9,467) to 11,447. Again, several councils had considerably cut their assault levels, but these were matched by others who

had shown large increases. Some of the figures were again inconsistent, although in many, clear improvements were noticeable, with some preparing yearly reports for the council to consider and make recommendations. Education continues to have the highest levels of assault, mainly on teachers, but more closely matched this year by support staff, particularly classroom assistants, and special needs assistants, but also including, instructors, janitors, and admin staff. In those councils whose figures had dropped, this was nearly all in schools. Social care 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. However, not enough councils were able or willing to break their assault figures down into these categories, although several could split into teaching and support staff. In some authorities, this showed a higher incidence of assault than those on teaching staff.

As in previous years, Glasgow had the highest number of assaults, with a small increase over last year. However, last year the Council made the point that as some departments had now left their direct employment, they would not be counted for this year's survey. The fact that the figures have still increased is a cause for concern. The City of Edinburgh had the second highest figures, with a considerable increase over last year.

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.

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 appears to be an assumption that because these people have a reduced capacity, assaults are therefore, part of the job. UNISON does not accept this premise, 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

The task group established by the Scottish Centre for Healthy working lives to develop best practice guidelines for local government concluded its work when it produced its report in February 2010. The working group included representatives from COSLA, some individual local authorities, STUC and UNISON Scotland. As mentioned above, local authorities were asked during our survey to indicate whether they had amended any of their procedures for reporting, monitoring and bringing in measures to help reduce the number of assaults among the workforce, but only a few mentioned this in their response.

Health Service

The Health service continued to have the largest number of assaults, with an increase of 1,510 over the year to 15,212. 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.

Among the Special Health Boards, NHS 24 indicated that they had experienced 93 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 217 for the year, 137 physical and 80 verbal.

Police

The figures available show that during 2009/10 there were 1,716 assaults on police officers and police staff, a slight decrease from 2008/09, although not all forces responded. It is likely that more assaults are inflicted 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 smaller local authorities.

Universities and Colleges

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

NDPBs

There were 7 incidents recorded during 2010, all in the Scottish Children's Reporters Authority (SCRA), which again, were a mixture of verbal aggression on the telephone and aggressive behaviour associated with the Children's Hearing System.

5. CONCLUSIONS

The main conclusion to be drawn from this report is that a further increase in the level of assaults on public sector workers shows that the number continues to be unacceptably high. As in previous years, especially in local government, the figures are not always well recorded, which still results in them lacking credibility, but we can see improvements. We need to insist that in particular, local authorities start to put the guidelines produced by the working party into practice, so 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 unacceptable level of violence being perpetrated against public facing staff in Scotland.

6. **NEXT STEPS**

UNISON Scotland will continue to press the Scottish Government for further extensions to the Emergency Workers Act, and will work closely with Hugh Henry to ensure that the Protection of Workers (Scotland) Bill is supported and passed in the Scottish Parliament. We will be mounting a campaign to explain the Bill to our members and urging them to garner support for it amongst their MSPs

UNISON will also continue to push for better reporting of assault statistics in local government and will embark on a campaign to ensure that our safety representatives and councils are aware of the Guidelines in “*Managing Occupational Violence in the Workplace*” to ensure that negotiations take place in each authority on how the proposals are to be implemented.

Safety Reps must continue to put pressure on their employers to introduce preventative measures to reduce violence in the workplace, by insisting upon risk assessments for all tasks carried out by our members, particularly where there is a potential for violence. They must also press their employers to encourage reporting of all assaults, and ensure that they collate the relevant statistics which should be monitored in Health & Safety Committees.

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/aboutus.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>

Contacts:

Dave Watson: d.watson@unison.co.uk

Diane Anderson: diane.anderson@unison.co.uk