



London Ambulance Service **NHS**
NHS Trust

Post Violence Support Procedure

DOCUMENT PROFILE and CONTROL.

Purpose of the document: is to set the options for providing both short and longer term support to staff who suffered Physical Violence or Non-Physical Abuse.

Sponsor Department: Health, Safety and Risk

Author/Reviewer: Violence Prevention and Security Manager. To be reviewed by March 2010.

Document Status: Final

Amendment History			
Date	*Version	Author/Contributor	Amendment Details
13/10/08	1.1	John Selby	Minor – updated 10.0 contact telephone numbers
01/03/07	1.0		

***Version Control Note:** All documents in development are indicated by minor versions i.e. 0.1; 0.2 etc. The first version of a document to be approved for release is given major version 1.0. Upon review the first version of a revised document is given the designation 1.1, the second 1.2 etc. until the revised version is approved, whereupon it becomes version 2.0. The system continues in numerical order each time a document is reviewed and approved.

For Approval By:	Date Approved	Version
Chief Executive Officer	01/03/07	1.0
Ratified by:		

Published on:	Date	By	Dept
The Pulse	13/10/08	Victoria Smith	GDU

Links to Related documents or references providing additional information		
Ref. No.	Title	Version
	LAS Staff Safety Policy	
	LAS Incident Reporting Procedure	
	LAS Personal Safety and the Management of Conflict – A Guide to Staff	
	LAS Prevention of Violence Procedure	

Document Status: This is a controlled record as are the document(s) to which it relates. Whilst all or any part of it may be printed, the electronic version maintained in P&P-File remains the controlled master copy. Any printed copies are not controlled nor substantive.

1.0 Introduction

The consequences of violence at work can be wide ranging to the individual(s) affected some staff may recover from the incident quickly. For others it can result in either physical or mental injury, leading to complete loss of confidence. Staff frequently report that the mental scars of a violent incident, last much longer than the physical scars.

The immediate response from managers in dealing with violent incidents can be crucial for the member of staff concerned, and can have a significant impact, in aiding the recovery process. In supporting staff who have been abused it is important to recognise that everyone has different ways to responding to a violent incident, and therefore the response provided needs to reflect the staff members needs, not personal beliefs or experiences.

The London Ambulance Service (LAS) is committed to providing both short and longer term support to staff who suffered Physical Violence or Non-Physical Abuse, and the aim of this procedure is to set out the options for providing this support, and the responsibilities of LAS managers in this process.

2.0 Objectives

1. To outline the short, medium, and long term reactions to violence
2. The role of managers in providing support immediately following the incident, and in staff interactions with the police and the Crown Prosecution Service
3. To outline the role of the Violence Prevention and Security Manager in providing assistance with police liaison
4. To learn from violent incidents
5. To out line the Support Services available to the victims of Physical Violence and Non-Physical Abuse
6. To describe the Criminal Justice System and what is required to achieve a Prosecution

3. 0 Post Violence Support

3.1 The Initial Response:

The initial response and support following an incident can be vital in aiding the recovery of the victim. It is important that a discussion with the member of staff is carried out as soon as possible after the incident. A letter offering support is **not** appropriate. The following issues should be considered as part of the discussion;

- The immediate welfare of the member of staff, in respect of any physical injury that has been inflicted.
- The needs of the victim – transport home, telephone calls etc.
- Reporting the incident to the police (refer to whether the member of staff wishes the police to pursue a prosecution of the perpetrator of the violence
- To offer to stand the member of staff down from their duties
- To provide information about support that is available including Counselling, Occupational Health Services, Assistance with Police Liaison and Legal Advice

3.2 There will be a need to complete an Incident Report Form, LA277 (refer to the H&S - 011- Incident Reporting Procedure), and the victim should record as much detail of the incident as possible whilst the circumstances are still fresh in their memories. This is particularly important when criminal or civil proceedings are intended. Any evidence of the assault should also be preserved, and photographs of injuries should be taken at the earliest opportunity.

3.3 An important part of the post incident support is to allow the victim to discuss the incident freely, without the fear of blame or judgement. As stated previously no two people will respond in the same way, and so if the victim does not wish to speak about the incident immediately they should not be pressurised in to doing so. They may still wish to discuss the incident later. The victim needs to be reassured that any of the feelings discussed in Section 3.2 are normal

3.4 Victims of violence often complain that although they may be treated well immediately after the incident, there is no further support offered. It is therefore important that a follow up discussion takes place once he or she has had an opportunity to reflect on what has happened.

4.0 Typical Responses to an Incident

- 4.1 The response to a violent incident will depend very much on the way in which an individual deals with traumatic situations generally. The level of aggression, the circumstances leading up to it, and the nature of the assault, or threat will also have a bearing. Typical reactions will include Shock, Disbelief, Fear, Anger, and Embarrassment.
- 4.2 The medium term response to an incident will be formed when a member of staff has had a chance to consider what has happened. At this stage victims may start to question what has occurred, and consider ways that the incident could have been avoided. This may lead on to guilt or embarrassment that they were unable to avoid the incident, leading on to loss of sleep due to flash backs. Victims may also go in to denial of the effects of the incident and be eager to return to work, believing that others may not understand how they are feeling. Anger towards other people who were involved in the incident, and the management response to the incident is also typical. Victims may feel a lack of confidence in dealing with a similar situation if it arises. Management support at this stage is important to assist with putting the incident in to perspective, and to aid a full recovery.
- 4.3 Responses that last more than a couple of weeks indicate the victim is having difficulty in recovering from the incident, and would benefit from discussing the incident with a LAS Counsellor or the Occupational Health Department (if he or she has not done so already).
- 4.5 At this stage changes in behaviour may be noticed, including irritable and aggressive behaviour, depression, exhaustion, excessive drinking, smoking or eating.

5.0 The Police and Crown Prosecution Service

- 5.1 All incidents of alleged physical assault towards NHS staff should be reported to the police, either by the person assaulted their manager or a relevant colleague. The only exception is when there is clear clinical evidence that the assault was not intentional, and that the patient did not know what they were doing.

5.2 A Memorandum of Understanding between the NHS and the Association of Police Officers that was agreed in 2006, sets out respective responsibilities, working procedures and legal constraints. It commits both organisations to;

- Investigate every reported incident of violence and abuse
- Not caution offenders at scene
- Only formally caution offenders after discussion with the victim

For further information the full document is available to download at www.cfsms.nhs.uk

5.3 Most victims want to see the perpetrators of violence dealt with appropriately, and it is important that managers assist in this process. However there may be a number of reasons why the police may decide not to charge the aggressor, or why the Crown Prosecution Service (CPS) take the decision not to prosecute. This will be discussed later in the procedure.

5.6 The police need the full support of the victim to pursue a prosecution. The victim needs to make it clear to the police that they want the assailant prosecuted as the police will not always charge somebody with an offence, without the knowledge that the victim supports the prosecution. To assist the police it is important that details of any witnesses are recorded. Although a victim will be asked to provide a witness statement as part of the police investigation, it is also beneficial if the staff member makes a written account of their recollections of the incident before memories fade.

5.7 In a case where the victim has been physically assaulted the medical records of any examination or treatment provided are likely to be used as evidence. Support should be provided to staff that are required to provide statements to the police, in order to assist on points of procedure, and to help ensure that the statement represents the events that occurred.

5.8 When the police have gathered enough evidence, the suspect may be arrested (if this didn't happen immediately following the incident) and interviewed. Dependent on the standard of evidence, and other factors including, whether the aggressor was undergoing any medical treatment at the time of the incident that may have contributed to their behaviour, the suspect will be charged with the offence.

- 5.9 Once the aggressor has been charged the Police will prepare a prosecution file for consideration by the CPS. The CPS take the decision on whether the case should go to court, based on two tests;
- Is there sufficient evidence to achieve a realistic prospect of a conviction
 - Is the prosecution in the public interest
- 5.10 The CPS lawyers who take the decision on prosecutions are governed by the Code for Crown Prosecutors. All cases have to be reviewed to make sure that they pass the two tests set out above. Criminal/Assault cases have to be proved beyond reasonable doubt, so there has to be clear and reliable proof that the offence was committed, and that there is a reasonable chance of conviction. In assault cases, the CPS lawyers will be looking for proof that the aggressor either meant to cause harm, or knew that his/her behaviour created a risk of harming someone, but still carried on.
- 5.11 If the first test is passed the CPS will then consider whether the prosecution is in the public interest. The Code for Crown Prosecutors sets out factors in favour of a prosecution. It states that a prosecution is likely to be needed if the offence was committed against a person serving the public. This includes assaults against LAS staff.
- 5.11 The Code also states the reasons when a prosecution would not be in the public interest, for example when the aggressor is suffering from a medical condition, that may have affected his or her behaviour, or when he or she is unable to understand the charge.
- 5.12 The CPS is fully committed to taking all practicable steps to help victims through the experience of becoming involved in the criminal justice system. The Victims Charter sets out the service that victims can expect from the CPS. The Charter also tells victims how to proceed if they are not satisfied with any aspect of the way in which the CPS or any other agencies involved with the case have proceeded.
- 5.13 The Criminal Injuries Compensation Authority (CICA) compensates the victims of crime under certain circumstances. Guidance on the CICA can be obtained from the Violence Prevention and Security Manager, or Union Representative.

6.0 The NHS Counter Fraud and Security Management Service

- 6.1 The NHS Security Management Service (SMS) was launched in 2003 with a remit of leading on policy relating to security management including violence towards NHS staff. The LAS forwards all reports of violent incidents to the SMS in order for them to monitor national reporting trends.
- 6.2 The Legal Protection Unit is part of the SMS, and is headed by a Barrister. The focus of the LPU is to work with health bodies, the police and the Crown Prosecution Service to increase the prosecution rate of individuals who assault NHS staff.
- 6.3 The LPU will consider any matter referred for re-submission to the police/CPS, or for private prosecution by the LPU where the police or the police have decided not to pursue the matter.
- 6.4 In addition to criminal prosecution, the LPU will also consider whether the civil court process may provide additional or alternative avenues for dealing with the assailant.
- 6.5 All referrals to the SMS LPU must be made via the Violence Prevention and Security Manager

7.0 The Court Case

- 7.1 Once the decision has been taken to prosecute, and dependent upon a variety of circumstances the case will be held in either a Crown or Magistrates Court.
- 7.2 If the defendant pleads guilty there will be no need for the victim to attend court. A summary of the case will be presented, and the defendants criminal history will be disclosed. Sentence will be passed, and the police will inform the victim of the outcome.
- 7.3 If the defendant pleads not-guilty, then a trial will take place, and the witnesses, including the victim will be required to give evidence. The proceedings at both the Magistrates and Crown Courts are very similar, except that at the Crown Court a jury will decide whether the defendant is guilty, whereas in a magistrates court the magistrates will decide.

8.0 Witness Support

8.1 Attending court as a witness can be an intimidating experience. It is important that a manager attends court to support a member of staff who is required to give evidence. Further information about the court case is included in Appendix A.

9.0 Responsibilities

9.1 Chief Executive/Chief Ambulance Officer

9.2 The Chief Executive/Chief Ambulance Officer takes overall responsibility for Risk Management in the LAS

9.3 Director of Human Resources and Organisation Development

9.4 Responsibility for Health and Safety and Security Management has been delegated to the Director of Human Resources and Organisation Development,

9.5 Ambulance Operations Managers, Duty Station Officers and Team Leaders

9.6 AOMs, DSOs and Team Leaders should take the lead in providing both immediate and longer term support for staff who have suffered either Physical Violence, or Non-Physical Abuse. Staff should be encouraged to report all acts of violence to the police, and offered full support in this process. AOMs, DSOs and Team Leaders have the following specific responsibilities in providing post incident support:

- To provide immediate and subsequent support to staff who have been abused in terms of personal welfare
- To ensure that violent incidents have been reported and investigated in accordance with the Incident Reporting Procedure
- To ensure all physical assaults where there is an intention to cause injury are reported to the police
- To offer Occupational Health, Counselling, Welfare Services
- To advise the Violence Prevention and Security manager verbally of all acts of Physical Violence within 24 hours
- To accompany staff required to provide witness statements as part of the police investigation

- To accompany staff who have been the victims of assaults, and who are required to give evidence in court

9.7 **EOC Staff**

9.8 In all cases of actual or threatened violence reported by Operational Staff EOC staff will ensure the following;

- That a DSO is dispatched to scene
- That details of the assault are not discussed over the radio due to the sensitivity of the situation
- Take the initiative in considering whether a period stood down from duty is appropriate

9.9 **Violence Prevention and Security Manager**

9.10 The role of the Violence Prevention and Security Manager is to support staff who have been assaulted or threatened in terms of police liaison. Specific responsibilities of the role are;

- To offer support to staff who have been assaulted or threatened during the course of their duties
- To ensure that all reports of Physical Assault are forwarded to the NHS SMS
- To act as the contact point for the NHS SMS
- To carry out a liaison role between the LAS and Police and Crown Prosecution Service
- To keep staff who require support updated with the police and CPS investigation
- To advise managers and staff of their requirement to attend court, and to notify the Press Office as appropriate
- To represent staff when the decision is taken not to prosecute
- To assist staff in obtaining compensation payments that are due
- To provide guidance to staff on making applications for compensation, from the Criminal Injuries Compensation Scheme

10.0 Contact Telephone Numbers

- LAS Counseling Services - 0845 3711551
- LAS Occupational Health - 0845 3713313
- LAS Health & Safety Advisor (Local Security Management Specialist) – 0207 4633213
- LAS Employee Assistance Scheme – 0800 587 8116

IMPLEMENTATION PLAN	
Intended Audience	For all LAS staff
Dissemination	Available to all staff on the Pulse
Communications	Revised Procedure to be announced in the RIB and a link provided to the document
Training	
Monitoring	

Appendix A

Attending Court

PRIOR TO THE COURT HEARING

If you are the victim of a crime, and the Defendant pleads not guilty to the charge you will be required to give evidence at the Trial. Coming face to face with the defendant, can be intimidating, and the courtroom may be bewildering if you have not visited a court previously. The Witness Support Service has been established to make the process less of an ordeal. Trained volunteers will provide information about the procedure of the court, offer support, and accompany witnesses in the courtroom. Visits to the court can be arranged prior to the date of the Trial.

The Witness Support Service usually contacts the witness prior to the Trial, alternatively contact can be arranged through the Violence Prevention and Security Manager

YOUR STATEMENT

Before coming to trial, you were asked to make a statement. When you arrive at the court, you will be given a copy of your statement. This will allow you to refresh your memory before giving evidence.

PROSECUTION WITNESSES

If you are the 'victim', you will be the first person to give evidence in court. Other prosecution witnesses will then follow. Once you are in the witness box in the courtroom you will take an oath to make an affirmation to tell the truth. Witnesses are occasionally required to give their address in open court. If you have concerns about giving your address you should ask the Witness Support Co-ordinator if your address can be written down, rather than being said out loud.

The Crown Prosecutor will then ask you questions. This is to establish the facts as you know them. Once they have finished you will be cross-examined by the defence solicitor. They will ask you about points in your evidence that they do not agree with. Once they have finished, the Crown Prosecutor may ask you a few more questions to clarify any points that the defence solicitor brought out. Then the Magistrate/Judge or the court clerk may ask you questions to clarify points for themselves. This is known as re-examination.

ANSWERING QUESTIONS

If you do not know the answer to the question say "I don't know" or "I don't remember". There is nothing wrong in not knowing things or in not remembering

them. The crime may have happened many months ago, and most people have difficulty remembering details with the passing of time. It is **not** your job to prove anything. You are simply in the witness box to answer questions to the best of your ability.

ROLE OF THE PROSECUTOR AND DEFENCE SOLICITOR (“COUNSEL”)

The Crown Prosecutor and the defense counsel are not impartial. The prosecution counsel is there to try to show that the defendant committed the crime. The defence counsel is aiming to bring out evidence that there is a reasonable doubt that their client committed the crime. This is what is called the “adversarial” system. The Magistrates/Jury decide between the two versions.

DON’T ANSWER A QUESTION YOU DON’T UNDERSTAND

Defence and prosecution counsels do not always ask questions as clearly as they should. Never answer a question that you don’t understand, ask them to repeat it until you are clear what s/he is asking.

Here are some examples of counsel not asking clear questions:

- Asking two or more questions at once, for example:
“Did you do X and also Y and Z?”
- Making a statement, which may or may not also be a question.
This may leave you unsure whether they want an answer from you or not.
“I put it to you that you not only did X, you did Z and Y as well”
- Using long words that you do not understand. They are at fault, not you.
Everyone can use simple language.
- Using long complicated sentences.

In all these, and other examples, ask the counsel to explain or simplify what they are saying if you do not understand them.

Ask for Things

The court recognises that witnesses should be as comfortable as possible when giving evidence. Ask to sit down if you feel you need to. Ask for a glass of water if you need one. If you need to go to the toilet, ask. If you are feeling distressed and you feel a break would help, ask for one.

When you have Finished

Normally, when you have finished answering questions the Magistrates/Judge will tell you that you can go. This means that you can go home if you wish. The Crown prosecutor clerk will give you an expense claim form. Occasionally the Magistrates/Judge will ask that you wait in the building in case you need to be re-called. Also, but rarely, it is possible to be re-called the next day.