

Health and Safety Services from Napthens



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The Health & Safety Executive (HSE) have issued an unequivocal reminder to **Employers in the Health and Social Care Sector** regarding their responsibilities to Employees who face risks, the likes of which can often be seen as part and parcel of the role.

Following an incident of workplace violence and the recent (June 2021) subsequent prosecution of 2 care providing companies, and a manager of one of the 2 organisations involved, an inspector at the HSE has said that the incident was *"tragic and wholly avoidable"*. The inspector went on to remind employers that *"those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers"*.

Instances of aggression and violence in UK workplaces are the 4th most common cause of non-fatal reportable injuries, with 9% of injuries to workers reported by employers across all sectors resulting from an act of violence in the workplace. Such acts of violence and aggression are the 3rd biggest cause of significant worker injuries in the health and social care sector and

as well as immediate, serious, physical injuries, the long-term detriment to an employee's mental health of serious incidents or regular verbal abuse, is often forgotten.

The HSE define work related violence as *"any incident in which a person is abused, threatened or assaulted in circumstances related to their work"* and they highlight that facing this sort of behaviour should not be accepted as a normal, unavoidable, part of the job – employees in the health and social care sector have a right to expect a safe and secure workplace. It can often be found that the employer's perception of inevitability and employee acceptance around such acts of violence and aggression in the sector lead to under-reporting of such incidents which, in itself, creates a lack of awareness and a failure to learn lessons to prevent similar or more serious events occurring in the future.

The subject of this recent prosecution was the 2014 incident in which an employee of a care agency was stabbed by a resident in a care home. The injured employee had attended the care home for a scheduled visit to assist in the transition of services for a resident of

the care home. The employee was left alone in the kitchen with the resident – despite the individual care plan stating that the resident required attendance of two care workers at all times due to the risk of violence and aggression from the individual. The employee recovered from the serious physical injuries but has suffered post-traumatic stress disorder (PTSD) and is still receiving counselling for the psychological trauma 7 years on from the incident.

The HSE investigation revealed that while care plans and risk assessments were in place and highlighted the high risk associated with working with the individual – these documents were not taken into account in the planning of visits between the care agency and the care home. There was a lack of risk assessment and care plan in place for the activities of the care agency themselves and the risks of violence and aggression and their management had not been considered. Ultimately, risks were not properly assessed and where risks were identified, they were not effectively managed. The injured individual was found to not have been adequately trained for the specific scenario either.

The employer of the injured worker was fined £31,000 and ordered to pay £10,000 costs following a guilty plea for a breach of Section 2(1) of the Health & Safety at Work etc Act 1974. This section of the act requires employers to protect, so far as is reasonably practicable, the health, safety, and welfare of its employees at work.

The care home was fined £14,000 and ordered to pay £10,000 costs following a guilty plea for a breach of Section 3(1) of the Health & Safety at Work etc Act 1974. This section of the act requires employers to carry out their work in a way that ensures, as far as reasonably practicable, persons not in their employment are not exposed to health and safety risks.

As an employer in the sector there's clearly a duty to have identified the potential for acts of violence and aggression in your risk assessments, in light of this recent prosecution it's certainly worth **looking again at your existing control measures** and ensuring staff are adequately trained.

