



VIOLENCE TO STAFF – RESULTS OF 2002/03 WORK PROGRAMME

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Keywords	VIOLENCE STAFF WORK-RELATED		
Summary	<p>This Rail Guidance Document (RGD) summarises the findings of the 2002/03 management inspection initiative carried out by Her Majesty’s Railway Inspectorate (HMRI) and describes strategies that can be adopted when tackling this important issue in future interventions. The Appendix gives guidance on aspects of good practice.</p> <p>The RGD is primarily intended as internal guidance for the use of HMRI’s inspectors, it is not intended as a definitive or comprehensive interpretation of relevant legal requirements.</p>		

Detail

INTRODUCTION

1. During the 2002/03 work year, HMRI inspectors paid a series of visits to Train Operating Companies (TOCs) and to Network Rail Major Stations to assess the robustness of their systems for assessing, preventing and managing the risk of violence towards their staff. It is important to note that the conclusions from the inspection initiative, and therefore the good practice guidance, are based on evidence largely obtained from operations on Network Rail-controlled infrastructure. However, the lessons learned may be applicable in other rail operating contexts.
2. The broad context for the initiative was:
 - the continuing high profile of work related violence within the Health and Safety Executive (HSE);
 - the numbers of reportable incidents notified to HMRI each year under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR); and
 - the rising concern about this in the industry, as reflected by SMIS (Safety Management Information System) reports.
3. These factors combined to make it important for the industry to be able to demonstrate that the risk was understood and assessed, prevented where reasonably practicable, and adequately controlled where it could not be prevented.

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4. Eight TOCs and two major stations operated by Network Rail were visited. The TOCs were all operators with predominantly consumer business, the majority operating into Cardiff and London. Though the visits to Network Rail were also for the purpose of inspecting management systems, only the visits to the TOCs were formally structured as such, with audit-type question sets following the structure of HSG 65 'Successful health and safety management'.
5. The visits found many examples of good practice. All the TOCs recognised the risk, and had taken at least some steps to assessing it and putting in place systems for managing it. Some sort of training for front-line staff was universal, as was reporting of assaults, usually using their standard accident reporting systems, and investigation of more serious incidents. In most cases, a variety of control measures were provided, and where employees did suffer assaults and threats, a measure of 'aftercare' was available.
6. Revenue protection and other front-line staff were identified as being at particular risk, as many violent incidents are caused by passengers

being apprehended for fare evasion or from behaviours related to the misuse of alcohol or drugs, mental health problems and anti-social attitudes.

7. However, there were also significant deficiencies, some of them widespread. These can be summarised as follows:

- inconsistency between TOCs as to what types of violence they required people to report, and understandably widespread reluctance to use cumbersome reporting systems where these were seen as time-consuming in relation to the perceived severity of the incident;
- inadequate training, with insufficient practical methodologies (such as role-playing) and lack of attention to checking the effectiveness of training;
- inadequate risk assessment, and the failure to supplement generic assessments made for the whole of an operator's network with more purely local assessments where particular features warranted them;
- poor management of the risk by employers of contract or agency security staff, ticket-checkers and trolley staff. Major defects included complete lack of staff training, failure to assess risk or provide control measures, an absence of briefing on incident reporting procedures and a lack of aftercare following incidents of violence;
- contract staff will often work alongside TOC employees, and there was little evidence of co-ordination between employers over risk assessment, compatibility of training, use of control measures or reporting procedures;
- poor training in investigation techniques on the part of managers responsible for investigation of incidents, with investigations not infrequently concluding that the assaulted individual was to blame.

8. The findings of the TOC inspections were summarised in a paper delivered at the First European Rail Human Factors Conference in York on 15th October 2003.

STRATEGY FOR TACKLING DEFICIENCIES

1. Incident investigation: targeting areas of weakness

9. When the opportunity to investigate RIDDOR reports of violence towards staff arises, Area Team managers are asked to focus on those which appear from the narrative report to contain, or are considered likely to disclose, one or more of the deficiencies listed at paragraph 7 above. Even where individual incidents are not investigated, regular liaison meetings offer a further opportunity to

discuss duty holder action to remedy these deficiencies where consideration of Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR) trends over time suggests action is necessary.

2. Benchmark standards

10. Inspectors investigating incidents or discussing violence to staff at liaison meetings should bear in mind the following general guidance when considering advice and enforcement. However, this list is not exhaustive, and reference should be made to the 'Good practice guide' in the [Appendix](#) for indications about what else TOCs could be asked to do in relation to points not explicitly addressed here. The phrase 'good practice' is not intended to be a substitute for legislative terms such as 'reasonably practicable', and the guide therefore distinguishes regulatory requirements which can be construed as 'reasonably practicable' and **may** be enforceable, from those which are advisory only.
11. It is vital to ensure that TOCs are fully aware of the size of the violence problem their staff face. To this end, a consistent definition of violence is important. The HSE definition ('any incident in which a person is abused, threatened or assaulted in circumstances relating to their work') is very similar to that used for SMIS (in Railway Group Standard GE/GN 8547 'Guidance on the reporting of safety related information'), except that the latter does not have 'in circumstances relating to their work', so could draw in violence towards members of the public (see paras 21 and 22). However, the Railway Safety and Standards Board (RSSB)-convened Rail Personal Security Group (RPSG) have suggested, as a standard industry definition 'any incident where, in circumstances related to their work, a member of staff is assaulted, threatened or abused, thereby affecting their health, safety or welfare'. This definition and supporting information are included in a Good Practice Guide "Staff Assault – reporting and recording assaults on rail staff" published by RSSB, and may ultimately be incorporated into a Railway Group Standard.
12. Reporting systems should be flexible to ensure that the maximum data is captured with the minimum effort. To this end, rather than requiring individual forms to be filled out for each case of verbal abuse, a barrage of abuse from (for example) passengers exiting a significantly delayed train may be batched for reporting purposes, or 'tally marked' in a notebook or barrier/ticket kiosk for later summation.
13. Risk assessments should be suitable and sufficient: where there are local aggravating factors, such as lone working, a known recent history of trouble or regular overcrowding at peak times, a local assessment should supplement any generic assessment, with a likelihood that additional control measures beyond those routinely required are going to be needed. Similarly, where there are changes

to assessed conditions such as deteriorating TOC punctuality over an extended period, or where there is a change to the working hours of revenue protection staff to include evening or lone working, the need for a fresh assessment should be considered.

14. It is vital that agency staff are properly trained, and that there is co-ordination of risk assessments, reporting systems and control measures between employers where their employees are working together, for example at ticket checks. Agency employers have the same responsibility to ensure competence, and to assess risk, as the TOCs themselves, and all parties whose employees share premises have a duty to liaise under the Management of Health, Safety and Welfare Regulations (MHSWR) 1999 regulation 11 over measures to ensure worker health and safety.
15. Staff training should be suitable and sufficient. This means, as a minimum, that front-line staff should be trained in defusing techniques and breakaway by someone competent to do so. It is vital that training is evaluated for its effectiveness, and that trainers are competent in this specialised field. RSSB is undertaking a national evaluation of the content, approach and impact of current staff training programmes in handling workplace violence and abuse, and will report on this research shortly. An important part of prevention is profiling staff to find those best suited to customer-facing work, and duty holders should be encouraged to apply such techniques at recruitment if they are not doing so already.
16. Risk assessors should be aware of HSE and other relevant guidance, and those investigating incidents should have a sound knowledge of the causes of violence towards staff and, especially, possible countermeasures that can be taken to prevent it or reduce its impact in the future, including employee assistance programmes both within the TOC and beyond.
17. It is not possible to dictate what control measures are needed in particular situations, as circumstances will vary considerably. However, the [Appendix](#) provides an extensive list of measures observed and found to contribute to the prevention or control of violence at TOCs visited, and TOCs should be encouraged to apply these in the hierarchy set out in MHSWR regulation 4, as well as to familiarise themselves through their competent person with wider industry initiatives.

APPLICATION OF THE ENFORCEMENT MANAGEMENT MODEL (EMM)

18. The 'Good practice guide' in the [Appendix](#) indicates where there *may* be legitimate grounds for enforcement and the legislation under which action would be most appropriate - the list is not intended to be exhaustive. (Where a particular benchmark is described as merely 'advisory' this means that action to achieve it goes beyond what is

currently legally required). Enforcement should always be considered within the framework of EMM. It is not possible to specify an Initial Enforcement Expectation (IEE) for every situation or scenario. However, the following general considerations are relevant.

19. Where there is a foreseeable risk of violence on the railways (and SMIS/RIDDOR/local crime intelligence data from British Transport Police (BTP) should help establish this), which is not being properly managed, the consequence could vary between minor personal injury with a likelihood of 'possible' and, at worst, serious personal injury with a likelihood of 'remote'. Table 2.1 should be used, as the risk will usually be to a single casualty. The benchmark should be no more than 'remote risk of significant injury' (perhaps for security staff, for example) *and should for most TOC staff be assumed to be no higher than 'remote or nil/negligible risk of minor injury'*. This gives a risk gap between nominal and substantial *dependent upon the particular circumstances of the situation under consideration*. The standards to prevent or mitigate the risk are established – HSE legislation and guidance. The IEE will therefore range from Improvement Notice (IN) (where the risk gap is substantial) to letter, inspection form or verbal warning (where it is nominal).

FUTURE AUDITS – QUESTION SETS

20. Audit question sets have been developed which may be used for future audits. They may also be used as triggers for lines of questioning during incident investigation, though they are not intended in either case to provide a rigid framework for interventions on this subject.

OTHER ISSUES: (i) VIOLENCE TOWARDS MEMBERS OF THE PUBLIC AND (ii) STRESS

21. Within the rail industry, there is increasingly a trend towards blurring the distinction between violence to staff and violence to the public (usually by other members of the public) as rail users. Frequently, the control measures used for one group will be the same for the other. However, BTP have a role in protecting the public and enforce specific legislation in this area. It is HSE policy not to use the Health and Safety at Work etc Act 1974 (HSWA) to enforce where other enforcing agencies have more specific legislation to address the same issue.
22. It will be legitimate for inspectors to investigate serious assaults on staff that may also be under investigation by the police, because HSE's role is to seek to ensure wider health and safety management improvements from such investigations so as to prevent future incidents - this complements the BTP focus on investigating the detail of the incident in question. However, inspectors should not become involved in investigating incidents of violence to the public that occur

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on the railways precisely because the scope for such wider improvements will usually be limited. Inspectors should also exercise caution when asked by duty holders for comment on control measures designed to protect the public, pointing out that they should take care not to introduce anything that could increase the overall risk for staff. The Department for Transport's 'Secure Stations Scheme' and BTP Crime Prevention Officers are able to advise on design features that may be adopted to reduce crime and fear of crime for both staff and public.

23. It has been suggested that violence is a subset of stress. Whilst it is true that violence may give rise to stress, especially where employees are put back into a situation where they face the same threat without some mitigation of the risk having taken place in the interim, inspectors should be wary of aligning the two issues too closely, since some aspects of the solutions needed may be substantially different.

CONTACT

24. Enquiries about any aspect of this RGD, or on violence issues generally, should be made to Jill Moore, Manchester (jill.moore@hse.gsi.gov.uk) VPN 516 8358.

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Appendix

Checklist for Assessing Good Practice On Managing Work-Related Violence

Good Practice	Examples of how	Formally
Policy		
There is an appreciation at senior level about the scale of the problem,	Company director leads strategy formulation and	Advisory
A written policy is available that assigns responsibility/commitment	Written policy provided, which is current and up-	Provision of written general policy

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representatives.		SRSCR 4A, 7; R(SC)R 14(8)
A zero tolerance stance is company policy.	Support for criminal prosecution (or individuals get company support if private prosecutions are taken). The company will seek Anti-Social Behaviour Orders (ASBOs) or injunctions against perpetrators of the more serious/frequent acts of WRV.	Advisory
An open culture operates in which reporting of all WRV is encouraged.	Evidence of briefings to relevant employees and contract staff on what constitutes WRV and how to report it. Investigated incidents do not automatically lead to blaming the individuals involved (e.g. by citation being added to a personal record).	Reporting enforceable (essential precursor to risk assessment) RIDDOR 3 Advisory
Organisation		
A system for managing the risks from WRV is in place.	Lead person can describe and demonstrate arrangements for managing the risks Pocket cards, booklets and/or briefings are available to relevant employees and contract staff advising what to do in the event of WRV. This should include a description of the arrangements for incident reporting and investigation, recording and review of incidents and employee aftercare.	Enforceable General requirement enforceable as "information" under HSWA 2(2), but not specific format HSWA 2(2), 3(3); MHSWR 10, 12, 15
Additional systems for managing the risks from WRV are in place for contract staff.	Evidence of co-ordination and co-operation between Train Operating Company (TOC)/railway duty holder and contract employer on arrangements and measures to be applied in the event of WRV.	Enforceable HSWA 3(1), 3(3); MHSWR 11, 12, 15;
A competent person has been assigned responsibility for organising corporate initiatives related to	Existence of Task Force Group, or similar, and portfolio evidence of	Advisory

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violence management.	initiatives.	
Internal reporting of incidents of all WRV is encouraged ie physical assault, verbal threats and verbal abuse using suitable and proportional means.	Reporting may be done using forms for other personal injuries but could be in shortened form, log or chalkboard system, especially for verbal abuse. Telephone systems may also be used. There should be evidence that reporting an incident leads to further action.	Enforceable
Incidents of WRV are investigated, reviewed and lead to improvements in managing the risks.	Investigation reports can be provided, and management information is available demonstrating the response taken to incidents in applying the investigation findings, where appropriate, by introduction of suitable additional measures.	Enforceable MHWSR 7
The recommendations contained within investigation reports address not just the immediate causes but include consideration of decisions made much earlier or with wider implications, for example unmanned stations, staffing levels, the selection of equipment or station design that leads to passenger frustration due to (for example) poor layout of passenger routes.	Reviewing a number of investigations shows a wide range of control measures are recommended, where appropriate.	Enforceable MHSWR 7
Incidents to contract staff are reported and investigated by employer and host company.	Investigation reports are available and adequately address immediate and root causes as above.	Enforceable HSWA 3(1); MHSWR 7, 11, 12; RIDDOR 3, 7
There is co-operation with other stakeholders.	BTP Liaison Officer is active, evidence of liaison meetings at appropriate level. Evidence of involvement in crime and disorder reduction partnerships (CDRPs), where in existence.	Advisory
There is evidence of active, ongoing communication with employees and contract staff on procedures relating to management of WRV.	Team briefings, local discussion groups, BTP Liaison Officer meeting with front line staff to gather and disseminate intelligence. Minutes of safety committee meetings.	Enforceable HSWA 2(2), 3(3); MHSWR 10, 12, 15; HS(CE)R 3 – 5; SRSCR 4A, 7; R(SC)R 14(8)
Relevant training is provided that is applied by employees and contract	Discussions with front line staff indicate	Enforceable HSWA 2(2) 3(1)

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<p>staff. The design of this training is intelligence led, such that it is updated periodically as alternative or additional needs are identified. Training in conflict avoidance is assigned as a core competence, it is delivered at induction, during service and includes periodic refresher briefings. Training is evaluated properly.</p>	<p>understanding of training and confirmation that it is applied. Evidence that training courses are planned, delivered by competent trainers, and that formal feedback is sought and obtained from course participants.</p>	<p>MHSWR 11 - 13, 15</p>
<p>Job Aids are available.</p>	<p>Pocket cards on the Do's and Don'ts for preventing conflict are available and used. May include useful phone numbers, such as that of aftercare provider.</p>	<p>Possibly enforceable if 'information' under HSWA 2(2) HSWA 2(2), 3(3); MHSWR 10, 12, 15</p>
<p>Arrangements for employee or safety representative inspections and investigations are set down and followed.</p>	<p>Discussion with safety or employee representatives, documents relating to inspection or investigation.</p>	<p>Advisory HS(CE)R 3, 4, 5; SRSCR 4A, 7</p>
Planning and Implementation		
<p>Risk assessments are implemented for each job type that takes into account normal and disrupted delivery of service and/or other factors known to increase the level of risk. The main hazards are identified and control measures are in evidence for both employees and contract staff.</p>	<p>Generic risk assessments are supported by local supplementary assessments.</p>	<p>Enforceable HSWA 3(1); MHSWR 11</p>
<p>Changes to work practices are subject to a risk assessment e.g. consideration of working to very late at night, changes in staffing levels, changes in equipment, service level or building design with the potential to frustrate passengers, changes in fare procedures</p>	<p>Evidence of a subsequent risk assessment, if applicable.</p>	<p>Enforceable HS(CE)R 3; SRSCR 4A, 7</p>
<p>A wide range of supportive measures implemented, for example:</p> <ul style="list-style-type: none"> • Measures that prevent violence e.g. provision of suitable and timely information on delivery of service, installation of automatic ticket gates, adequate staff presence (including 	<p>Note that it is recommended that a minimum of six measures should be identified. Confirmation that these measures are beneficial.</p>	<p>Enforceable dependent on risk assessment and considered as part of a matrix. HSWA 3(1)</p>

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<p>on-train), suitable station layout and lighting, CCTV and help points, deterrent warning notices/posters.</p> <ul style="list-style-type: none"> • Measures that protect individuals e.g. recruitment that considers individual's attitudes and behaviour, training in conflict avoidance, staffing deployment patterns which take account of location and time, clear lone working arrangements and procedures. • Measures that mitigate e.g. Chain of Care policies, support of individuals attending court for prosecutions. • Measures in response – for example effective means of communication are provided, First Aid provision. 		
<p>The measures cited in the safety case are implemented and adequately maintained.</p>	<p>Observation, verification from discussion with front line staff.</p>	<p>Enforceable R(SC)R 10</p>
<p>Legal action against persistent offenders is pursued eg ASBOs and/or criminal prosecution and outcomes publicised in internal newsletters and local media.</p>	<p>Documentary evidence of various kinds from management, and discussions with frontline staff.</p>	<p>Advisory</p>
<p>Measuring</p>		
<p>Incidents are recorded on SMIS.</p>	<p>Computerised inputs.</p>	<p>Enforceable</p>
<p>Managers/Supervisors monitor to determine if individual control measures are applied and have impact.</p>	<p>Appropriate systems for evaluation, targets as part of plans.</p>	<p>Enforceable</p>
<p>Management information is prepared</p>	<p>Evidence from</p>	<p>Enforceable</p>

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using information from incidents.	management meetings, Board reports, Annual reports etc.	
Audit and review		
There are periodic reviews of incident reports and procedures relating to incidents of violence.	As above.	Enforceable
Careful and regular analysis / review of the management information informs strategic decisions concerning targeting of resources.	As above.	Enforceable

Abbreviations:

HSWA = Health and Safety at Work etc Act 1974

MHSWR = Management of Health and Safety at Work Regulations 1999

HS(CE)R = Health and Safety (Consultation with Employees) Regulations 1996

SRSCR = Safety Representatives and Safety Committees Regulations 1977

RSCR = Railways (Safety Case) Regulations 2000

RIDDOR = Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995

Notes:

1. Inspectors are advised that the above checklist is intended merely as a guide and is not intended to imply an exhaustive list

2. For simplicity, no reference has been made to HSWA 2(1) or MHSWR 3, 4 or 5, which are of relevance to many of the guidelines described as 'enforceable'; and

3. Inspectors should note that use of the term "enforceable" does not imply that enforcement of any of the above matters is mandatory - specific enforcement action should always be informed by the EMM (see SIM [paras 18 and 19](#)).

Action
(optional)