

# Guidance on the Use of Warning Flags

## West Lothian Council

## 1. INTRODUCTION

- 1.1. The council supports the use of warnings flags and the application of communication protocols where appropriate, and will take action to protect employees from behaviour which is violent, abusive or aggressive.
- 1.2. This warning flag guidance has been developed to ensure appropriate safeguards are in place to protect employees from customer behaviour which is violent, abusive or aggressive. Warning flags are a means of identifying and recording individuals who pose, or who the council consider/ have reason to believe may pose a risk to council employees who come into contact with them.
- 1.3. Warning flags represents one of the measures which the council has taken to safeguard the health and safety of its employees. All employees planning to meet with a customer who has a warning flag(s) linked to their record will be made aware of the flag and the associated risks involved when with dealing with the customer.

## 2. SCOPE

- 2.1. The guide extends to all customers where a flag applies a warning that they pose a risk and to those that have access to this information, including: full time and part time employees on a substantive or fixed-term contract; associated individuals who are employed by the council; agency employees; contractors and others employed under a contract of service.

## 3. ROLES AND RESPONSIBILITIES

- 3.1. The Head of Service will make the final decision to allocate a warning flag against an individual. Any decision to add a warning flag to a customer record should be based on a specific and recorded incident.
- 3.2. It is the responsibility of service managers to ensure:
  - Service specific procedures are written, where appropriate, when significant risk of violent, abusive or aggressive behaviour is identified and written procedures are monitored and adhered to;
  - Specific risk assessments are undertaken to identify if employees and others are exposed to the risk of violent or abusive behaviour at work;
  - Appropriate risk reduction measures are actioned, training needs identified and appropriate training given to all employees identified at risk.
- 3.3. The service manager/ team leader must record all incidents of violence or abusive/aggressive behaviour at work on the Electronic Health and Safety Management System (RIVO) and ensure that they are investigated and monitored in accordance with the council's Accident and Incident reporting procedure.
- 3.4. The Warning Flag Officer(s) (WFO) will be appointed by the Head of Service. The primary role will be to facilitate the service warning flag process including:
  - Applying a warning flag on the appropriate service system record;
  - Managing the review of warning flags across the service;
  - Updating the customer record after the review decision has been reached;
  - Share warning flag information and updates with relevant service managers, other services, partner organisations and third party commissioned services, where appropriate.

- 3.5. All employees should be aware that a customer may challenge any decision. If service decisions are challenged through the council's complaints handling procedure or further information is requested, detailed and meticulous record keeping is essential.

#### 4. APPLYING A WARNING FLAG

- 4.1. A warning flag will be applied to an individual's electronic record when, in the professional opinion of the Head of Service and following discussion, where relevant, with both the employee and line manager it is deemed appropriate to do so.

- 4.2. The following risk factors should be considered, if available, when determining whether a customer record should have a warning flag applied:

- Nature of the incident (i.e. Physical or non-physical);
- Degree of violence used or threatened by the individual;
- Injuries sustained by the victim;
- The level of risk of violence that the individual poses;
- Whether an urgent response is required to alert employees;
- Impact on employees and others who were victims of or witnessed the incident;
- Impact on the provision of the service(s);
- Likelihood that the incident will be repeated;
- Any time delay since the incident occurred;
- Employees are due to visit a location where the individual may be present in the near future;
- The incident, while not serious itself, is part of an escalating pattern of behaviour;
- The medical condition and medication of the individual at the time of the incident.

- 4.3. Once a decision to apply a warning flag to a customer record has been approved, the Head of Service must write to the individual in question advising them that a warning flag has been entered on their record (unless a serious risk of harm would occur by doing so, either to the customer, employee or third party).

This must include:

- The reason for the warning flag being applied;
- Who this information will be shared with, including any partner agencies, third party commissioned service providers, and other relevant agencies as agreed by the Head of Service;
- When the warning flag will be reviewed;
- How the customer should engage with the council, if required;
- Details of the council complaints procedure for individuals who wish to challenge the decision.

- 4.4. A communication protocol will be established for an individual when the Head of Service believes it is no longer appropriate or safe for that individual to have contact with employees in general within the service or across the council (see 4.7).

- 4.5. Where a warning flag has been applied, providing it is safe to do so, the individual concerned will be informed of the addition to their record or changes to the way they can access council services (see 4.6).

- 4.6. In specific cases, the Unacceptable Actions policy can be implemented in conjunction with the application of a warning flag(s) to a customer's record if the evaluation of the violent, abusive or aggressive behaviour highlights wider service concerns.
  - 4.7. When implementing the Unacceptable Actions policy, the service can choose to implement various restrictions in the way the customer communicates and engages with the service. This can include limiting access to the service by either telephone, in writing or face-to-face contact with a named officer.
  - 4.8. The council's Unacceptable Actions Policy should be referred to when applying a warning flag or restricting access to the service(s).
5. INFORMATION SHARING
- 5.1. All Warning Flag Officers should ensure that access to the information is secure and only made available to those who are directly involved with a customer who has had a warning flag applied. Steps must be taken to prevent unauthorised access to any information indicating an individual has been violent, abusive, or aggressive. Each Warning Flag Officer will maintain a list of service managers/ team managers that will need access to the information.
  - 5.2. All Warning Flag Officers shall have access to details of all warning flags regardless of the service area where it arose in order that they may take any necessary steps to apply the relevant warning flags in their areas.
  - 5.3. Warning flags must not be applied to a customer record unless it is necessary to do so in the interests of employee safety.
  - 5.4. Manual files containing an indication that an individual has a warning flag attached to their record must be retained securely.
  - 5.5. A member of the public who has had a warning flag attached to their customer record is still entitled to make Freedom of Information or Subject Access requests. It is important that all employees understand this and are able to identify when other legal obligations need to be considered when responding to an enquiry or complaint.
6. RETENTION
- 6.1. The warning flag(s) set against a customer must be reviewed annually by the responsible Head of Service, senior manager or delegated officer. The service can choose to review the customer warning flag over a shorter period, if deemed appropriate.
  - 6.2. The customer must be informed when the warning flag set against them will be reviewed.
  - 6.3. If, following a review, the decision is reached to change or remove a warning flag both the individual and any other relevant service(s) that have previously been sent this information must be informed.
  - 6.4. Relevant factors for assessing whether the flag should remain will include:
    - The level of violence/ concern;
    - The gravity of the incident/ concern;
    - The length of time since the incident occurred;

- The previous and subsequent behaviour of the individual;
- Whether it was likely to have been a 'one off' (e.g. the individual's behaviour is completely out of character);
- Likelihood of violence recurring.

6.5. The Service shall ensure all customers are notified of decisions taken about them (unless a serious risk of harm would occur by doing so, either to the customer, employee or third party).

## 7. TRAINING

7.1. Services should train relevant employees to use the system and procedures in place relating to violent and aggressive/ abusive warning flags.

Employees should be aware of:

- Their duty to report all violent, abusive, or aggressive incidents or professional expressions of concern about real or potential violence;
- The name of the person they should report the incidents to;
- The senior nominated person who makes the decisions about applying warning flags.

## 8. COMPLAINTS

8.1. In the event that the customer wishes to complain about a warning flag being placed on their record, this will be dealt with through the council's complaint handling procedure.

## 9. CODING

9.1. The warning flag coding is shown below:

Warning Flag Name	Long Description
01 Violent - Do Not Interview at Home	<p>The intentional application of force to the person of another, without lawful justification, resulting in physical injury or personal discomfort.</p> <p>The service has made a decision that the customer should not be interviewed at home/ visited at home due to the risk of violence based on historic actions. <b>Incident must be completed on RIVO.</b></p>
02 Violent - Visit in Pairs (Male/ Male)	<p>The intentional application of force to the person of another, without lawful justification, resulting in physical injury or personal discomfort.</p> <p>The service has made a decision that the customer should only be interviewed at home/ visited at home by male pairs due to the risk of violence based on historic actions. <b>Incident must be completed on RIVO.</b></p>
03 Violent - Visit in Pairs (Male/ Female)	<p>The intentional application of force to the person of another, without lawful justification, resulting in physical injury or personal discomfort.</p> <p>The service has made a decision that the customer should only be interviewed at home/ visited at home by male/ female pairs due to the risk of violence based on historic actions. <b>Incident must be completed on RIVO.</b></p>
04 Violent - Visit in	The intentional application of force to the person of another,

Warning Flag Name	Long Description
Pairs (Female/ Female)	<p>without lawful justification, resulting in physical injury or personal discomfort.</p> <p>The service has made a decision that the customer should only be interviewed at home/ visited at home by female pairs due to the risk of violence based on historic actions.</p> <p><b>Incident must be completed on RIVO.</b></p>
05 Violent - Should not access council property	<p>The intentional application of force to the person of another, without lawful justification, resulting in physical injury or personal discomfort.</p> <p>The service has made a decision that the customer should not be interviewed at home/ allowed to visit a council property due to the risk of violence based on historic actions.</p> <p><b>Incident must be completed on RIVO.</b></p>
06 Aggressive or Abusive Behaviour - Do Not Interview at Home	<p>The use of inappropriate words or behaviour causing distress and/or constituting harassment.</p> <p>The service has made a decision that the customer should not be interviewed at home/ visited at home due to the risk of aggressive or abusive behaviour based on historic actions.</p> <p><b>Incident must be completed on RIVO.</b></p>
07 Aggressive or Abusive Behaviour - Visit in Pairs (Male/ Male)	<p>The use of inappropriate words or behaviour causing distress and/or constituting harassment.</p> <p>The service has made a decision that the customer should be interviewed at home/ visited at home by male pairs due to the risk of aggressive or abusive behaviour based on historic actions</p> <p><b>Incident must be completed on RIVO.</b></p>
08 Aggressive or Abusive Behaviour - Visit in Pairs (Male/ Female)	<p>The use of inappropriate words or behaviour causing distress and/or constituting harassment.</p> <p>The service has made a decision that the customer should be interviewed at home/ visited at home by male/ female pairs due to the risk of aggressive or abusive behaviour based on historic actions</p> <p><b>Incident must be completed on RIVO.</b></p>
09 Aggressive or Abusive Behaviour - Visit in Pairs (Female/ Female)	<p>The use of inappropriate words or behaviour causing distress and/or constituting harassment.</p> <p>The service has made a decision that the customer should be interviewed at home/ visited at home by female pairs due to the risk of aggressive or abusive behaviour based on historic actions</p> <p><b>Incident must be completed on RIVO.</b></p>
10 Aggressive or Abusive Behaviour - Should not access council property	<p>The use of inappropriate words or behaviour causing distress and/or constituting harassment.</p> <p>The service has made a decision that the customer should not be interviewed at home/ allowed to visit a council property due to the risk of aggressive or abusive behaviour based on historic actions.</p> <p><b>Incident must be completed on RIVO.</b></p>
11 Aggressive or Abusive over	<p>The use of inappropriate words or behaviour causing distress and/or constituting harassment.</p>

Warning Flag Name	Long Description
telephone	Employees should be aware that the customer has a history of aggressive or abusive behaviour over the telephone. <b>Incident must be completed on RIVO.</b>

## 10. DEFINITIONS

Abusive Behaviour	Abusive behaviour including verbal abuse is the excessive use of language to undermine someone's dignity and security through insults or humiliation, in a sudden or repeated manner.
Aggressive Behaviour	Aggressive behaviour is intentional behaviour which would cause a person of ordinary sensibilities feel that the accused person will injure or harm them. It can include acts of aggression such as yelling at an employee, pounding on desks, slamming doors, blocking or cornering, and sending threatening e-mails or other written threats.
Communications protocol	The agreed procedure/ process by which an individual can make contact with the council when it is deemed inappropriate or unsafe for them to have contact with employees in general across the council.
Customer	The term customer covers consumers, service users, citizens, tax payers, resident and non-resident customers.
Risk	This is a situation where the council employee is exposed to verbal abuse, threatening behaviour or violence.
Service Manager	This is the manager of a service area. This also includes Head Teachers.
Violent Behaviour	Violent behaviour is defined as the use of physical force that may result in bodily injury, physical pain, or impairment. Violent behaviour may include but is not limited to such acts of violence as striking (with or without an object), hitting, beating, pushing, shoving, shaking, slapping, kicking, pinching, and burning.
Warning Flag	A flag on an individual's record relating to a specific incident or identifiable concern.
Warning Flag Officer	An officer who facilitates the warning flag process across their service area. The individual(s) are identified by their Head of Service.

## 11. SUPPORTING INFORMATION

11.1. The following supporting information should be referred to when applying warning flags to customers:

- The Health and Safety at Work etc. Act 1974
- The Data Protection Act 1998
- Unacceptable Actions Policy
- Personal Safety At Work Policy
- Managing Unacceptable Customer Behaviour - Employee Guidance

**NB – This procedure does not replace West Lothian Council's Incident Reporting Procedure.**

## APPENDIX 1

### 12. WHAT TO DO IF A CUSTOMER HAS A WARNING FLAG

#### 12.1. Introduction

This section describes the action that employees should take upon finding a warning flag displayed against a customer/ potential customer.

#### 12.2. Action Required

When a warning flag is displayed, those employees involved in contact with the customer should:

- Access relevant customer information in order to understand the nature and extent of the risk presented and the nature of the warning before making a decision to contact/ engage with the customer.
- Discuss any concerns with the Line Manager and seek any additional support or security that may be advised.
- Ensure that other employees who may deal with the customer (within the team/service) are made aware of the issues relating to that person having a warning flag recorded. In particular, ensure if the case is transferred to another employee, full details of any warnings are provided before the customer is contacted/ engaged.

#### 12.3 In addition to the above, line managers should:

- Assess the risk to the employee making contact with a service user about whom a warning has been recorded, and take appropriate action to safeguard the employee's health and safety. This includes third party service providers.
- Ensure that local procedures are in place to enable the sharing of warning information between all service staff.
- Take action to protect employees in other service areas by passing on information to appropriate persons who are known to have contact with the customer.

APPENDIX 2  
EXAMPLE LETTER 1

Dear

USE OF WARNING FLAG

I am writing to inform you that a warning flag has been linked to your name on our records because *(Give reasons, i.e. a description of the incident or other reasons for use of the Indicator and the indicator being applied)*.

*(Complete if appropriate) Please note that information about this indicator has been shared with the following services within West Lothian Council: [ENTER SERVICE(S)].*

*The information has also been share with the following commissioned service providers: [ENTER THIRD PARTY SERVICE(S) PROVIDERS].*

*This information has been shared where there is justification under the Data Protection Act 1998.*

West Lothian Council has applied a warning flag(s) to you customer's record since there is sufficient reason to believe that you pose a risk to council employees or other service providers. The council reserve the right to use a warning flag to reduce the risk of violence or aggressive/ abusive behaviour to our employees.

The warning flag(s) has been applied with due regard for the Health and Safety at Work Act 1974 and the Data Protection Act 1998.

The use of this flag will be reviewed on a 12 monthly basis or at any time if additional information is received. The outcome of this review will be communicated to you by letter.

If you believe that the use of this warning indicator is not justified, or that circumstances have changed and the warning flag should no longer be applied, please contact me at the above address.

Alternatively, you can complain using the council's complaints procedure which can be found on the council's website [www.westlothian.gov.uk](http://www.westlothian.gov.uk).

Yours sincerely

## EXAMPLE LETTER 2

Dear

### CONTINUATION OF WARNING FLAG

You have previously been informed that a warning flag has been linked to your name and that it would be reviewed after 12 months.

This review has taken place and a decision has been reached that the warning flag will continue to be linked to your name. The flag is being continued because *(Give reasons, i.e. a description of the further incidents or other reasons for the continued use of the Indicator and the indicator being applied)*.

The use of this flag will be reviewed on a 12 monthly basis or at any time if additional information is received. You will be notified of the outcome of the process.

Any warning flag will only have been applied with due regard for the Health and Safety at Work Act 1974 and the Data Protection Act 1998.

If you believe that the use of this warning flag is not justified, or that circumstances have changed and the warning flag should no longer be applied, please contact me at the above address.

Yours sincerely

## EXAMPLE LETTER 3

Dear

### REMOVAL OF WARNING INDICATOR

You have previously been informed that a warning flag had been linked to your name.

In line with West Lothian Council's procedure this has been reviewed and the warning flag against your name has been ended on the system.

Should you wish to discuss this situation, please contact me at the above address.

Yours sincerely