

The Village Residence	POLICY NO:	
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Policy on Assault		

<b>Policy on Assault</b>	
<b>Developed by: Drogheda Services for Older People.</b>	<b>Date Developed: Revised February 2012, May 2017, September 2021, August 2023</b>
<b>Developed By: Nursing Department.</b>	<b>Date Approved: February 2012, Revised 2014, Revised May 2017, September 2021, 2023</b>
<b>Implementation Date: April 2009</b>	<b>Review Date: September, 2026.</b>
<b>Policy Reference Number: HIQA Schedule 5 Responding to behaviours that are challenging</b>	<b>No. of Pages: 7</b>
<b>Status of the Policy: Final</b>	

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## 1 PURPOSE

To outline Saint Mary's policy for assault in the workplace and the related complaint handling process.

### 1.1 Assault is defined to include:

- An unlawful personal attack, even if only with menacing words.
- A form of trespass in which one person intentionally arouses in another an apprehension of imminent harmful or offensive conduct.

## 2 APPLICATION

This policy applies to all visitors and residents volunteers and Health staff.

## 3 GUIDELINES

Other Guidelines have been developed to facilitate implementation of this policy. The guidelines must be consistent with this policy.

These include;

- a. All legislation and policies contained within the Staff Employee Handbook
- b. Safeguarding Vulnerable People at risk of Abuse
- c. Management of Violence and Aggression in the workplace.
- d. Policy on Restraint and Older People
- e. Rights of Older People
- f. Dignity at Work
- g. Guidelines for Dealing with people with Dementia
- h. Policy on Understanding Behavioural and Psychological issues associated with Dementia
- i. Guidelines on Dealing with Challenging behaviours from a medical perspective including delirium

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- j. Standards for Nurses working with Older People (An Bord Altranais, 2009)
- k. This list is not to be seen as exhaustive

## 4.0 POLICY

### 4.1 Background

Saint Mary's is committed to maintaining an environment for residents, visitors and employees that is safe and free of any form of harassment and other behaviours which can:

- Physically or psychologically harm, intimidate, degrade or humiliate a person.
- The above policies and legislation clearly establish standards of professional and ethical behaviours and safe practice to be observed by all employees
- The Unit Managers will ensure that all employees are aware of their obligations and expected behaviours
- Saint Mary's has a zero tolerance to violence in its workplaces. To achieve this, violent and aggressive behaviour will not be tolerated towards:
  1. Residents
  2. Other employees or members of the public.
- Assault in the workplace is not an acceptable standard of behaviour.
- An act of assault May constitute a criminal offence and expose a person to civil action.

### 5.0 Examples of Assault

Behaviour which may constitute assault includes and is not limited to:

- **Striking or attempting to strike another person.**
- **Engaging in a physical struggle or fight.**
- **The use of unnecessary or excessive (unlawful) force when restraining, or attempting to restrain another person e.g. a resident.**
- **Threatening another person with violence.**
- **Verbal abuse with a threat of imminent harm.**
- **Throwing or propelling a liquid or other substance at a person.**

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## 6.0 Disciplinary Action Where Assault Occurs

- Any act of unlawful assault, whether directed at a resident, client, visitor, fellow employee, or other person, will not be tolerated.
- Disciplinary action is likely to be taken against any employee found to have committed such an offence. Disciplinary action may be up to and including dismissal.

## 7.0 APPLYING THE POLICY

### 7.1 Complaint Handling

- It is essential that any allegation of assault in the workplace is considered seriously.
- All allegations of assault in the workplace must be managed in accordance with established disciplinary procedures.
- An Incident form must be completed
- Written and verbal statements will be taken from all witnesses to the assault
- Where there is an allegation of assault against a staff member, that staff member will be placed on Leave with Pay until a full investigation has taken place
- Where a resident is assaulted, they must have an immediate medical and psychological assessment which must be documented. The Elder Abuse Case Worker will be notified immediately or as soon as is possible
- Witnesses to the assault will be offered psychological support, services of Occupational Health Department and offered Confidential Helpline on **1800 409388**
- An allegation of workplace assault may constitute official misconduct. Clinical Nurse Managers must report such allegations to the Director of Nursing. The Director of Nursing must report such allegations to the General Manager of CHO8 where a SIMT will be convened
- Next of kin will be notified immediately in the event of a resident being assaulted and arrangements will be put in place immediately to meet with next of kin. In the case of a staff member or visitor immediate arrangements will be made to ensure that the next of kin is notified
- A full investigation of the assault will take place

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- If an employee is assaulted and the result causes the employee to be absent from work for greater than three days, the Health and Safety Authority will be notified
- An employee will be offered personal counselling and Occupational Health Services to assist them in their physical and psychological recovery. Immediate first aid will be given if necessary and arrangements put in place by the Senior Nurse in order to ensure that the person receives prompt medical attention
- Victimisation or reprisal against any employee involved in submitting an allegation pursuant to this policy will not be tolerated and may result in further disciplinary action against the offending employee in accordance with the Good Faith Reporting Policy
- Any Departmental investigation undertaken in relation to a complaint of assault is to be conducted in a timely, fair and objective manner and is to observe the principles of natural justice.
- An employee who has suffered an assault may lodge a complaint against the Health Services Executive. Any Resident who has been assaulted will also be offered counselling and support and will be informed of their right to make a complaint to the Health Services Executive and to An Garda Siochana.

#### **8.0. Where a resident assaults a staff member or other resident.**

Violent or abusive behaviour will not be tolerated and decisive action will be taken to protect staff, patients and visitors.

8.1. Those patients who, in the expert judgement of the relevant clinician are not competent to take responsibility for their actions will not be subject to this procedure e.g.

- An individual who becomes abusive as a result of an illness or injury.
- Patients who are mentally ill and may be under the influence of drugs and/or alcohol.
- Patients who in the opinion of a clinician require urgent treatment.

The following are examples of unacceptable standards of behaviours towards Boyne View House staff:

- Violence or any act of aggression;
- Excessive noise, e.g. recurrent loud or intrusive conversation or shouting;
- Threatening or abusive language involving excessive swearing or offensive remarks;
- Derogatory racial or sexual remarks;

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- Malicious allegations relating to members of staff, other patients or visitors;
- Offensive sexual gestures or behaviours;
- abusing alcohol or drugs on the Village site. (However, all medically identified Substance abuse problems will be treated appropriately.);
- Drug dealing on HSE premises;
- Willful damage to HSE property;
- Theft;
- Threats or threatening behaviour, Harassment, Alarm or Distress.

#### **9.0. Visitors (anyone who is not a patient or staff member).**

On the Village Residence Premises:-

- Visitors who display any of the above behaviours will be asked to stop and offered the opportunity to explain their actions;
- If the behaviour continues, the responsible manager or clinician will give an informal warning about the possible consequences of any further repetition;
- Continued failure to comply with the required standard of behaviour will result in the person being asked to leave.

Gardai assistance may also be considered depending on the severity of the situation;

#### **Resident/Service Users**

- Residents who display unacceptable behaviour will be asked to desist and offered the opportunity to explain their actions. Staff need to be aware of behaviour which is not dementia related as a different approach is then required
- If the behaviour continues the responsible Manager or Clinician will explain to the resident that his/her behaviour is unacceptable and explain the expected standards that must be observed in the future;
- Failure by the resident to subsequently comply with the required standard of behaviour will result in the application of the Policy with the issue of a formal written warning

If a resident complies with the terms of the Procedure he/she can expect the following:

- ☐ That their clinical care will not be affected in any way;
- ☐ That where substance abuse has been identified, appropriate assistance will be provided;

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- ☐ That The Village Residence will fully investigate all valid concerns raised by the resident;
- ☐ That the Procedure will lapse after one year.

## HISTORY

This policy was developed in November 2010 as a result of Section 31. (1)Risk Management Procedures in Relation to Assault.