

# Warning Marker Register Policy

2022



# Document history

<b>Name of policy</b>	Warning Marker Register Policy
<b>Purpose of policy</b>	Sets out clear roles and responsibilities and procedures in relation to the use and management of the Councils Warning Marker Register (WMR) system.
<b>Policy applies to</b>	All Council employees who attend visits/have the potential to attend visit with members of the public, or may come into contact with animals
<b>Update Frequency</b>	5 yearly or if there has been a significant change to legislation, guidance or process
<b>Latest update</b>	September 2022
<b>Update overview</b>	<ul style="list-style-type: none"> <li>• Policy updated into new format</li> <li>• Definition added</li> <li>• New incident/accident report form links added</li> <li>• Minor word changes throughout</li> <li>• Updates made to all appendices</li> </ul>

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# 1. Policy

## 1.1 Introduction

New Forest District Council ('the Council') has a duty to protect the Health, Safety and Welfare of its employees. Where an individual displays behaviour which leads the Council to believe that they may pose a risk to employees that come into contact with them, the Council must take action to reduce the risk to its employees as far as is reasonably practicable.

The Council, therefore, keeps a central Warning Marker Register (WMR) which records information relating to individuals who pose, or could potentially pose, a risk to employees who come into contact with them.

The Councils use of the WMR must be in accordance with the requirements of the UK General Data Protection Regulation, the Data Protection Act 2018 and the Human Rights Act 1998.

## 1.2 Scope

This policy must be read and understood by all employees identified by Senior Managers who regularly have cause to attend residential or business addresses or who may come into contact with animals. This policy will be reviewed at least every 5 years as part of an on-going monitoring programme or as necessary when processes, organisational or regulatory changes are made.

## 2. Legislative and regulatory context

### 2.1 The Health and Safety at Work etc. Act 1974

The Health and Safety at Work etc. Act 1974 is the primary piece of legislation covering occupational health and safety in Great Britain. It sets out the general duties employers have towards their employees and members of the public. New Forest District Council acknowledges and accepts its responsibilities under The Health and Safety at Work etc. Act 1974 and will ensure to control all risks to its employees, contractors and those who may be affected by the work they undertake as low as is reasonably practicable.

### 2.2 The Data Protection Act 2018

The Data Protection Act 2018 governs how personal information is used. The Data Protection Act 2018 sits alongside and supplements the UK General Data Protection Regulation (together referred to as ‘the Data Protection Legislation’). New Forest District Council complies with the Data protection Legislation in all its personal data processing activities, including the administration of the Councils WMR. Individuals are informed about the Council’s use of their personal data in relation to the WMR through the [New Forest District Council Privacy Notice](#)

## 3. Definitions

Term	Definition
WMR	The Council’s central database which holds records and information relating to individuals who pose, or could potentially pose, a risk to employees who come into contact with them.
Incident	An unplanned event that doesn’t result in injury
Accident	An event that results in injury or ill health
Verbal & Physically Abusive Behaviour	An act which causes physical or psychological harm to an employee or third parties wellbeing.
SharePoint	The Council’s online record management system, specifically, in relation to this policy, the Corporate H&S SharePoint site.
Third Party	A private individual or organisation undertaking works on behalf of New Forest District Council or who may be affected by the works New Forest District Council undertake

## 4. Roles and Responsibilities

### 4.1 Senior Managers Must:

- Ensure all information received from Third Parties on individuals that may pose a risk is communicated to the relevant persons in a timely manner
- Assess if an individual poses a risk to staff to determine if they should be added to the WMR
- Complete and sign the WMR request form, when necessary
- Ensure the appropriate correspondence letters are sent to individuals who have been added to/removed from the WMR
- Ensure appropriate timescales are set for case reviews in accordance with the guidelines set out in this policy
- Review each case within the allotted timescale
- Ensure all employees are competent to complete their role through the provision of information, training and instruction
- Ensure all employees at risk have been identified and provided with access to the WMR
- Seek assistance from the Legal Service Manager when they feel an individual should not be notified in writing of their inclusion on the WMR

### 4.2 Line Manager/Supervisors Must:

- Ensure all incidents and accidents of verbally and physically abusive behaviour are reported in conjunction with the Corporate Accident/Incident and Investigation policy
- Ensure all information provided in reporting paperwork is relevant and factual at the time of the incident or accident
- Ensure all information from third parties on individuals who may pose a risk is reported to the relevant persons in a timely manner
- Assist Senior Managers with reviewing cases when required.

### 4.3 Employees Must:

- Follow the safe systems of work provided to them
- Report all incident and accidents of verbally and physically abusive behaviour in conjunction with the Corporate Accident/Incident and Investigation Policy
- Complete the WMR request form and submit to the relevant Senior Manager when necessary
- Report any incorrect or updated case information to a member of the Corporate Health and Safety Team and the Warning Marker Register Administrators

### 4.4 CCTV (Out of Hours) Must:

- Check the WMR for the out of hours operations teams upon request
- Ensure the appropriate information is communicated to all staff during out of hours operations when requested

### 4.5 Corporate Health and Safety Team Must:

- Provide competent health, safety and welfare advice and guidance to all Council Services
- Regularly review this policy every 5 years or if there has been a significant change to legislation, guidance or process

**4.6 Warning Marker Administrators Must:**

- Administrate the WMR permissions list
- Administrate all case records on the WMR a directed by Senior Managers and in conjunction with advice sought from the Corporate Health and Safety Team and Legal Services
- Remind and prompt Senior Managers of case reviews

**4.7 ICT Services Must:**

- Provide technical assistance to al employees who require access to the WMR
- Provide technical changes to the WMR where appropriate

**4.8 Legal Services Service Manager Must:**

- Assist Senior Managers in the decision-making process where appropriate

## 5. Procedures

### 5.1 Stage 1 – Reporting Incidents/Accidents

All Incidents and/or Accidents involving verbally, and physically abusive behaviour must be reported to the employee's line manager/supervisors and a member of the Corporate Health and Safety Team.

Incidents/Accidents could take place in person, over the phone or via email or in writing. The Council considers that the following behaviours may give rise to concern:

- Aggression
- Verbal threats or threatening behaviour
- Violence
- Physical attacks
- Aggressive animals including dog bites
- Verbal abuse/abusive language (including racist and homophobic abuse) any other action that causes anxiety, fear or concern where the recipient reasonably believes that they or one of their colleagues could be subject to behaviour which causes harm

Employees must report all incident/accidents using the incident/accident reporting forms on ForestNet:

- [Employee/contractor accident incident report form \(interactive PDF\)](#)
- [Near Miss Report form Employee/Contractor \(interactive PDF\)](#)
- [Online employee incident/accident report form](#)

Information on individuals who pose or may pose a risk to Council employees may also be received via Third Parties, such as the Police Service. If such information is received from Third Party organisations, this should be treated in the same way as if the information was received from a Council employee.

#### 5.1.1. Reporting an individual onto the Warning Marker Register

Following reporting an incident or accident involving verbally and physically abusive behaviour, if it is deemed appropriate, the employee should make a request to add the individual onto the WMR. Reports can only be made by those employees who have access to the WMR. In order to add an individual to the WMR, an employee must enter their log in details and click the "report new incident" button on the front page.

The employee must then complete the form and submit their request to the relevant Senior Manager. Wherever possible employees should attach any relevant documentation under the "upload incident documentation" section. This includes any information from third party organisations.

Once submitted the relevant Senior Manager and WMR Administrator will be notified by email.

[Warning Marker Register Site](#)



#### Warning Markers Register

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Username:\*

Password:\*



## 5.2 Stage 2 – Incidents/Accident Review and Individual Upload to the Warning Marker Register

Once an incident report has been received, the relevant Senior Manager must review and assess if the individual involved should be added to the WMR. When assessing if an individual should be placed on the WMR, the Senior Manager should take the following into account:

- Severity of the incident(s)
- Frequency of the incidents reported involving an individual
- Likelihood of employees/contractors coming into contact with individual or animal

Senior Managers can seek guidance from a member of the Corporate Health and Safety Team, but the overall decision will lie with the Senior Manager.

When deciding on the timeframe an individual should be added to the WMR, the following guidelines should be followed:

- Category 1 – Verbal abuse or aggression – 1-2 years
- Category 2 – threatening behaviour – 2-3 years
- Category 3 – physical violence – 3-5 years
- Category 4 – violence involving weapons – 10 years

Once a decision has been made to place an individual on the WMR, the relevant Senior Manager must complete their section of the WMR report new incident form. The link to this section is included on the automated email from the WMR when the request was made by the employee. When completing their section, Senior Managers must ensure the following information is included:

- Full name of the individual
- Age of the individual
- Individuals current address
- Reason for addition to the WMR
- Control measures put in place when visiting individuals or location, e.g., only visiting in pairs, or no lone female visitors etc.
- Responsible Service Manager
- Review period

Once the case has been uploaded to the WMR by the WMR Administrator, all users who have permission to view the WMR will be notified by email that a change has been made to the register. Employees are expected to log onto the WMR and review that change.

Normally, an entry will only be made on the WMR where the individual involved is over 18 years of age. If the individual is under the age of 18, but the Senior Manager considers the incident was so serious that they should be added to the WMR, a decision whether to place the individual on the WMR should be taken jointly by the Senior Manager and Legal Services Service Manager.

### 5.3 Stage 3 – Informing the Individual

Prior to an individual being added to the WMR, the Senior Manager will need to send the individual a letter informing them of the following (as a minimum):

- That they have been placed on the WMR
- The reasons why they have been placed on the WMR
- If the information has been received from a Third-Party agency, the name of the agency (if the Third Party is a private individual their name should not normally be disclosed, please seek advice from the Legal Service Manager)
- The length of time for which their details will remain on the WMR
- That the details which appear on the WMR maybe seen by employees who may come into contact with them during the course of their employment, or third parties who, to the knowledge of the Council, may come into contact with them
- That they have the right to explain their behaviour and to make representations regarding their inclusion on the register, whereupon a final decision will be made as to whether to include them on the register
- The letter will also include a link to the privacy notice explaining how the individual's personal data will be processed

Letter templates are available in appendix 2,3,4 and 5. All letters must be signed by the relevant Senior Manager. The individual in question will be given 21 days to respond to the letter.

If the individual does respond within the 21-day timeframe, an additional review of the case should be undertaken by the relevant Senior Manager, in consultation with the Legal Services Service Manager and a member of the Corporate Health and Safety Team. The individual's case will remain on the WMR until a decision has been reached. Once the Senior Manager has come to a decision, they must then again notify the individual in writing, see appendix 4 and 5.

In exceptional cases, it will not be appropriate to inform the individual that they are to be placed on the WMR, for example because the notification would be likely to lead to further aggression, threats or violence, or because of the mental state of the individual concerned, or because the information has been received from a Third Party organisation which has notified the Council that there are legitimate reasons that the individual should not be notified. In these cases, stage 3 may be missed, and the individual may be added to the WMR without informing them. If a Senior Manager considers that they are dealing with a case where it may not be appropriate to notify the individual involved, they must have signed permission from the Legal Services Service Manager (who should consult the Information Governance and Complaints manager and Data Protection Officer) prior to making the decision.

#### 5.4 Stage 4 – Case Review

All entries on the WMR must be kept under regular review and should be removed within the timescales applied to them if appropriate. Timescales given to each case should be based on the risk the individual poses to the Council and its employees, factors such as severity of the incident reported, the number of incidents reported involving the individual and the control measures in place should be included in the decision-making process.

The decision on whether an individual will remain on the WMR will be made by the Senior Manager who originally placed the individual on the Register, in consultation with a member of the Corporate Health and Safety Team and the Service Manager for Legal Services, if appropriate.

The outcome of the review, and the reasons for any decision reached, will be recorded in writing and the records will be held on SharePoint.

Once an individual has been removed from the WMR a letter must be sent by the Senior Manager informing them they have been removed. See appendix 3.

Once the individual has been removed from the WMR, the records relating to the incident, the reasons for placing them on the WMR, any representations made, any reviews, and the decision to remove their details from the WMR will be held securely by the Council for a period of 3 years (from the date their details are removed the WMR).

#### 5.5 Accessing the Warning Marker Register

The WMR is a secure database, only accessible with a username and password. The permissions list for the WMR is maintained by the WMR Administrators. Access is provided to all employees who may be at risk or have cause to attend residential or business addresses in the course of their employment.

Access to the WMR should be provided as part of the employee's induction. It is the responsibility of the relevant supervisor to ensure all employees under their control have access to the WMR. Access permissions can be provided with the completion of the "request access" form via the [WMR site](#).

Once completed an automated email will be sent to the relevant Senior Manager and the WMR Administrator. The relevant Senior Manager will then have to accept or decline the request for access.

Once the request has been accepted by the Senior Manager, the WMR Administrator will create a username and password for the employee and provide the username and password to the relevant employee via email. A record of the request for permission must be recorded on SharePoint. Employees must not share their password with anyone else, under any circumstances. To do so may result in disciplinary action being taken against the employee.

This information will only be disclosed to other employees where there is a legitimate reason for another employee to be provided with that further information. Usually, the legitimate reason will be that an employee is likely to come into contact with that individual.

### 5.6 Updating and Maintaining the Warning Marker Register

Changes and alterations to information on the WMR will be made by the WMR Administrator. If any employee becomes aware that any information under an individual's cases is incorrect or out of date, the correct/most relevant information must be reported to the WMR Administrators via email [WarningMarkerRegisterAdmin@nfdc.gov.uk](mailto:WarningMarkerRegisterAdmin@nfdc.gov.uk).

Regular reviews of the WMR permissions list will be conducted by the WMR Administrators in conjunction with the relevant Senior Managers and HR Admin team. All technical changes to the WMR databases, forms and e-forms will be made by ICT Services.

Any changes to a case on the WMR, such as updating the address must be saved and recorded on SharePoint.

### 5.7 Third Parties

Where an employee of the Council knows that a Third Party (including contractors of the Council) through their dealings with the Council is likely to come into contact with someone who appears on the WMR, the Senior Manager should consider if the information on the WMR should be passed to the relevant Third Parties. This information will only be passed to a Third Party where:

- Failure to share information may place staff at the other agency/organisation at risk of harm; or
- The Council is required by the law to pass such information to the other agency/organisation if any of the above circumstances apply, the service should disclose to the third-party manager only such information they consider absolutely necessary for the manager to protect the health, safety and welfare of their employees.

Information on individuals who pose or may pose a risk to Council employees may also be received via Third Parties, such as the Police Service. If such information is received from Third Party organisations, this should be treated in the same way as if the information was received from a Council employee.

### 5.8 Dangerous Animals

If an aggressive animal poses a significant risk to an employee, they should be considered to be added to the WMR. Senior Managers should follow the procedures in the same way as if it was a person, save that it is the animal's owner who should be written to etc. If an aggressive animal has been assessed as posing a significant risk and has been added to the WMR, the owner of the animal should be notified in writing. Senior Managers must ensure a detailed description of the animal has been added to the WMR. Senior Managers/Supervisors must notify the dog wardens if one of their employees has had an incident with an aggressive dog. The dog wardens will notify the police if any incident results in a bite which breaks the skin of the injured person.

### 5.9 Training

Senior Managers must ensure all staff are competent to undertake their role through the means of information and training. Therefore, Senior Managers must ensure each employee who has permission to access the WMR has been sufficiently trained on the system and its procedures. This training should form a part of the employee's induction; refresher training should be undertaken when appropriate or when identified through risk assessment or accident investigation.

## 6. Additional Information

### 6.1 Useful Contacts

Contact Name	Contact Details
Corporate Health and Safety Team	<a href="mailto:Healthandsafety@NFDC.gov.uk">Healthandsafety@NFDC.gov.uk</a>
ICT Service Desk	<a href="mailto:Service.desk@NFDC.gov.uk">Service.desk@NFDC.gov.uk</a>
WMR Administrator	<a href="mailto:WarningMarkerRegisterAdmin@NFDC.gov.uk">WarningMarkerRegisterAdmin@NFDC.gov.uk</a>
Data Protection Team	<a href="mailto:Data.protection@NFDC.gov.uk">Data.protection@NFDC.gov.uk</a>

### 6.2 Appendices

- Appendix 1 – Warning Marker Register Flowchart
- Appendix 2 – Letter Template Notification of Addition to the WMR
- Appendix 3 – Letter Template Notification of Removal from the WMR
- Appendix 4 – Letter Template Notification of Removal from WMR Following Representation
- Appendix 5 – Letter Template Notification of Addition to the WMR Following Representation