

Social Security Department

Health and Safety Inspectorate

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28 November 2017

Head of Public Services
Treasury and Resources Department
PO Box 353
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Dear

Health and Safety at Work (Jersey) Law 1989

I am writing to you, in your role as a representative of the States' Employment Board (SEB), to inform you of ongoing concerns regarding the management of the risks of violence and aggression (V&A) at Greenfields Centre, La Grande Route de St Martin, St Saviour, which falls under the control of Health and Social Services.

The level of concern is such that, in my opinion, the SEB is currently not meeting its legal duties under Article 3(1) of the Health and Safety at Work (Jersey) Law 1989 (HSW Law) to ensure, so far as is reasonably practicable, the health and safety of employees working at the Centre.

I have therefore served an Improvement Notice, reference IN/TF/VA/11/17, under Article 13 of the HSW Law as, in my opinion, there are inadequate arrangements in place to identify and manage the foreseeable risks of V&A demonstrated by service users, which exposes employees (and potentially the service users themselves) to the risk of serious personal injury.

As you are already aware, the Notice was served on Susan Devlin, Managing Director, Community and Social Services, Health and Social Services, at a meeting on 24 November 2017. A copy of the Notice and the accompanying Schedule, which sets out the steps which need to be taken to comply with the Notice, is enclosed for your convenience.

As discussed with Susan Devlin and Julie Gibney, Rose Naylor, and [redacted], who were also present at the meeting on 24 November, there is a right of appeal against the Notice, details of which were explained at the meeting and are set out on the back of the Notice itself.

Background

The Health and Safety Inspectorate received a formal complaint, in October 2017, regarding the management of V&A at Greenfields Centre, with serious concerns expressed regarding the approach to conflict resolution and physical intervention in particular.

At that time evidence was supplied to show that, in May 2017, [REDACTED], an employee working at Greenfields, raised a number of specific queries and concerns following attendance at a conflict management and physical intervention training course (Maybo training). These were clearly set out by [REDACTED] in an email, dated 21 May 2017, which due to the serious nature of his concerns, was circulated to direct line management, HSS senior management and the HSS Health and Safety team.

Following a perceived lack of any response to his email [REDACTED], in June, escalated his concerns to his Unite Union representative, [REDACTED] (who is also a Residential Child Care Officer). Despite concerted efforts to seek the appropriate reassurances that the concerns expressed by [REDACTED] were either unfounded or being addressed, including raising the matter with the States of Jersey Senior Employment Relations Manager in September, [REDACTED] formally submitted a complaint to the Inspectorate in October due to a lack of any such response being received.

Enquiries

My subsequent enquiries, which has involved meetings with various members of HSS management, the Health and Safety Manager, the Health and Safety officer responsible for V&A training programmes, [REDACTED] and [REDACTED], identified that

- although the overarching HSS policy '*The Prevention and Management of Violence and Aggression at Work*' last revised in March 2017, the policy does not extend to address the specific operating environment at Greenfields, ie a secure facility for offenders serving custodial sentences where, for example, the sanctions provided for by the policy could not apply
- the current policy applicable to Children's Residential and Support Services, including Greenfields '*The Use of TCI and GSA Training for physical restraint*', dated April 2013, is out of date and does not reflect the current organisational structure or approach to training. It also doesn't reflect the specific operating environment at Greenfields, which has fundamentally changed since the policy was prepared
- there has been a failure to communicate key decisions on changes to the provision of training provided to Greenfields staff (which I understand also applies across Children's Residential services). For example neither [REDACTED] nor John Berner were aware that HSS SMT had taken the decision to stop TCI training, despite [REDACTED] being an accredited TCI trainer. I am unaware what techniques are to be adopted in the place of TCI
- there was an inconsistent understanding between the various parties I spoke to regarding the training programmes available through Maybo, and how these should be tailored to meet the specific needs of the operating environment in order to be effective, taking into account the risks and behaviours of the service users, the specific roles of staff using the techniques and the most appropriate delivery methods
- whilst the use of any physical intervention was recognised by all parties as a 'last resort' where other options have failed, or are likely to fail, and it is not possible or appropriate to withdraw from the situation, there was a clear acknowledgement from Management that Greenfields is an environment where it is necessary for staff to receive an advanced level of physical intervention training (including restrictive interventions) in order to prevent harm to staff and/or the service users
- HSS has determined that all staff working at Greenfields should receive advanced Maybo training in restrictive physical interventions as well as GSA training, an alternative prevention and management of V&A programme used widely in healthcare settings, which covers physical interventions and de-escalation techniques

- my discussions with and suggest that staff at Greenfields have only been provided with Maybo low level intervention core modules considered appropriate for 'standard' residential children's facilities, not the advanced level I was advised should be delivered
- at the time of my enquiries there were a number of staff working at Greenfields who had received neither Maybo nor GSA training, as well as some who had received one but not the other. I would note I was not provided with any training records for Bank staff, but it is obviously essential that they receive the same level of training as permanent staff
- there is no clear policy on when and how the use of Maybo and/or GSA is coordinated and managed in practice. There is at least one Datix report which identifies that during a restraint, one employee used a Maybo hold and another used a GSA technique; the service user broke away from the restraint and struck one of the employees in the face
- there was a failure to respond in a positive and timely manner to specific queries and concerns raised by an experienced employee (which directly resulted in this matter being escalated to the Inspectorate). Some 6 months later and were still to receive any direct response or reassurance that the concerns are unfounded and/or have been addressed

V&A management

Work-related V&A is considered by many as one of the most serious occupational hazards facing staff working in the Healthcare sector. There is no single solution to its prevention and management, and all interventions must be considered within the broader context and framework of a total organisational response.

Whilst my enquiries identified confusion over the provision of V&A training for staff working at Greenfields and a failure to deliver any such training to employees in some cases, it is stressed that training cannot be a standalone solution to managing the risks of V&A. Research¹ carried out by the HSE has demonstrated that the greatest impact and value of training is when the knowledge and skill topics emphasised within the overall training programme are situated within the broader organisational context in terms of its systems and procedures to prevent and manage V&S, for example

- well publicised, clear and easy to understand policies setting out the various measures the organisation is taking to prevent, manage and tackle V&A
- well publicised roles and responsibilities with regards to V&A management and reporting
- showing how the content of training provided is clearly tailored and customised to the specific circumstances and/or client group
- well publicised, easy to follow reporting procedures
- clear demonstrations about how reported information is acted upon and used in terms of tackling across the organisation
- a means of support is available to staff (whether internal or external) which they trust in and have access to if required
- demonstrations that the organisation is taking positive action, is proactive and that learning is taking place

¹ Violence and aggression management training for trainers and managers: a national evaluation of the training provision in healthcare settings, HSE RR440

The Schedule to the Improvement Notice served on the SEB requires a policy to be prepared which sets out the organisational approach to managing the risks of V&A at Greenfields, and should take into account the principles bullet pointed above.

I would also comment that whilst the Notice relates specifically to Greenfields, in view of previous interventions, including formal enforcement action, being taken in respect of the management of V&A by HSS in the past, it is essential that the measures in place across all service areas of HSS are urgently reviewed to ensure they are effective, taking into account the legal obligations imposed by the HSW Law.

I will be touch prior to the expiry of the Notice, on 31 January 2018, but should you have any queries relating to the matters raised in this letter, or the serving of the Improvement Notice, please do not hesitate to contact me.

Yours Faithfully

Health and Safety Inspector

Direct line:

Email:

Cc Susan Devlin, , Julie Garbutt