



**GUIDANCE ON THE USE OF WARNING
INDICATORS ON THE CAREFIRST
CUSTOMER DATA SYSTEM**

Last Updated September 2018

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1. Purpose of Warning Indicators

The primary purpose of Warning Indicators on Carefirst is to promote the **safety and protection of employees by East Dunbartonshire Council**. An indicator should be placed on the system in order to “flag up” where there is judged to be an actual or potential risk to employees from the customer or person associated with a customer.

The General Data Protection Regulations (GDPR) and Data Protection Act 2018 allows for such information to be held on a customer or other person where this can be justified in order to protect employees and as long as the information is accurate, proportionate, relevant and updated. Such information should only be held for as long as it is necessary for the specified purpose and the regular review of such data is therefore an essential part of these procedures.

2. Criteria for Use of Warning Indicators

The following are likely to be the most common reasons for recording a warning:

- Known incidents or the potential for verbal aggression/threats or physical violence towards employees.
- Known incidents or threats of sexual harassment/inappropriate sexual behaviour towards employees.
- Other bizarre or unpredictable behaviour which could represent a risk to or be intimidating for employees.
- Known instances of oppressive or discriminatory behaviour relating to the age, gender, ethnic origin or disability of an employee member.
- Known sex or violent offenders where it is considered that a risk could be posed towards a member of employees.

It is **NOT** appropriate to use a Warning Indicator to record other concerns e.g:

- Where a customer or person associated with a customer may pose a risk to a family member or others but there is not considered to be a risk to employees.
- Where there is a risk to a customer from another person but no assessed risk to employees.

It is however vital that the above concerns are formally recorded in Carefirst observations and in case records via Child Protection, Adult Protection or Criminal Justice recording processes.

The use of Warning Indicators should form only part of actions taken to ensure the safety of employees or to respond to violent incidents. The Council has policies in place to support its Duty of Care to its employees.

3. Who Can Put a Warning onto the System?

A Warning Indicator can **ONLY** be placed on the system with the authorisation of a Team Manager.

4. How Should the Warning be Recorded?

A list of Warnings have been set up on Carefirst and the Team Manager should select an entry from the following pick list:

Damage to Property/Equipment
Danger from Household Member
Danger from an Animal
Harassment based on Disability
Harassment based on Religion
Harassment based on Race
Harassment based on Sexual Orientation
Other Category Specified in Warning Notes
Physical Posture/Challenging
Physical Violence
Sexual Offender (**Must NOT to be used for Schedule 1 Offenders**)
Sexual Harassment
Spitting
Stalking
Throwing an Object
Use of Weapon
Verbal Aggression, Threats or Abuse

The “Warning Notes” field **MUST** be used to provide further details of the risk to employees and to recommend action as to how the risk is managed. It is **NOT** acceptable just to record “**see Team Manager**” or any other named person as this person may not be readily identifiable or available. Recommendations for action might include advice on the number and/or gender of employees that should see the person posing the risk at home or at an office base. Such advice might also include a judgement as to whether the person should not be interviewed either at or outwith the office.

The person entering information onto the “Warning Notes” field must record their name, team and the date of the entry.

5. Data Quality – Good Practice

Employees should exercise caution in deciding whether to add a Warning Indicator to a customer’s record whilst ensuring that indicators are used where this can be justified and there is a verifiable risk to employees.

The guidance from the Information Commissioner would consider recording warnings to be fair and lawful where it is “*based on a specific incident or expression of clearly identifiable concern by a professional, rather than general opinions about that individual*”.

In judging the quality of the data being recorded the following framework must be considered in being able to demonstrate the sources and robustness of the information.

<u>Highlight in Warning Notes</u>	<u>Status of Information</u>
Actual Incident	Recorded under EDC violence in the workplace procedures
Reported Incident	Reported by another agency recorded under that agency's violence to employees procedures
Convicted	Conviction for violence to employees within or outwith EDC
Charged	Charged with violence to employees within or outwith EDC
Other (specify reasons within warning notes field)	Any other <u>corroborated</u> reason where person judged to pose a threat to employees e.g. violent or unstable behaviour which could be directed towards any person including employees.

Where information is received which would indicate a potential threat to employees from an individual but which cannot be corroborated this should **NOT** be recorded as a Warning Indicator. However, such information should still be recorded in CareFirst Observations if it is judged that a potential threat to employees may exist.

It should again be emphasised that the above framework for categorising data relates solely to **ACTUAL OR POTENTIAL RISK TO EMPLOYEES** and in relation to the use of Warning Indicators only.

6. Informing the Subject of a Warning Indicator

The guidance from the Information Commissioner's Office (ICO) states that in order to comply with the General Data Protection Regulations (GDPR) and Data Protection Act 2018 in terms of fairness: you should normally inform individuals who have been identified as being potentially violent soon after you make the decision to add a marker to their record. It should be part of your procedure to write to the individual setting out why their behaviour was unacceptable and how this has led to the marker.

In most cases therefore the individual should be given written notification by hand or special delivery of the warning having been recorded along with reasons for this and the date when the warning will be reviewed.

The guidance recognises that there may be extreme cases where you believe that informing the individual would in itself create a substantial risk of a violent reaction from them or a risk to another individual. In such cases the individual should not be informed if such a decision can be justified in terms of substantial risk to employees or others. All reasons for this decision must be clearly recorded within the **Warning Notes Field**.

The General Data Protection Regulations (GDPR) and the Data Protection Act 2018 gives individuals the right to request access to the personal data held about them by the Council which is known as a Subject Access Request. Where there is a Warning Indicator against

an individual's record, the ICO guidance states that this should be disclosed to the individual. In exceptional circumstances however revealing the existence of,

or

reasons for the Warning Indicator may also lead to a substantial risk to employees or other individuals. In such cases advice should be sought from the Council's Freedom of Information/Data Protection Officer and Legal Services.

7. Passing Warning Information to Other Departments and Other Agencies

The guidance from the Information Commissioner sets out an organisations duty to protect its employees as providing the lawful basis for the use of violent warning markers. However, where there is a good reason for providing information to another agency to alert them to the potential risk to their employees it is permitted to pass this information on if it is justified and is not unfair to the subject; this should be recorded in the Warning Notes. Sharing with another department within EDC should be recorded too.

The ICO guidance states that if such information on an individual is passed to another agency the Council should inform that person unless that would be a serious risk to the person or another individual.

If the Warning Indicator is amended or deleted the other organisation(s) to whom information has previously been sent should be informed of the change.

- In passing information on Warnings to another agency you should ensure that:
- The information is passed to the equivalent person in that agency (Team Manager or above)
- The information attached to the Warning is marked as "restricted"
- That information is only passed on if it is clearly in line with the purpose of Warning Indicators as outlined in these procedures i.e. only in relation to the safety of employees in that organisation.
- The content and date of information passed and by whom is recorded on Carefirst Warning Notes.

8. What if the Person Subject to a Warning Indicator is Not the Customer?

Where the individual posing a risk to employees is not the Service User, the Warning Indicator should be attached to the relevant customer, use of the Warning "Danger from Household Member" should be used to reflect this. If the subject also has an ID on CareFirst an appropriate Warning should be flagged on his/her record; the Warning Notes fields on all entries should be cross-referenced with names and IDs involved.

9. Schedule 1 Offenders

In the care of Schedule 1 Offenders, Warning Indicators are **NOT** to be recorded as Schedule 1 Offenders are not deemed an immediate risk to employees. The immediate risk is to children.

Team Managers within Children and Criminal Justice Services have sole responsibility for adding a Role of “Schedule 1 Offender” to a customer on Carefirst. This will display on the customer’s front screen and is clearly marked in **RED**.

Also “Schedule 1 Offender” will display on Personal Relationships linked with a Schedule 1 Offender.

10. How Should Warning Indicators be Monitored?

Each Team Manager is responsible for ensuring that all Active Warning Indicators for open cases in his or her team are monitored and reviewed every **6 months**. A CareFirst Warning Review will be assigned to the Team Manager which will generate a Warning Review Activity on the Team Manager’s Desktop.

A Business Object Report will also be generated automatically via email to ALL Team Managers with a reminder of the Review Dates.

The Warnings Management screen provides additional options for Team Manager’s to check the status of a Warning Indicator.

Where a case is being transferred to another team, following discussion between the two Team Managers regarding the Warning, the current Warning will be ended by the current Team Manager and the new receiving Team Manager will add a new Warning and Review Activity as they will now be responsible for reviewing the Warning.

The decision to end a Warning should be based solely on the current assessment of risk not on the status of the case as other sections of the department may continue to be involved in the case.

Where a case with an Active Warning is being fully closed down the Team Manager is responsible for closing the Warning and ensuring that a Warning Indicator Observation is recorded outlining the need for an immediate review of the Warning should the customer present themselves in the future (see Section 10).

11. Ending a Warning Indicator

The ICO guidance states the GDPR and Data Protection principle that personal information should be kept no longer than necessary and emphasises that Warning Indicators should be ended when there is no longer a threat; the warning will be retained as historic information and red flags and bars will no longer be displayed against the person’s ID.

The ICO guidance suggests that the retention period is likely to depend on part on:

- The original level or threat of violence
- How long ago this occurred
- The previous and subsequent behaviour of the individual
- Whether or not an incident was likely to have been a “one-off” e.g., if it was triggered by an unusual amount of stress due to a set of particular circumstances.

A Warning Indicator can only be ended by a Team Manager, this change in status should follow a reassessment of risk to employees as outlined in Section 9. A Warning Indicator should be ended only where a risk to employees previously identified is considered to no longer apply.

Any decision to end a warning should take fully into account the views of other employees and managers involved with the case from other sections of the department.

However if a case is being fully closed down, then the Team Manager responsible for the Warning should end the Warning and record a Warning Observation with the following information:

- Previous Warning Indicator Type
- Date Warning was Added
- Reason for the Warning
- Your Concerns – Outline your concerns advising why the Historical Warning(s) require to be re-assessed.

This will highlight to future Workers/Managers of the possible risk to employees and that an immediate review of the need for a Warning is carried out.

12. Warning Indicator Entered in Error

If a Warning Indicator is entered in error – whether in relation to the wrong person or using an incorrect warning code the following action must be taken by the Team Manager:

- The Warning should be ended.
- As a temporary measure, until it is removed, update the Warning notes field to indicate it has been “Entered in Error”.
- Send an email to the CareFirst Team requesting that the warning is completely removed from the system.

13. Security

The Council is responsible for ensuring that all personal data is held securely and that unauthorised access to such data is prevented.

It is important that the existence of a Warning on Carefirst is clearly indicated on any paper file to ensure that the safety of employees is ensured should access to Carefirst not be possible. However, in terms of data protection the Warning marker should not be placed on the cover of the file but should be prominent within the file. Particular care should be taken in preventing unauthorised access to paper files where there is any information indicating that the individual or someone associated with them has been violent.

14. Employee Training

Employees will be trained by the Council in using Carefirst in relation to Warning Indicators and in implementing these procedures.

Employees should be made aware of:

- Their duty to report all violent or threatening incidents or professional expressions of concern about real or potential violence.

- Who such incidents should be reported to (normally their line manager or otherwise more senior manager)
- Who can authorise Warning Indicators (Team Manager or above)

15. Review of Procedures

These procedures will be regularly reviewed in order to ensure employees' safety and compliance with the General Data Protection Regulations (GDPR) and Data Protection Act 2018 and in the first instance in September 2019.

16. Procedure Approval

This procedure was approved by the following:

Approved By:	Designation	Date Approved
Derrick Pearce	Head of Community Health & Care Services	24/09/2018
Caroline Sinclair	Head of Mental Health, Learning Disability, Addictions & Health Improvement & Interim Chief Social Work Officer	24/09/2018
Claire Carthy	Interim Head of Children Services & Criminal Justice	24/09/2018

17. Appendix 1

STANDARD LETTER 1

Dear

USE OF WARNING INDICATOR

I am writing to inform you that a Warning Indicator has been linked to your name because (Give reasons, i.e. a description of the incident or other reasons for use of the Indicator).

Please note that information about this Indicator may be shared with other services within East Dunbartonshire Council and with external agencies where this is felt to be justified under the General Data Protection Regulations (GDPR) and Data Protection Act 2018.

It is the policy of Social Work Services to use Warning Indicators if there is sufficient reason to believe that individuals may behave in a violent or aggressive manner towards our employees. We reserve the right to use Warning Indicators to reduce the risk of our employees being exposed to violent or aggressive behaviour.

Any Warning Indicator will only have been applied with due regard for the Health and Safety at Work Act 1974 and the General Data Protection Regulations (GDPR) and Data Protection Act 2018.

The use of this Indicator will be reviewed 6 monthly or at any time additional information is received.

A copy of East Dunbartonshire Council's 'Guidance on the Use of Warning Indicators' which governs the use of such Warnings on our customer data system is available to you on request.

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

Yours sincerely

18. Appendix 2

STANDARD LETTER 2

Dear

CONTINUATION OF WARNING INDICATOR

You have previously been informed that a Warning Indicator has been linked to your name and that it would be reviewed after 6 months.

This review has taken place and a decision has been reached that the Warning Indicator will continue to be linked to your name.

This situation will be reviewed 6 monthly or at any time if additional information is received. You will be notified of the outcome of the process.

Any Warning Indicator will only have been applied with due regard for the Health and Safety at Work Act 1974 and the General Data Protection Regulations and Data Protection Act 2018.

A copy of East Dunbartonshire Councils procedure for employees entitled 'Guidance on the Use of Warning Indicators' is available to you on request.

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

Yours sincerely

19. Appendix 3

STANDARD LETTER 3

Dear

REMOVAL OF WARNING INDICATOR

You have previously been informed that a Warning Indicator had been linked to your name.

In line with East Dunbartonshire Council's procedure this has been reviewed and the Indicator 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