

POLICY ON VIOLENCE, THREATENING BEHAVIOUR AND ABUSE

Background

This model policy and guidance is considered by the Association of Teachers and Lecturers (ATL) to constitute good practice in managing violent, threatening or abusive situations.

It is designed to be adopted by employers, with amendments if necessary. It may be used for the updating of existing policies.

In compiling this model policy, ATL is aware that the Health and Safety at Work, etc Act 1974 places duties on every employer to:

- provide and maintain systems of work that are safe
- provide all necessary information, instruction, training and supervision to enable individuals to be safe
- provide and maintain a safe place of work with safe access and egress.

In addition, employers are required to assess the risks to staff (and others) in the workplace. This includes the risk from foreseeable acts of violence, threatening behaviour or abuse at work. Employers should identify the necessary preventative and protective measures. Employers must also make arrangements to implement control measures that follow from the risk assessment, so far as it is reasonably practicable.

Every school should have a separate policy covering the use of force to control or restrain pupils.

Failure to comply with the above leaves the employer vulnerable to legal challenge.

The following preventative principles are essential for all workplaces:

- User-friendly and accessible procedures must be in place. Staff should be familiar with the procedures and be able to refer to them immediately. These procedures must be reviewed regularly and updated as necessary.
- Practical training must be provided to all staff. As training methods change or as a reminder for staff, refresher training should also be provided.

THE MODEL POLICY

Introduction

The employer:

- acknowledges and accepts its legal obligation:
 - to provide and maintain safe systems of work
 - to provide all necessary information, instruction, training and supervision to enable individuals to be safe
 - to provide and maintain a safe place of work for employers, pupils and visitors to the school
- declares its intention to take all reasonable and practicable measures to this end and to support fully those employees who are the victims of violence, threatening behaviour and abuse

- acknowledges that every employee has the right to be treated with dignity and respect — assaults on staff are not acceptable
- will take measures to deter violence, threatening behaviour or abuse and take action against those responsible.

It is recognised that staff also have obligations as follows:

- to take reasonable care of their own health and safety and that of others, including their colleagues and the pupils in their care
- to cooperate with the employer on health and safety matters
- to carry out activities in accordance with training, instructions, policies and procedures
- to tell the employer of any serious risks.

Definitions

In this policy:

- i. “assault” encompasses any intentional and violent physical conduct and includes verbal abuse as well as threats of and attempted physical assault
- ii. “employer” includes any local authority, school, college or educational establishment or the governors of any school or college or educational establishment
- iii. “manager” includes the headteacher or principal or their designated deputies
- iv. “parent” includes a guardian or carer
- v. “school” covers colleges and any other educational establishment
- vi. “pupil” includes “student”
- vii. “local authority” has been used rather than “local education authority”.

This policy sets out the action that will be taken to reduce the frequency of assaults, monitor their occurrence, train staff, support victims of violence and deal with incidents when they occur.

Support that will be offered by the employer, and which is referred to in this policy, includes the following.

1. Maintaining a safe working environment and safe practices.
2. Identifying levels of risk of violence faced by members of staff.
3. Assessing who is exposed to the risk of violence.
4. Reviewing risk assessments at regular intervals or when there is any change to the risk of violence.
5. Providing adequate training for all staff.
6. Ensuring, in the event of an assault, a structured and supportive response from management.
7. Implementing a standard reporting and monitoring system.

8. Considering exclusion or the application of appropriate disciplinary procedures and sanctions in the case of pupil assailants.
9. Reference, if appropriate, to the police.
10. The use of statutory powers.
11. Relief from duty, if appropriate, following assault.
12. Providing medical advice, legal advice and counselling.
13. Cooperating with the trade unions of assaulted members.

Where a member of staff suffers an assault away from her/his workplace, and if the assault arises in the course of or via the performance of her/his professional duties, support under these procedures will be provided.

Prevention

The employer will:

- record all assaults on staff and will make statistics based on this information available to staff and trade unions
- undertake regular, suitable and sufficient risk assessments
- use 'Five Steps To Risk Assessment', the HSE guidance, when carrying out risk assessments
- follow these steps in the risk assessment process:
 - include the whole of the site, including areas adjacent to the site
 - include staff who visit pupils at home as part of the risk assessment process
 - identify and assess the risks: activities and workplaces should be looked at and considered for what could reasonably be expected to cause harm
 - consideration should be given to everybody at the workplace and everyone using the site
 - determine appropriate actions to manage those risks: existing precautions should be examined to establish whether they are adequate and whether more should be done.
- implement the actions. This may include measures such as:
 - training programmes
 - alterations to school entrances
 - implementing procedures for visitors to the school site
 - communications systems
 - emergency procedures
 - the provision of alarms or back-up for staff
 - monitoring the results
 - informing all staff who might be affected of the outcome of the risk assessment
 - keeping a record of the findings and consider how they might be used to prevent harm
 - considering risks to the personal safety of staff as part of the risk assessment process

- using the employer's statutory powers to seek to prevent any person entering the school premises without lawful authority who causes or permits nuisance or disturbance to those people lawfully using the premises. Where the name of the intruder is known, warning letters will be sent by the employer making it clear that, if the intruder trespasses again and causes a nuisance or disturbance, they risk prosecution and the matter will be reported to the police. In more serious cases the employer will consider taking out a prosecution and/or injunction against the offenders.

Liaison with the police

The employer will establish and maintain close liaison with the local police. It will draw up a procedure enabling the police to be called and to respond promptly when incidents occur. The employer will work with the local police to confirm the circumstances in which they will pursue a prosecution against an assailant.

The employer will seek to agree with the police that they will obtain evidence and initiate a prosecution when a member of staff at the school is assaulted, even if the assault is minor.

Dealing with offensive weapons and knives

As soon as a member of staff is aware either that a pupil is in possession of an offensive weapon or that there has been an incident involving a weapon the following actions should be taken:

- immediately inform the designated senior manager – all staff should be aware who this is
- immediately inform the head teacher/principal/head of the establishment
- staff should not try to deal with the situation alone
- the senior manager must decide whether it is necessary to contact the police
- the school should consider whether to deal with the matter as a disciplinary issue.

Searching a pupil is a step that should only be undertaken in exceptional circumstances and only with the pupil's consent. The granting of the consent should be witnessed by a colleague or adult witness and the search should be conducted in the presence of a colleague or adult witness. It is preferable for a child's parent to attend if a search is being undertaken.

If the pupil refuses to cooperate, the police should be called. No further action should be taken until the police arrive.

In some exceptional circumstances, action may have to be taken immediately. If this is the case, the pupil should be isolated from other pupils if possible. A colleague or adult witness should be present.

When a weapon or knife is confiscated by a member of staff it is important to:

- ensure that the weapon is secure and given to the police immediately on their arrival, or
- arrange for the weapon to be removed from the premises by a parent.

Pending the arrival of the police or a parent, the item should be stored in a secure place. The school should keep a record when weapons have been confiscated and returned.

In the event that a pupil has been found in possession of a weapon, the application of the school's discipline and behaviour policy must be considered. Depending on the particular circumstances, the school may wish to invoke disciplinary sanctions which might include detention or exclusion, whether on a temporary or permanent basis.

Assaults by adults

In the case of an assault by a visitor or intruder, the manager will immediately:

- inform the police, requesting their immediate attendance
- take steps to ensure that all staff and pupils are safe and secure
- take appropriate steps to isolate the assailant

and subsequently:

- liaise with the police
- if the assailant is known, send her/him a letter stating that her/his behaviour is unacceptable and that s/he is not permitted to come onto the school premises in future without an appointment. If s/he does so, and causes a nuisance or disturbance, s/he will be regarded as a trespasser and will be liable to prosecution for causing a nuisance or disturbance as a trespasser on educational premises
- where appropriate, take action to prosecute her/him either directly or via the police.

Where such episodes are a recurrent problem, the school should consider putting a formal notice on the entrance or entrances to the school informing intruders that they may face prosecution.

Assaults by pupils

In the event of an assault on a member of staff by a pupil, the assailant should normally be removed from school immediately. In cases where it is impractical to remove her/him from the premises (eg where attempts to contact parents have been unsuccessful), the pupil concerned should be isolated from other pupils. Exclusion from the beginning of the next day should be considered.

The removal of the pupil, as a fixed-term exclusion, will allow for an investigation of the circumstances of the assault. Permanent exclusion procedures may then follow.

If/when the pupil returns to school, the manager will consult the assaulted member of staff about appropriate arrangements. S/He will not be required or expected to teach, supervise or support the pupil concerned.

Action when an assault occurs

If a member of staff is assaulted, the following action should be taken.

- S/he should be allowed access to a private area for as long as necessary where s/he can sit with a friend, representative or colleague.
- S/he should be allowed to leave the school and go home if s/he wishes and the employer will make appropriate arrangements which may include arranging transport for her/him.
- S/he may have to attend a hospital, accompanied by a friend, representative or colleague.
- Similarly, s/he may have to attend her/his GP's surgery and may wish to be accompanied.
- S/he may also wish to seek an appointment with the employer's occupational health advisor. Professional counselling services will also be made available free of charge. The staff member will be made aware of the availability of these facilities.
- In addition, staff who have been assaulted will be provided with other appropriate support, including legal advice.
- A medical assessment of any injury should be made as soon as practicable, for example at hospital or by her/his GP. The employer will pay any reasonable charges (eg from a doctor, dentist or optician) which may be incurred in obtaining the assessment.
- In cases of visible injuries, it is helpful to obtain photographs. The employer will pay all reasonable costs of obtaining them.
- If the assault has occurred away from the premises, the school should be formally notified.
- A written record covering the circumstances leading up to the assault, the assault itself and any injury should be made as soon as possible.
- As soon as practicable after the assault, the member of staff should prepare a written statement on the incident and should be given the opportunity to consult her/his trade union before submitting it.
- Written statements should be obtained as soon as practicable from all witnesses. Wherever possible, they should be prepared on the day of the incident or as soon as possible thereafter.
- The member of staff who has been assaulted should be provided with a copy of all written statements.
- The incident must be reported to the police. The senior manager, acting on behalf of and with the consent of the member of staff, will normally inform the police of any assault on school premises. If the member of staff concerned does not wish the police to be informed, those views will be taken into consideration. In all cases, the member of staff has the right to report the incident personally to the police.
- The incident must be reported to the headteacher.
- The senior manager must pass on information about the assault to the local authority. The senior manager must confirm this in writing to the member of staff.
- The member of staff should be advised to contact their trade union representative. In any discussions about the incident, the staff member may be accompanied by a representative of her/his trade union who will be accorded facilities time to support and advise the member of staff.

- The manager will undertake an investigation and prepare a formal written report as soon as practicable. This report will be agreed with the employee concerned. The report will be given to the police by the manager or her/his representative and to those with overall responsibility for health and safety.

Further support for the victim of assault

The school will permit the assaulted member of staff to take reasonable paid time off to consult her/his trade union, the police or legal advisors and to attend court if a prosecution is initiated, or for the purposes of any other form of litigation.

Where the member of staff is injured and is obliged to take sick leave, the employer will advise her/him of her/his sick pay rights, including the additional entitlements to sick pay for those suffering injury at work (in accordance with section 4, paragraph 9 of the Burgundy Book for teachers in maintained schools).

The employer, on request, will provide legal advice to assist and prepare the assaulted member of staff for any appearance in court if the matter leads to a criminal prosecution.

If the assaulted member of staff decides to bring a private prosecution, the employer will, on request, offer legal advice and assistance without cost to the employee. Employees who have been assaulted are encouraged, but should not be obliged, to cooperate with the police to ensure that criminal proceedings are brought. Managers should encourage witnesses (including employees and pupils) to come forward with evidence whenever possible.

If the assailant is prosecuted, the employee and other employees who are witnesses may be required to give evidence in court. Paid leave of absence will be granted for this purpose and appropriate cover will be provided.

In cases where the assaulted member of staff suffers injury, the employer will provide her/him with advice on the prospects of obtaining compensation through the Criminal Injuries Compensation Authority (CICA) and will offer assistance in making and pursuing an application where appropriate.

Where the injuries arising from the assault cause temporary or permanent disablement, the employer will advise the member of staff of any insurance scheme (in accordance with section 8, paragraph 1 and appendix V of the Burgundy Book for teachers in maintained schools).

The employer will compensate the employee for any damage to her/his personal property or clothing as a result of the assault. The employer will also reimburse any prescription charges incurred by the employee as a direct result of the assault.