



**Newall Green
Primary School**

Aiming High To Reach Our Goals

Firbank Road, Newall Green, Wythenshawe, Manchester, M23 2YH
Tel: 0161 437 2872 Fax: 0161 436 2178 www.newallgreen.manchester.sch.uk



Work Related Violence & Assaults on Staff Policy

This policy and procedure has been produced by One Education's HR and People service. The HR and People team provides management and HR support and advice to schools and academies purchasing their services under an agreed Service Agreement. For further information please contact the HR and People team via the HROne Helpline: 0844 967 1112 (local rate from landline) or HROne Helpline Email: hrpeople@oneeducation.co.uk Website: www.oneeducation.co.uk

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Amendments	To take account of current Health and Safety Legislation
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Under the public sector equality duty, all schools/academies must have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010; to advance equality of opportunity between those who share a relevant protected characteristic and those who do not share it and to foster good relations across all protected characteristics. This means schools/academies must take into account equality considerations when policies are being developed, adopted and implemented. The HR and People team regularly reviews all policies and procedures which are recommended to schools/academies to ensure compliance with education and employment legislation including the Equality Act 2010. Consultation with schools/academies is an important part of this review process. Headteachers, Principals and Governing Bodies are asked to contact the HR and People team via the HROne Helpline if they believe there are any negative equality impacts in their school/academy in relation to the application of this policy/procedure.

Approved by:

Date:

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Introduction

The Health and Safety Executive (HSE) defines work-related violence as:

Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work

The Governing Body of < > School recognise that violence, abusive or threatening behaviour and assaults on staff at work is wholly unacceptable and will not be tolerated.

For employees, violence can cause pain, distress and even disability or death. Serious or persistent verbal abuse or threats may also damage employees' health through anxiety or stress. Although the nature of their work in school may bring them into conflict with adults and/or pupils, the Governing Body strongly holds the view that staff should not have to work in fear of assault. The governing body will provide support to any member of staff assaulted in the course of their work. Where appropriate this will include supporting prosecution through the courts.

The law – The five main applicable pieces of legislation are:-

The Health and Safety at Work Act 1974 (HSW Act)

Employers have a legal duty under this Act to ensure, so far as is reasonably practicable, the health, safety and welfare at work of their employees.

The Management of Health and Safety at Work Regulations 1999

Employers must assess the risks to employees and make arrangements for their health and safety by effective: planning, organisation, control, monitoring and review. The risks covered should, where appropriate, include the need to protect employees from exposure to reasonably foreseeable violence.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

Employers must notify their enforcing authority (for schools this is the Health & safety Executive HSE) in the event of an accident at work to any employee resulting in death, major injury or incapacity for normal work for seven or more consecutive days. This includes any act of non-consensual physical violence done to a person at work.

Safety Representatives and Safety Committees Regulations 1977 (a) and the Health and Safety (Consultation with Employees) Regulations 1996 (b)

Employers must inform, and consult with, employees in good time on matters relating to their health and safety. Employee representatives, either appointed by recognised trade 4

unions under (a) or elected under (b) may make representations to their employer on matters affecting the health and safety of those they represent.

The Governing Body therefore 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 employees, students and visitors to the premises and

declares its intention to take all reasonable and practicable measures to this end and to support fully any employees who are the victims of violence, threatening behaviour or abuse.

Key principles

The Governing Body acknowledges that every employee has the right to be treated with dignity and respect and will take measures to deter violence, threatening behaviour or abuse and take action against those responsible.

It is recognised that employees also have obligations under the Health & Safety at Work Act as follows:

- to take reasonable care of their own health and safety and that of others, including their colleagues and the students 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 advise the employer of any serious risks.

Scope

This policy applies to all employees of < > School/Academy.

In ensuring that the risk of violence to, or abuse of staff, and indeed students, is minimised, all staff need to be aware of what to do if an incident arises, for example;

- asking the person to leave or inviting him/her into a room away from others
- who to contact in an emergency, eg within the school/college, or the police
- who to report the incident to and how

This policy should be read in conjunction with the following school policies:-

Use of Reasonable Force

Discipline & Behaviour Policy

Policy on managing aggressive behaviour from parents and visitors

< insert any relevant school policy as appropriate >

Definitions

Assault - encompasses any intentional and violent physical conduct and includes verbal abuse as well as threats of and attempted assault.

Physical assault – includes being struck with or without a weapon, pushed or shoved, restrained, having clothing pulled, tugged or torn, being spat at.

Verbal assault – is not easily defined but can include an incident which causes an individual to feel threatened, intimidated or anxious.

Common assault (Section 39 of the Criminal Justice Act 1988) - an application of unlawful force to another person which falls short of actual bodily harm. Examples include a push in the chest or a slap across the face where no real injury results. A genuine threat to use immediate force such as holding ones fist close to another's face technically amounts to a common assault. Harmless words alone, however, do not constitute an assault.

Assault occasioning actual bodily harm (ABH) (Section 47 of the Offences Against the Person Act 1861) - The expression 'actual bodily harm' means that the injury inflicted must be more than trivial. It is not necessary for the injury to be of a permanent nature. An example of this offence is a punch in the face causing a swollen black eye.

Unlawful wounding and wounding with intent or inflicting grievous bodily harm (GBH) (Sections 18 & 20 of the Offences Against the Person Act 1861). Wounding means that the whole skin must be broken. Grievous bodily harm means really serious bodily harm.

Legal proceedings

The Governing Body will use its statutory powers under Section 547 of the Education Act 1996 to seek to prevent any person entering the 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 Headteacher/Governing Body (or its representative) 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 Headteacher/Governing Body will consider taking out a prosecution and/or injunction against the offender(s). The Headteacher/Governing Body may seek advice from their legal service provider.

Liaison with the police

The Headteacher will maintain close liaison with the local police. The Headteacher may request advice concerning security from the police Crime Prevention service. All staff will be made aware of the procedure enabling the police to be called and to respond promptly when incidents occur. The school will also work with the local police to confirm the circumstances in which they may pursue a prosecution against an assailant.

The school will seek to agree with the police that they will obtain evidence and initiate a prosecution wherever possible when a member of staff at the school is assaulted.

Dealing with aggression

When angry parents or other visitors arrive at the school, some actions may help to diffuse a difficult situation and avoid violent confrontation.

- avoiding confrontation in front of an audience, particularly groups of pupils. The fewer people that are involved in an incident, the easier it is for the aggressor to back down without losing face;
- asking another preferably senior member of staff to help to talk things through with the visitor;
- staying calm, speaking slowly so as not to be drawn into heated argument;
- avoiding aggressive body language such as hands on hips, wagging fingers, looking down on the aggressor, not making any abrupt movements.

If an assault occurs

If a member of staff is assaulted or verbally abused (including offensive language directed towards someone's race, religion or belief, gender, sex, sexual orientation, disability or age) they should be temporarily relieved of their duties if they wish. The Headteacher (or another senior leadership team member) should be notified immediately and (dependent on the individual circumstances) the following action taken:

- ✓ the member of staff will be allowed access to a private area for as long as necessary where she/he can sit with a friend, representative or colleague.
- ✓ She/he will be allowed to go home if she/he wishes and the appropriate arrangements will be made including arranging transport if required.
- ✓ A medical assessment of any injury will be made as soon as practicable, for example at hospital or by her/his GP.
- ✓ She/he may have to attend a hospital, accompanied by a friend, representative or colleague.
- ✓ Similarly, she/he may have to attend her/his GP's surgery and may wish to be accompanied.
- ✓ She/he may also wish to seek an appointment with the school's occupational health provider.
- ✓ The staff member will be made aware of other appropriate support, including the availability of professional counselling services.

In cases of visible injuries, it is helpful to obtain photographs. The school will reimburse reasonable costs of obtaining them.

If the assault has occurred away from the premises, the Headteacher must be formally notified.

In all cases of physical assault the police will be notified. Similarly, police will be notified in the event a racist or religious hate incident takes place. Such hate crimes take many forms and include :

verbal and physical abuse

bullying

threatening behaviour

online abuse

damage to property.

It can be a one-off incident or part of an ongoing campaign of harassment or intimidation.

Victims of assault are free to seek advice from unions, professional associations, legal advisers or victim support groups etc but this should not delay reporting the incident to the police. Any delay could lead to evidence being lost or weakened.

Reporting and recording of incidents

It is important that all instances of assault, whether verbal or physical, are recorded. A written record covering the circumstances leading up to the assault, the assault itself and any injury will be made as soon as possible.

As soon as practicable after the assault, the member of staff must prepare a written statement on the incident and will be given the opportunity to consult her/his trade union if s/he wishes before submitting it.

The Headteacher (or where appropriate, the senior leadership team member dealing with the incident) should obtain written statements as soon as practicable from all witnesses, including pupils, where necessary. Wherever possible, they should be prepared on the day of the incident or as soon as possible thereafter. Care should be taken to avoid any possibility of collusion between witnesses to the incident and to ensure that any potential police investigation that may be necessary is not prejudiced.

Statements should include an account of what happened; details of the victim(s), the assailant(s) and any witnesses; the outcome, including working time lost to both the individual(s) affected and to the organisation as a whole; the details of the location of the incident. Any implement or weapon used in an assault should be retained by the Headteacher providing this can be done without difficulty. However, in doing so the Headteacher must be careful not to destroy any forensic evidence which may be required by police e.g. fingerprints on the weapon.

All records related to the incident must be kept securely. The Chair of Governors should be made aware if an assault takes place that is reported to the police.

Where applicable, the incident report and any supporting documentation will also be shared with the Local Authority's Health and Safety department as well as the School's insurers.

Incidents that meet the criteria for formal reporting to the HSE (Health and Safety Executive), by virtue of *The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)*, will be notified within the statutory period.

The Headteacher/Governing Body will:

- ✓ Record all assaults on staff and make statistics based on this information available to the Governing Body, staff and trade unions.
- ✓ Undertake regular, suitable and sufficient risk assessments.
- ✓ Consider **process**. risks to the personal safety of staff as part of the risk assessment
- ✓ Use the current Health and Safety Executive guidance to Risk Assessment and any associated guidance provided by the Local Authority

The Headteacher/Governing Body will follow these steps in the risk assessment process:

- ✓
- ✓ include staff who visit students at home as part of the risk assessment process
- ✓ identify and assess the risks: activities and workplaces will 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 therefore whether more should be done
- ✓ implement necessary actions – this may include measures such as:
 - the provision of training for staff
 - alterations to entrances
 - new procedures for visitors to the site(s)
 - new emergency procedures
 - the provision of alarms or back-up for staff
- ✓ monitor the results of all actions taken
- ✓ inform all staff who might be affected of the outcome of the risk assessment
- ✓ keep **harm.a** record of any findings and consider how they might be used to prevent

Further support for the victim of assault

The assaulted member of staff will be permitted 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 as a result of a work related assault and is obliged to take sick leave, the employer will advise her/him of her/his sick pay rights, including any additional entitlements to sick pay for those suffering injury at work particularly in accordance with the Burgundy Book for teachers or the Green Book for support staff in maintained schools.

Employees who have been assaulted are encouraged, but will not be obliged, to cooperate with the police to ensure that criminal proceedings are brought. The Headteacher should encourage witnesses (including employees and students) to come forward with evidence whenever possible.

It is a matter for the police and Crown Prosecution Service (CPS) to determine whether or not to prosecute. The school's legal adviser(s), 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.

Where the police decline to prosecute an individual may determine to bring a private prosecution for assault. This is a matter for an individual having sought appropriate advice. The school cannot bring a prosecution on behalf of an individual. The school's legal adviser may offer a view but the individual would need to appoint their own legal representation. This may be done privately or via a trade union/professional association.

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.

Assaults by visitors/intruders

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

- ✓
- ✓ inform the police, requesting their prompt attendance
- ✓ ensure that all staff and students are safe and secure
- ✓ take appropriate steps to isolate the assailant.

The headteacher will subsequently:

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

Where such episodes are a recurrent problem, the school will consider putting a formal notice on its entrance(s) informing intruders that they may face prosecution.

Assaults by students

Dealing with weapons

As soon as a member of staff has reasonable grounds for suspecting that a student is in possession of a weapon, or that there has been an incident involving a weapon, she/he should immediately inform the relevant senior member of staff; she/he should not try to deal with the situation alone. The headteacher will decide whether or not the student and items in his/her possession or control should be searched in accordance with the relevant school procedures. If a weapon is found, or the student refuses to cooperate, the police will be called. The weapon must be confiscated, secured in a locked cupboard and given to the police immediately on their arrival.

In the event that a student has been found in possession of a weapon, the application of the discipline and behaviour policy will be considered. Depending on the particular circumstances, disciplinary sanctions might include exclusion, whether on a temporary or permanent basis.

If a member of staff is assaulted, the assailant will normally be removed from school/college immediately. In cases where it is impractical to remove her/him from the premises (eg where attempts to contact parents have been unsuccessful), the student concerned will be isolated from other students. Exclusion from the beginning of the next day should be considered. The removal of the student, as a fixed-term exclusion, will allow for an investigation of the circumstances of the assault. Permanent exclusion procedures may then follow.

Where the seriousness of the assault is such that the Headteacher decides to involve the police it will be necessary to balance the duty to the member of staff concerned against the duties attached to acting in loco parentis. Every effort should be made to contact the pupil's parents before action is taken to involve the police.

Where the police interview a pupil, they should only do so in the presence of a parent or guardian and whenever possible off school premises. Where this is not possible a person who is not a police officer and is the same sex as the pupil should sit in. This should be either the Headteacher or the Deputy (provided they are not the victim of or a witness to the assault) or Social Services member. No other member of the school staff should "sit in" on such interviews. Arrests should not take place on school premises if this can possibly be avoided.

Self-defence/Reasonable force

All employees should be aware that they should take any and all necessary steps available to ensure that neither they nor others are at risk of harm including from assault and should take necessary steps to avoid confrontation.

However an employee might be placed in the position of having no choice but to defend them self or to take action to defend others, possibly students. Under common law in such a situation, they are entitled to use 'such force as is reasonable in the circumstances in the prevention of crime...' (section 3 of the Criminal Justice Act 1967). Just like any other

they are therefore entitled to use, or threaten to use, force to protect themselves or others against an unjustifiable attack, provided the force used (or threatened) is reasonable and proportionate.

An individual may also take pre-emptive action if they think harm is about to be inflicted on them self or others. In either situation, if force is used that is excessive and therefore not reasonable, there is a risk of being charged with assault and facing trial in the Magistrates' or Crown Court. Individuals could also be sued for compensation in the civil courts.

Publications and Dealing with the Media

If staff are approached by the media in relation to any school issues, this must be escalated to the Headteacher immediately. Staff must not provide any statements or comments to the media without authorisation from the Headteacher to do so. This includes the use of social media.

Insurance Schemes and Insurance Arrangements

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).

Certain types of injury or occurrence must be notified to the School's liability insurer. Failure to notify them of incidents which subsequently result in a claim being presented may result in the schools insurers 'reserving their rights' under the policy and not paying out on any subsequent successful claim made. For schools which purchase their liability insurance arrangements via the Local Authority's Insurance & Claims Team notifiable incidents include any of the following injury types:

- an unexpected fatality
- an amputation of a major extremity
 - any serious head injury (including skull fracture or loss of sight of either or both eyes any injury to the spinal cord
 - any disability where it appears reasonably likely that there will be a disability of more than one year
 - any second or third degree burn of 25 % or more of the body any occurrence involving sexual or physical abuse.

On the immediate happening of any such injury or occurrence the school should inform the Local Authority Insurance and Claims Team. Schools which do not purchase their insurance arrangements via the Local Authority's Insurance and Claims Team should consult with their own liability insurers or agents to determine applicable criteria for notification of injuries and occurrences.

The Governing Body will consider a request to compensate the employee via an ex gratia payment for any damage to his/her property or clothing as a result of the assault, taking into account the age and condition of the personal property or clothing in determining the amount of any agreed compensation to be paid.

Monitoring and review

As part of its annual health and safety procedures the Governing Body will ensure that a regular (at least annual) health and safety audit will be undertaken that will include, but not be limited to, the following:-

- procedures for allowing visitors access to the school site(s)
 - procedures for visitors when they are on site (e.g. whether they should be accompanied by an adult)
 - visitor identification tags/badges
 - the entrance/reception area
- security lighting
 - lockable entrances and exits
 - perimeter fencing
- records to show that liaison with the police has been quick and effective.

The Governing Body may determine that the audit be undertaken by an accredited third party, for example the Local Authority Health and Safety team or an external provider.

This policy will be reviewed by the Governing Body every two years. The Governing Body recognises the valuable support that trade union health and safety representatives can provide and will consult with them at appropriate times.