

Marden Bridge



Middle School

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Violence at Work
A Model Policy For Schools

REVIEWED BY GOVERNORS – 7 MARCH 2012

Violence at Work A Model Policy For Schools

1. Introduction

101 The Governing Body of Marden Bridge Middle school/college recognises that they have a legal duty to ensure, so far as reasonably practicable, the health, safety and welfare of its workers¹ and to take all reasonable steps to protect them from risk of injury due to violence at work.

102 This policy is therefore intended to assist the school in fulfilling this duty by providing a framework for minimising the risk of violence, as well as a procedure for dealing with acts of violence where they do occur.

2. Purpose & Scope

201 In determining what constitutes an act of violence under this policy, the governors accept that it refers to “any incident in which a person is abused, threatened or assaulted in circumstances relating to their work”². This wider definition will ensure that this policy will cover not only actions of violence such as physical assault, but also equally distressing or intimidating verbal or written aggression, including letters, e-mails, texts etc.

202 Examples of such incidents of being abused, threatened or assaulted may include:

- Actual physical assault, whether visible injury occurs or not
- Threatening gestures and/or behaviour
- Verbal or written abuse which causes personal offence or distress
- Sexual, racial or other harassment
- Damage to personal property

203 This policy must be made available to all workers who will be expected to familiarise themselves with its principles and the procedure for dealing with such incidents. The school will therefore ensure that relevant posters and leaflets will be displayed throughout schools identifying the importance of referral of incidents and the action the school will take should a worker behave in a violent and abusive manner.

¹ A Worker as defined by this policy includes those defined by section 230 of the Employment Rights Act 1996 (as a “contract of employment” or “contract for personal service”), together with school volunteers.

² Definition as defined by the Health & Safety Executive

3. Principles

301 To ensure the environment in which workers undertaking their duties are as safe as possible the governing body have approved the following principles.

- Any school based procedures introduced in support of this policy will be evaluated and modified in the light of experience and impact of new legislation.
- All risk assessments will be carried out across all work activities following any advice issued by the schools Health & Safety provider and that any measures identified commensurate to those risks will be implemented.
- All workers identified through the risk assessment process will be provided with training necessary to minimise risk to personal safety.
- All acts of violence, regardless of who has undertaken the act, will not be tolerated and will be dealt with via these school procedures. The Headteacher, following consultation with the chair of governors, has the right to refer matters to the police where deemed appropriate.
- All incidents of violence, where they occur, the first priority will be to the well being of the worker concerned.
- All incidents of violence against workers should be investigated as soon as possible after the event.
- All incidents will be reported using the electronic recording system operated by schools in North Tyneside.
- All workers will be offered post incident support such as counselling.

4. Avoiding Potential Risk

401 The Governing Body expects that all workers will be vigilant in assessing risk in their environment and reporting concerns to their immediate line manager or the Headteacher. The outcome of any risk assessments will be brought to the attention of workers affected who will be expected to carry out any actions identified to minimise personal risk. In undertaking any risk assessment reference should be made to the advice provided to schools by their Health & Safety Advisor³.

402 Headteachers should be alert to and help their workers to anticipate possible situations of violence. In doing so they should work with any appointed Health & safety representative's within school to encourage workers to report such concerns. In addition, the establishment of effective systems for establishing workers' whereabouts and points of contact should be developed.

403 Workers have a responsibility to inform their Headteacher if they anticipate entering into a situation where they might be at risk to allow for an appropriate assessment to be undertaken. They should not, knowingly, place themselves in situations of danger

³ Advice on undertaking a Risk Assessment can be found in the Health & Safety Section of the "Schools HR Intranet" site.

without having sought advice and taken suitable precautions, for example:

- Before entering a situation of anticipated risk the worker should ensure that the Headteacher is informed of where they will be and when they expect to exit the situation.
- Before undertaking work in the classroom the Headteacher should ensure that new workers to the school are familiar with the school behaviour management policy and procedures, to minimise any risk of disruption by existing pupils or those transferring to the school.
- The Headteacher should arrange for staff to be accompanied on home visits and other work sites that have been identified as potential risk. Where workers undertake home visits or work late in the evening training on Lone Working will be made available.
- It should be recognised that some activities take place away from the school such as field trips, sporting activities etc and in such cases it will be expected that workers refer to the 'Health and Safety of Pupils on Educational Visits' guidance previously circulated (March 2009) to schools.

404 The Headteacher will consult with school health and safety representatives and where necessary with their partners via the "CYPL and Schools Health and Safety Forum" over possible risks.

5. Investigating and reporting incidents

501 Workers have a right to expect sensitive support from their Headteacher where they report concerns about, suffer, or witness incidents of violence. Where such reports are made to the Headteacher the following procedure will be followed.

502 Any worker who is the victim of, or witness to, violence at work must report this incident to the Headteacher who in turn will arrange to meet with the worker concerned to obtain the facts of the incident, offer appropriate support (inclusive of Occupational Health) and assess the level of any ongoing contact with the perpetrator⁴. It will be the responsibility of the Headteacher to inform the Chair of Governors on the same day when an incident has occurred.

503 As part of any investigation the Headteacher should ensure that factual written statements are obtained as soon as possible from the worker concerned and any witnesses, together with their names and addresses. They should then ensure that this information is attached to the electronic incident report form or forwarded to the Health and Safety Adviser for Schools.

⁴ In any discussions with the Headteacher about an incident of violence, the worker may wish to be accompanied by either a work colleague or a representative of their Trade Union/Professional Association if they so wish.

- 504 The Headteacher should arrange for completion of the electronic incident report form in consultation with the worker without any unreasonable delay. Alternatively the worker can complete the electronic form and have it verified by the Headteacher. If the worker is absent for over three days (or it is believed they will be absent over three days), or cannot continue with normal duties due to the incident of violence, the electronic form must be ticked 'yes' for RIDDOR reportable⁵.
- 505 The Headteacher will regularly review the progress of any investigation being undertaken by their Health & Safety Advisor and where the incident is a RIDDOR reportable incident the Health & Safety Executive (HSE), keeping the victim of the assault fully informed of the Schools' position. They will also be responsible for informing the worker who was assaulted, when the investigation is considered by the School to be concluded.
- 506 In addition to any health & safety review the school reserve the right to take any appropriate action against a perpetrator (whether classed as a worker or not) such as:
- Where the perpetrator is an employee reference may be made to the school disciplinary policy and procedure to determine appropriate action.
 - Where the perpetrator is a pupil reference may be made to the school behaviour management policy and procedures to determine appropriate action.
 - Where the perpetrator is a parent/carer/visitor reference may be made to barring the individual from school premises⁶.
 - Where the perpetrator is an agency worker a request may be made to the agency for their withdrawal and reference made to the agency's own procedures relating to conduct
 - Where the perpetrator is acting under a "contract for service" reference may be made to the obligations within the relevant contract with the school.
- 507 In addition to the above options, reporting an incident of violence at work to the police remains a right of the victim. In addition, although the victim's wishes will always be taken into consideration, in certain circumstances the Headteacher, in consultation with the chair of Governors, may need to refer the incident to the police.
- 508 If a decision to prosecute is made by the Police, or the victim, and the victim is required to give evidence in court, the School will grant leave of absence with pay to facilitate their attendance at court. Witnesses employed by the School will also be granted paid leave of absence to give evidence.

⁵ There is a legal requirement under the Reporting Injuries, Diseases and Dangerous Occurrence Regulations 1995 to report such cases

⁶ Schools have powers under the 1996 Education Act (Section 547) to deal with nuisances or disturbances on school premises inclusive of injunction barring entry. Detailed advice and guidance may be sought from NTC Legal as to the relevant steps involved.

6. Recording of incidents

- 601 Every incident of threatened or actual violence to a worker must be recorded, following the procedure laid down in this policy. All cases of injury or assault on workers will therefore be recorded by using the electronic incident reporting system.
- 602 A central record of such incidents will be maintained by the LA (by the LA health & safety team) and they will submit a quarterly report to the council wide "Schools Health and Safety Forum". A copy of the recommendations of such meetings will be forwarded to Health and Safety Advisers for Schools, for consideration and determination of any appropriate action.

7. Monitoring and Review

- 701 This policy will be monitored and reviewed regularly against the needs of the school. Effective monitoring procedures are necessary to;
- Regularly reassess the risk of violence
 - Reassess the effectiveness of countermeasures
 - Assess how the policy is being implemented in the school
 - Identify new measures which may be necessary to enhance the effectiveness of the policy
- 702 It is therefore important to ensure that every incident of threatened or actual violence to a worker is recorded. In addition to referral to the Health & Safety Advisor to schools, termly reports should be submitted to the appropriate Governing Body Committee by the Headteacher, and an Annual Report should be received by the full Governing Body relating to the number and nature of incidents recorded (including a nil report) under this policy.

8. Support to the Victim

- 801 The Governing Body will take steps to ensure that appropriate insurance is in place to cover workers against injuries caused by third parties in the course of their activities. In addition the school will, without accepting any liability, consider all applications for reimbursement of workers for loss of, or damage to, personal possessions in the course of their duties. Claims can also be made to the criminal injuries compensation authority.
- 802 In additions, support can be offered to workers such as referral to Occupational Health, use of Counselling or Mediation services on a case by case basis.

9. Useful Contacts

901 Further advice and support can also be accessed from your Health & Safety Advisor as follows:

<i>Name</i>	<i>Telephone</i>	<i>E-mail</i>
Donna Mcternan	0191 643 8700	donna.mcternan@northtyneside.gov.uk
Geoff Scrafton	0191 643 5015	geoff.scrafton@northtyneside.gov.uk

Or information can be found at the following websites:

<http://www.hse.gov.uk/pubns/raindex.htm>

Includes Health and Safety Executive (HSE) guidance on risk assessments

<http://213.212.77.20/pubns/indg163.pdf>

This is the address for HSE books

<http://www.victimsupport.com/>

National charity giving free and confidential help to victims of crime, witnesses, their family, friends and anyone else affected

902 In addition to the above support, a list of Trade Union & Professional Association contacts, as well as school Link HR Advisors can be found on the Schools HR Intranet" site.

