Assaults on staff by pupils procedure

Contents

[Introduction 2](#_Toc63159238)

[Employer obligations 2](#_Toc63159239)

[Employee obligations 3](#_Toc63159240)

[Prevention 3](#_Toc63159241)

[Police liaison 4](#_Toc63159242)

[Dealing with weapons 5](#_Toc63159243)

[Assaults by pupils 5](#_Toc63159244)

[Action when an assault occurs 5](#_Toc63159245)

[Definitions 6](#_Toc63159246)

[Scope 7](#_Toc63159247)

[Version log 9](#_Toc63159248)

# Introduction

This procedure has been written to create a joint understanding of what is considered acceptable and unacceptable behaviour when working with school based staff and school governors. Schools should have a policy in place mandating the procedure they follow in order to manager the risk of violence in their workplace.

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. They must also make arrangements to implement control measures that follow from the risk assessment, to reduce risk as far as it is reasonably practical.

Employers have a duty to provide a safe and healthy working environment to all employees. This includes protection from bullying, harassment and unreasonable behaviour of any kind. Every school/college will have a Behavioural Policy, and should have a policy covering the use of force to control or restrain pupils who are presenting a danger to themselves or others. Failure to comply with the above-mentioned duties/requirements leaves the employer vulnerable to legal challenge.

Internal staff conflict is dealt with by the use of the grievance and disciplinary policies.

The school is keen to work positively and proactively with parents, visitors, staff, pupils and residents to resolve issues, using our resources to achieve the best outcomes for our school and, specifically, our pupils.

Herefordshire Council will monitor schools to check policies are implemented and working in respect of all health and safety aspects, where they are the employer.

# Employer obligations

The school acknowledges and accepts its legal obligation in relation to the Health and Safety at Work Regulations 1999, in particular section 3 which places a general duty on employers to conduct their undertakings in such a way as to ensure, so far as is reasonably practical, that persons other than themselves or their employees are not exposed to risks to their health or safety and:

* To provide and maintain safe systems of work
* To provide all necessary information, instruction, training and supervision to enable individuals are safe
* To provide and maintain a safe place of work for employees, pupils and visitors

The school also acknowledges its responsibility under the Management of Health and Safety at Work Regulations 1999, in particular section 3, which places a duty on the employer to assess the risk to their employees, and those not in their employment but who may be affected by their actions. This includes the risk posed to them by violence and aggression. To fulfil this obligation they shall;

* record any significant findings of a risk assessment, and any group of employees that may be effected by that risk
* make employees aware of any risks they may be exposed to during their working day

The Head is responsible for ensuring that the school acts upon this guidance.

The school must take all reasonable and practical measures to this end to fully support those employees who are the victims of violence, threatening behaviour or abuse. The school acknowledges that every employee has the right to be treated with dignity and respect – assaults on staff are not acceptable. Measures are taken to deter violence, threatening behaviour or abuse and action will be taken against those responsible for any such action. All schools should assess the risk to their staff from violence at work, and record any significant findings of this assessment. They must then put in place adequate controls, and record these controls in their risk assessment document.

# Employee obligations

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 colleagues and pupils in their care
* To cooperate with the employer on matters of health and safety
* To carry out activities in accordance with training, instructions, and relevant guidance, policies and procedures.
* To inform the employer of any risk, actual or perceived, in a timely manner.

# Prevention

The school will:

* Record all assaults on staff, and investigate those deemed significant (to include witness statements, risk assessments, training records, and background information, where appropriate)
* Consider risks to the personal safety of staff as part of the risk assessment process
* Undertake regular and sufficient risk assessments (making reference to the HSE 5 steps to risk assessment) and to make staff aware of the significant findings of these risk assessments
* For risk assessments the following steps should be followed:
  + Include the whole school site and adjacent areas
  + Include staff who visit pupils at home
  + Identify and assess the risks, activities and workplaces, considering what could reasonably cause harm, and in doing so consider everybody in the workplace and those using the site
  + Determine appropriate actions to manage the risks and examine existing precautions and consider if they are adequate or if further action is required
  + Implement any actions including, for example, the provision of a training programme for staff, alterations to entrances, new visitor procedures, emergency procedures, provision of alarms or back up for staff
  + Monitor the results of all actions taken
  + Inform staff who may be affected of the outcome of the risk assessment, including any risks they may be exposed to and controls that will be implemented
  + Keep a record of the findings and consider how they might be used to prevent harm
* The school must use its statutory powers to seek to prevent any person entering the premises without lawful authority. In more serious cases the school may consider taking out an injunction or prosecution
* All incidents will be reported to Herefordshire Council’s Health and Safety team (where the Council is the employer) including full details of the incident and resulting actions within five working days. A copy, paper or digital, of the incident report will need to be retained by the school for 3 years from the date of the incident. A copy will be retained by the employer for 12 years from the date of the incident. Where the assault is carried out by a pupil, some record of the incident will be kept for as long as that pupil remains in the school.
* It will be necessary, where a pupil has shown significant violent, aggressive, threatening or abusive tendencies, to complete an individual Risk Assessment. This decision will be made by the Head. When making this decision, the Head will take in to account the circumstances surrounding the incident, as well as any pre-existing IBP, IEP, or PSP, which may already include a Risk Assessment for the pupil. All schools should pass on full risk assessments for pupils transferred to alternative schools.
* It is hoped that all schools, including Academies, will adhere to this guidance.

# Police liaison

In the first instance, incidents of verbal abuse, threatening behaviour and assault by a pupil will be dealt with by the Head in accordance with the school’s policy and the Employer’s guidance. Where appropriate, the school will establish contact with the local police, and maintain close liaison with them throughout the investigation process. This will usually be through a Schools Liaison PCSO. The school will draw up a procedure for contacting the police so that when appropriate they can respond promptly when incidents occur. They will also work with the local police to confirm the circumstances in which pursuing a prosecution against an assailant is appropriate.

If the police deem it necessary to pursue a prosecution, the school, in consultation with the staff member, will cooperate in full with Police and Crown Prosecution Service requirements.

# Dealing with weapons

If a member of staff has reasonable grounds for suspecting that a pupil is in possession of a weapon, or that there has been an incident involving a weapon, they should immediately inform the relevant senior member of staff; they should not try to deal with the situation alone. The Head will decide whether the pupil and items in their possession or control should be searched, with or without the pupil’s consent. Searches must be carried out by someone of the same sex as the pupil, and witnessed by another member of staff. Where possible the witness should also be the same sex as the pupil. If a weapon is found, or the pupil 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 pupil 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.

# Assaults by pupils

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 (e.g. where attempts to contact parents have been unsuccessful), the pupil concerned will 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 line manager will consult the assaulted member of staff about appropriate arrangements whilst also considering their own pupil disciplinary policy. She/he will not be required or expected to teach, supervise or support the pupil concerned should they wish not to do so.

# Action when an assault occurs

If a member of staff is assaulted the following action will be taken in consultation with the staff member concerned:

* The staff member will be permitted access to a private area for as long as necessary where they can sit with a friend, colleague or trade union representative
* The staff member will be permitted to go home if they so wish and the Head will make any necessary transport arrangements where applicable.
* Where the staff member is required to attend hospital or their GP they can choose to be accompanied by a work colleague, friend or trade union representative
* The employee may access the employer’s occupational health services and counselling service; the employer will make the staff member aware of this provision and complete any referral in a timely manner.
* Staff who have been assaulted will be provided with all other appropriate support, which may include legal advice.
* In the case of visible injuries, it is helpful to take photographs. The school may pay all reasonable costs associated with obtaining photographs
* If the assault has occurred away from the school premises, the employer will be formally notified.
* A written record to cover the circumstances leading up to the event, the event itself and any injuries sustained will be recorded as soon as possible.
* The staff member will be required to make a factual written statement of the event and will be permitted to consult with their trade union representative prior to submitting the statement.
* Written statements will be taken from any witnesses to the event, preferably on the day of the event or as soon as possible thereafter.
* At the school’s discretion, the incident will be reported to the police. The staff member’s line manager acting on behalf of and with the consent of the staff member will normally inform the police of any assault on the premises. If the employee does not want the matter referred to the police, those views will be taken into consideration.
* In all cases the employee has the right to report the incident personally to the police if they so wish.
* The incident will be reported to the Head/principal. Heads in maintained schools must pass all information about the assault on to Herefordshire Council’s Health & Safety Team and confirm this in writing to the member of staff.
* The staff member will be advised to contact their trade union representative and will be permitted to have their trade union representative present at any meeting where the incident will be discussed.
* The line manager or an appropriate person will carry out an investigation into the matter and prepare a formal written report. The report will be agreed with the employee concerned. The report will be given to the trade union representative and any relevant person with overall responsibility for Health and Safety. Where they are involved, it will also be provided to the police.
* Staff are encouraged to report all incidents. It is confirmed that reporting an incident will not reflect upon an individual’s competence.
* For extreme incidents or where a pupil has been involved in repeated incidents and actions taken by the school have not remedied the situation, permanent exclusion must be considered.
* Educational Psychologists and Behaviour Support may provide support services to schools in the management of pupils with emotional and behavioural difficulties.
* Following any assault/incident the school is to re-visit their risk assessment.

# Definitions

Within this policy, the following definitions apply:

‘Assault’ shall be defined as any act indicating an intention to use unlawful violence against another whether it makes contact with the victim or causes fear of immediate unlawful physical contact and; any act of malicious verbal aggression targeted at another person. Examples include:

* Racist, sexist and homophobic language
* Threats of violence or intimidation
* Any form of physical abuse including punching, pushing, tripping, slapping, kicking, biting and throwing of objects.

‘Employer’ includes Herefordshire Council, school, college, academy, or other educational establishment or the governors/corporation of any school, college or other educational establishment.

‘Manager’ includes Head/principal or line manager

‘Parent’ includes parent, guardian or carer

‘School’ includes colleges or other educational establishments

‘Pupil’ includes pupils

‘Weapon’ something designed or used for inflicting bodily harm or physical damage

# Scope

This document sets out the action that will be taken towards reducing the frequency of assaults, monitoring their occurrence, training staff, supporting victims of violence and dealing 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 risks 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, which may include training to enhance confidence and skills in dealing with assaults, defusing difficult or dangerous situations or how to minimise risk of personal injury
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. Referring, if appropriate, to the police
10. Employing statutory powers
11. Allowing relief from duty, if appropriate, following assault
12. Cooperating with the trade unions of assaulted members.
13. For community and voluntary controlled schools - Provide free counselling and medical advice, including reimbursement of any prescription charges incurred by the employee as a direct result of the assault. Schools must make their own arrangements for occupational health provision and reimbursements.

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, their professional duties, support under these procedures will be provided.

# Version log

| Version | Status | Date | Description of change | Reason for change | Pages affected |
| --- | --- | --- | --- | --- | --- |
| 0.01 | Issued for consultation | April 2017 | New guidance | H&S developed by HR | All |
| 0.02 | Reviewed | August 2017 | Minor amendments | To clarify specific points | All |
| 0.03 | Reviewed | October 2017 | Amended to “policy”, amendments following Headteacher feedback | Further consultation on the new policy | 2,3,4 & 6 |
| 0.04 | Reviewed | January 2019 | Amend phrasing, and suggest changes to police involvement | Bringing in to line with HSE & DfE guidance | All |
| 0.05 | Reviewed | July 2019 | Amendments following review by legal services | Clarification of some points. | All |
| 0.06 | Reviewed | October 2020 | Amendments to wording following review by Herefordshire Council officers and Trade Unions | Annual Review  HSE bulletin on assaults on staff | All |