

**The Federation of the Church Schools
of Shalfleet and Yarmouth
Achieving Together for a Brighter Future**



**MANAGING VIOLENCE AND
AGRESSION IN SCHOOLS: CHILDREN
AND YOUNG PEOPLE
A STATEMENT OF POLICY**

Approved by	CW
Portfolio	Health & Safety
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Rationale

The Governing Body of the Federation of the Church Schools of Shalfleet and Yarmouth believe that all school staff have a right to expect that their school is a safe place in which to work and that prompt and appropriate action will be taken if they are subjected to abuse, threats or violence by children and young people on school premises and in exercising their duties off site.

For the purposes of applying the provisions of the policy and associated guidance, school staff includes volunteers. This document sets out the whole school policy on managing violent or aggressive behaviour towards employees by children and young people.

This policy is published as part of the school's health and safety policies. It has been produced after consultation between the school and our health and safety providers.

Aims

The aims of this policy are to:

- Prevent violence and aggression at school level as far as reasonably practicable
- Assist the Headteacher and Governing Body to implement the 'Managing Violence by Children and Young People' policy.
- Give guidance to all members of the school community so they can contribute towards a safe school environment.
- Provide information about roles and responsibilities, the legal framework and good practice in this area.
- Encourage and facilitate incident reporting and recording
- Define terminology

Definition of violence:

- *Any incident, in which a person is abused, threatened or assaulted in circumstances relating to their work*
- *This definition includes verbal abuse or threats as well as physical attacks (Health and Safety Executive)*

The 'Managing Violence by Children and Young People' policy adopts the HSE definition of violence (see above), which includes any incident where an employee is abused, threatened or assaulted at work; endangering their safety, health, well-being or work performance.

It covers insults, threats, physical or verbal abuse exerted by children and young people towards a person at work, whether they are an employee or a volunteer. Violence to staff is an occupational health and safety issue and should be dealt with at school level.

Effects of violence towards the individual may include:

- Physical harm
- Stress
- Emotional trauma
- Feelings of powerlessness
- Demotivation

Consequences for the employer include:

- High staff turnover
- Increased absenteeism and sickness absence
- Low morale
- Difficulty in recruiting staff
- Higher insurance costs

Risk assessment, prevention through pupil specific control measures and minimising harm to staff after violent incidents; are all essential elements of effective management of violence in schools by children and young people.

Roles and Responsibilities:

The roles and responsibilities of the Governing Body, Headteacher and employees are set out below.

Governing Body:

- The Governing Body are responsible for the implementation of this policy and ensuring it is operating effectively.
- The Governing Body and Headteacher are committed to meeting their legal duties and obligations. They recognise their general duty to ensure, as far as is reasonably practicable, the health, safety and welfare of their employees and other members of the school community affected by the work they do. (Health and Safety at Work Act 1974 s2).

Headteacher

- The Headteacher is responsible for the day-to-day implementation and management of the policy.
- The Headteacher may delegate the lead role on day-to-day policy implementation to a nominated Senior Manager.
- The Headteacher is also responsible for the following:
 - Ensuring that suitable and sufficient risk assessments are carried out of employees' risk of exposure to violence and aggression and that appropriate control measures are implemented.
 - Making appropriate arrangements for incidents to be reported, recorded and investigated.
 - Regular monitoring of the level and general nature of any incidents and the school's response to them.
 - The Headteacher will review the effectiveness of the policy including risk assessment, control measures and responses to incidents.

Employees

- Employees also have a responsibility to protect their own safety and that of their colleagues and anyone else who may be affected by the work they do.
- Volunteers should follow school procedures.
- Employees must contribute actively in hazard and risk assessment, and familiarise themselves with policies, guidelines, control measures, instructions and reporting procedures. All employees should participate positively in appropriate training.
- All incidents of violence and aggression must be reported and investigated. Appropriate action will be undertaken by the Headteacher with the aim of reducing the risk of a recurrence.

Support and Guidance

Access to confidential, counselling facilities and other appropriate support will be available to employees who are faced with violence or aggression in the course of their employment. They will also be encouraged to contact their Teacher Association, Trade Union representative or Safety Representatives.

Appropriate guidance will be made available to employees to enable them to deal with any incidents of violence or aggression. Employees will be given access to appropriate training and support by the Headteacher.

MANAGING INCIDENTS EFFECTIVELY REPORTING AND RECORDING

Recording and reporting incidents involving abuse, threats or violence to members of staff is important because it can enable the school and employees to:

- Meet their statutory duties in compliance with the Health and Safety at Work Act 1974 and associated Regulations, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) and Social Security Regulations.
- Inform policy reviews and future risk assessments.
- Assist the School's insurers if a claim for compensation is made.

Incident Reporting, Investigation and follow up

The development and implementation of reporting procedures are among the essential steps in the planning process to deal with workplace violence. This is an avenue through which employees can report incidents of violence, and management's support of the process and encouragement for reporting incidents is vital so that appropriate support can be provided and any corrective action can be taken. It is recognised that individuals will have a different opinion on what is deemed unacceptable behaviour and would require reporting, however the effect of that behaviour on colleagues should be considered and for the sake of consistency it should be agreed with employees what is reportable. By recording what is perceived as 'minor' incidents of violence management have the opportunity to take action and prevent any further escalation of violence. The process of recording and classifying incidents of violence can help to further tailor and improve preventative measures by highlighting important patterns and trends. It is important that the school determine who will investigate reports of violence and provide them with the necessary skills.

- An HS1 report form should be completed as soon as possible after the violent/ abusive event. A record should also be made in the school's serious incident book.
- If the incident results in a major injury you should contact the HSE without delay (for example; by telephone) and within 10 days follow this up with a completed accident report form F2508. You must also send a completed F2508 to the HSE within 10 days if an employee is off work for more than 3 days due to an act of physical violence.
- Complaints and reports should be investigated swiftly (and confidentially where appropriate)
- Where an incident warrants more detailed investigation an HS2 form should be completed.
- What happened, who was involved, what triggered the incident, place, conditions, time of day, witnesses
- Witness statements should be collected as soon as possible by the manager investigating the accident.
- Management must investigate the underlying causes of the incident and record remedial actions required to minimise and control the risks. This will include appropriate sanctions.
- The role of health and safety representatives includes carrying out investigations.
- Investigations must not be looking to assign blame but to learn from an incident how to improve the response if it occurs again and prevent a situation escalating into abuse or violence
- Staff must be instructed in any changes made to safety systems and procedures
- Management must check that new procedures have been implemented, are being followed and are effective

Reporting serious assaults to the police

A member of staff physically assaulted may have to speak to the police, but it is also their right not to involve them if they feel unhappy to do so. If the incident is not reported to the police, they will have no access to the criminal injuries compensation scheme.

Monitoring, Review and Evaluation

Monitoring

Schools should monitor the effect of methods used to control violence to find out how successful they have been. They can then identify strategies that are not working, or which have unforeseen consequences, and modify or replace them. Active monitoring involves checking that systems and procedures are working without waiting until something goes wrong. Reactive monitoring involves looking at incidents after the event and sickness absence analysis. It depends on an effective system of reporting and recording incidents and ill health.

It is only through analysing information on incidents that patterns can be detected and strategies developed to manage unexpected situations.

Monitoring is only effective if those involved understand what is expected of them therefore procedures need to identify clearly what is to be monitored, by whom and how often.

Review

A review process works best if it is part of the day-to-day management of health and safety and should also take forward the results of the monitoring described above. Reports by the head teacher, safety representatives, safety committee and staff training records may provide useful information. The Management of Health and Safety at Work Regulations require risk assessments to be reviewed when they may no longer be valid, when circumstances change significantly and when change is planned. The overall review process helps identify any need for changes in risk assessments and associated procedures.

Evaluation

The school's policy states that a head teacher monitoring and evaluation report will be provided to the Governing Body on an annual basis. It will be for each head teacher to determine the structure of the report but as a general guide the report should include information about:

- An overview of the areas for which risk assessments have been carried out.
- Results of employee questionnaires
- Details of control measures which have been put in place to safeguard employees. For example: care and control plans, IEP's.
- Statistical information from monitoring systems and procedures, reporting and recording of incidents.
- Training which has been provided and an evaluation of how effective this has been.
- Planned actions.
- Information contained within the report should maintain the confidentiality of individual employees, children and young people who should not be identified.

STEPS TO TAKE AFTER AN INCIDENT

Supporting Employees after an Incident

Employees harmed physically or psychologically by violence may need support. Experience has shown that the immediate care and concern of managers and colleagues is much appreciated and may limit or prevent any serious long-term effects. The support framework needs to be flexible to respond to the needs of the

particular situation and should recognise that actual physical assault is not only traumatic for the victim but can also affect close colleagues.

Post incident procedures

- First and foremost, the affected person/s must be supported.
- Later, but as soon as possible, staff should be encouraged to begin the post – incident procedures.

These procedures include:

- Completion of the accident/incident report and investigation forms.
- Sensitive debriefing of the incident. Staff are sometimes brought together soon after a violent incident to discuss what happened. The process of debriefing may have two functions to; establish the details of what happened and to provide emotional help.
- Reminding employees that they can seek the support and advice of their professional association/trade union.

Post incident practices: Types of support

The following identifies the type of support/action which may be required following violent incidents (this list is not exhaustive and not all items will be appropriate in all cases):

- Encourage the employee to seek medical attention or attend hospital.
- Look after the employee's belongings including their vehicle if they leave them behind.
- Contact the employee's relatives or friends.
- Acknowledge that the employee has experienced an extreme event and establish appropriate arrangements to allow them to talk about it in school including during a private meeting where they are encouraged to recount the events from a personal perspective.
- Acknowledge and respect the employee's feelings whether this is anger, fear, resentment or guilt.
- Inform the employee of the Employer Assistance number, a confidential free 24 hours' service, 0800 0562561
- Consider and consult the employee on whether a change to work patterns is appropriate for those employees who may be constantly exposed to violence and abuse.
- Demonstrate a team/shared concern for the employee's welfare.
- Be aware of any need for 'time out', either away from the scene of the incident or perpetrator involved.
- Maintain support if the employee is absent from work. A link to the Occupational Health referral service and the absence management policy
- Take a lead from the employee concerned as to how they can best be helped to recover and return to normal functioning.
- Monitor employee wellbeing.
- Record any action taken.

Employee Welfare and Counselling Service

The effects of violence and aggression can be severe, some people cope more easily than others and some people may experience emotional ill-health, such as post-traumatic stress. Where management support is unable to address the individual's emotional concerns there is a need to seek expert advice. A referral to Occupational Health may be appropriate offered.

LEGAL FRAMEWORK

The legal framework for managing violence at work is set out below. This is general guidance rather than an authoritative statement of the law. For advice on particular situations, please contact either the Health and Safety team or Legal Services.

Health and Safety at Work etc. Act 1974

Employers have a legal duty under this Act to protect the health, safety and welfare of their employees and volunteers involved in school activity. An employer's responsibility includes protecting staff from the risks associated with work-related violence as far as is reasonably practicable. Employees also have responsibilities – primarily to take reasonable care of themselves and their colleagues, and to co-operate with their employer in order to assist the employer in fulfilling their health & safety obligations.

Management of Health and Safety at Work Regulations 1999

These Regulations require employers to assess the risks to employees, and any others who may be affected by their work or business, and to make arrangements for their health and safety by effective planning, organisation, control, monitoring and review. Where appropriate, employers must assess the risks of violence to employees (and others) and, if necessary, put in place appropriate control measures to protect them.

Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)

These Regulations define accidents as including 'acts of non-consensual physical violence done to a person at work'. Injuries to employees arising from such acts are reportable by the employer to the HSE if they result in death, major injury, or if they result in the worker being away from work or unable to do the full range of their duties for more than three days.

Only physical injuries resulting from acts of non-consensual violence suffered by people at work are included in the definition of 'accident'. Accidents to nonemployees and absence from work due to causes that are not physical (e.g. illness resulting from verbal abuse, or psychological conditions arising from physical assault) are not reportable to the HSE. Accordingly, cases where an employee suffered shock from witnessing an act of violence or abusive or threatening behaviour are not reportable to the HSE.

However, the fact that a particular incident is not reportable under RIDDOR does not mean that it is outside the scope of health and safety legislation. Employers may still have duties under the Health and Safety at Work etc. Act 1974 and The Management of Health and Safety at Work Regulations 1999.

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

Recognised Trade Unions and Professional Association representatives may appoint Health and Safety Representatives. The law makes it clear that in fulfilling their role Health and Safety Representatives can:

- represent employees generally and when you consult them about specific matters that will affect the health, safety and welfare of the employees;
- represent employees when Health and Safety Inspectors] from HSE or local authorities consult them;
- investigate accidents, near misses, and other potential hazards and dangerous occurrences in the workplace;
- investigate complaints] made by an employee they represent about their health, safety or welfare in the workplace;
- present the findings of investigations to you;
- inspect the workplace;
- attend Health and Safety Committee meetings as a representative of your employees.

Criminal Justice Act 1988 – Assault

When anyone is assaulted and minor injury is caused, this is known as ‘common assault’. The assailant can be charged with common assault in accordance with section 39 of the above Act.

Offences Against the Person Act 1861– Assault

A more serious offence is assault occasioning actual bodily harm which can be prosecuted under section 47 of the above Act. This would be the case where a more serious injury is inflicted, usually requiring medical treatment.

Criminal Justice Act 1988 – Carrying Offensive Weapons

Section 139A of the above Act makes it an offence to carry an offensive weapon or knife on school premises. The police have powers to search for knives and weapons inside school.

Corporate Manslaughter and Homicide Act 2007

This Act, which supplements existing Health and Safety legislation, creates a new statutory offence of corporate manslaughter. The provisions of the Act only apply to ‘organisations’ and not to individuals. An organisation (which definition will include school Governing Bodies) can be guilty of this offence if someone dies as a result of the way in which it failed to properly manage or organise its affairs, such that the failure amounted to a gross breach of a duty of care owed to that person.

Schools that have appropriate arrangements in place to address their responsibilities under the Health and Safety at Work Act 1974 should be well placed to meet the demands of this legislation.

Violent Crime Reduction Act 2006

Section 139A of the Criminal Justice Act 1988 provides that it is a specific criminal offence to have a knife or an offensive weapon on school premises, without proof of a good reason or lawful authority.

Head teachers, and any other members of staff authorised by the Head teacher, may search pupils and their possessions for knives and for any other offensive weapons. That power, which was introduced by the Violent Crime Reduction Act 2006, can only be exercised under particular conditions:

- the member of staff must have reasonable grounds for suspecting that the pupil has a weapon with him or among his possessions,
- the search may only be carried out on the premises of the school, or elsewhere in circumstances where the member of staff has lawful control of the pupil,
- the person carrying out the search must be of the same sex as the pupil,
- the pupil cannot be required to remove any clothing, other than outer clothing. They cannot be made to remove socks or tights, shirts, trousers or skirts.
- the search must be conducted in the presence of another member of staff, also of the same sex.

Reasonable force may be used, if necessary, in order to carry out such a search.

If a knife or offensive weapon is discovered in any such search, it may be seized and must thereafter be delivered to the Police as soon as practicable. It is important to note that there is no discretion for the matter to be dealt with internally by the school if such a search reveals a knife, weapon, or evidence in relation to an offence.

Signed

Date