



VIOLENCE AND AGGRESSION TO STAFF

DEPARTMENT FOR CHILDREN AND EDUCATION
AND SCHOOLS

POLICY STATEMENT AND GUIDANCE

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1. OPENING STATEMENT BY THE DIRECTOR, DEPARTMENT FOR CHILDREN AND EDUCATION

I am well aware that some members of staff will, on occasion be in a position where they may face verbal abuse, threatening behaviour or even be assaulted in some way. This will be distressing for themselves, their families and their colleagues. Where violence and aggression is anticipated we will operate systems of work that minimise risks but it is important that no one accepts violence as being a routine element of their work – it is not. This policy, therefore, sets out ways in which the Department and schools can help prevent them from occurring and help staff in minimising their effect.

We work with a diverse range of young people and adults and it may not always be possible to foresee a particular incident. However, the overwhelming majority of situations can be anticipated in which there might be a risk to personal safety, and this document sets out the way in which these potential incidents should be managed.

When incidents do occur, it is important that managers and staff follow the reporting procedure so that relevant information from the incident can be used to adjust operational, managerial and policy practices.

In preparing this policy, we have drawn on guidance from both the Department of Health and the Department for Education and Skills and have worked in collaboration with Wiltshire Association of Secondary Headteachers, Wiltshire Primary Heads Forum and Wiltshire Association of Governors.

The fundamental principles, stated above, apply to both staff within the Department for Children and Education and to those working in our schools, although I recognise the different status of Foundation and Aided schools, where the Governors are the employer rather than the County Council.

I expect to be informed, following the normal procedures, when a serious incident has occurred. I also expect that those staff involved in incidents are offered and provided with support including, when appropriate, the services of the Staff Counsellor. I will receive regular reports highlighting the incidents of violence and will take a particular interest in the effectiveness of the risk management processes that have been adopted at a local level.

Violence is unfortunately a difficult part of our work and we must all do everything reasonably practicable to eliminate or reduce the risk that it poses. It is therefore vital that all colleagues support and apply this policy. The application of this policy must become part of day-to-day management and the operational processes.

R W Wolfson
Director, Department for Children and Education

TO BE COMPLETED BY THE HEADTEACHER / ESTABLISHMENT MANAGER

I/We hereby accept, support and endorse this policy on the Violence and Aggression to Staff and will use it as a working policy within this establishment.

SIGNED: _____

Headteacher or Head of Establishment

If applicable:

SIGNED: _____

Chair of Governors (for Foundation and Voluntary Aided Schools)

2. OUR DEFINITION OF 'VIOLENCE AND AGGRESSION'

The Council defines the term as:

'Any incident in which an employee is abused, threatened or assaulted by another person in circumstances arising out of the course of his or her employment.'

This applies whether the member of staff is on or off duty and is irrespective of the status of the perpetrator.

This definition is based on advice from the Health and Safety Executive.

Examples of behaviour classed as 'violence' or 'aggression'.

Kicking

Biting

Punching

Poking or pushing

Spitting

Scratching

Head butting

Tripping

Actions that restrict movement

Unwanted physical contact which results in no injury

Use of weapons

Use of missiles

Swearing

Other verbal or written abuse which causes personal offence or distress

Sexual, racial or other harassment

Bullying

Intimidation

Damage to personal property

Other aggressive behaviour

- Shouting
- Posturing
- Gestures
- Insults
- Innuendo
- Unreasonable demands or blackmail

3. GENERAL POLICY

Violence and aggression are unacceptable and no member of staff should be required to endure either as a normal part of their work. However, given the nature of the services we provide it is acknowledged that some staff may, on occasion, encounter violence or aggression. In these circumstances, reasonable measures are to be applied to eliminate or minimise the risks.

These measures go beyond basic compliance with statutory duties because the Department for Children and Education, and its partners, recognise the wider benefits of effective procedures for the prevention of, and response to, incidents of violence and aggression.

- A system of risk assessment will be used to determine the best measures to safeguard staff. The range of measures to be applied, including training for staff, is set out later in this document.
- All incidents of violence and aggression at work **must** be reported using the procedures referred to later in this document.
- Where an incident takes place within a school environment, support will be offered initially by schools themselves and then, if necessary, by the Council. Similarly, for other staff within the Department for Children and Education, managers will offer support in the first instance. The range of measures to be applied is set out later in this document and should be offered as appropriate to the incident. Individuals are encouraged to identify any additional support they may need.

- Staff are expected to take account of their own safety when considering their actions in intervening in violent incidents between children or adults using the service.

The Council has produced this policy for the benefit of all staff in the Department of Children and Education and also for staff in schools, including Governors and Headteachers. The Department will support the implementation of the policy throughout its services and within schools and will monitor its effectiveness. However, within schools, it is the Governors and the Headteacher of each school who have the responsibility to ensure that it is applied on a day-to-day basis.

4. ROLES AND RESPONSIBILITIES

The Director for the Department for Children and Education, together with senior managers, is responsible for providing the direction of this policy through consultation with the Department's partners and for ensuring that it is applied throughout the Department and brought to the attention of all schools. The Director will also be responsible for ensuring that schools are supported in implementing the policy.

Within *Community* and *Voluntary Controlled* schools, the Governors and the Headteacher are responsible for the implementation of this policy. Within *Foundation* and *Voluntary Aided* schools, the Governors may choose to adopt this policy. They are, in any case, responsible as the employer of staff for applying measures that seek to achieve a similar purpose to that of this policy.

All managers and supervisors within the Department for Children and Education, and all Headteachers, senior teachers, and supervisors in schools should:

- ensure that risk assessments are carried out across all work activities that they control and that appropriate measures are implemented commensurate to those risks. Guidance on risk assessment is given below;
- ensure that all staff identified through the risk assessment process, receive training at appropriate intervals in skills that can be used to minimise risks to personal safety. The range of training to be considered is set out in a later section;
- ensure that all staff are provided with clear instructions in respect of reporting incidents of violence and aggression and that all such reports are thoroughly investigated and responded to;
- offer and provide appropriate post-incident support to staff;
- monitor the effectiveness of this policy;
- ensure that all staff know about their responsibilities and of the measures used within the workplace to counter violence and aggression.

Individual members of staff are responsible for:

- following working procedures and risk assessments;
- reporting likely or actual incidents of violence or aggression;
- taking due regard of their own personal safety and well-being and for withdrawing from a situation where the risk of actual or potential violence or aggression is high. An exception to this would be where any formal plan (e.g. a care plan) relating to a client or pupil, required an alternative, prescribed course of action to be followed.

5. RISK ASSESSMENT

Risk is defined as “the likelihood of harm”. The significance of a risk depends upon the severity of the possible outcome and the number of people who may be affected. All risks are to be managed before harm occurs – that is to say, adopting a proactive approach rather than a reactive one.

Schools and Managers in the Department for Children and Education must identify staff to carry out risk assessments and ensure that they are adequately trained. Training will be organised by the Department for Children and Education. These assessors will **identify** the potential for significant harm to either staff or others arising from work activities. This includes the potential for violence or aggression. Assessment of the risks of violence may need to be done in conjunction with specialists from other fields or agencies.

These assessments should not be confused with those made for an individual client or pupil, through a formal plan such as a care plan or an individual education plan. They are different and should be separate, because the risk of violence or aggression from a pupil or service user may extend beyond the staff who might normally be expected to have access to the agreed plan. In the case of care plans, these individual assessments should be taken into account when preparing the risk assessment.

Additionally, all buildings and work premises, including schools, should be assessed at least annually to establish the extent to which they offer a safe and comfortable environment likely to minimise the likelihood of violence and aid control should it occur. In the case of schools, the school management team should carry out this assessment.

Risk assessments will seek to establish the risk to staff after taking into account:

- information about children or adults using the service, including the frequency and severity of any previous incidents;
- frequency and nature of the contact;
- experience and training of the member of staff;
- location;
- adequacy of existing precautionary measures.

In some cases, this information can only be established through consultation with others who come into contact with, or hold relevant information about those using the service.

The risk assessor should identify any necessary measures and ensure that named individuals accept the responsibility to act upon them within an agreed timescale commensurate with the risk.

All significant risks should be recorded on a risk assessment form. Both assessors and managers are responsible for ensuring that the outcomes of assessments are made known to all relevant personnel.

All assessments will be reviewed *at least* annually but more frequently if enhanced risks are identified or whenever relevant circumstances change. Assessments should be reviewed after each incident.

For schools, further advice on risk assessments is provided in the Health and Safety Manual for Schools.

6. PREVENTATIVE STRATEGIES

This section includes:

- 6.1 general security
- 6.2 suitable working environments
- 6.3 working practices and patterns
- 6.4 physical intervention (control and restraint)
- 6.5 self-defence
- 6.6 protective equipment
- 6.7 behaviour policies in schools
- 6.8 suitable learning environments
- 6.9 lone working

6.1 General Security

All schools and many of the buildings used by the Department for Children and Education need to be open to the public at some points, wholly or in part. Uncontrolled access to all areas may expose some staff to unnecessary risk. All buildings, therefore, must be assessed to identify which parts need to have restricted access achievable through security locks.

Keys and door entry combinations should be restricted to authorised personnel only and combinations should be regularly changed.

Systems to register all visitors, including the use of identification badges, can help minimise unauthorised access. Staff should challenge any unauthorised persons. Registered visitors should check out and return their badges after use.

A means of summoning emergency assistance should be available in areas where there is a significant possibility of encountering violent or aggressive behaviour. This may include isolated parts of a school such as mobile classrooms. Any such system must be regularly tested including the reaction to the alarm from other staff.

The immediate environment around each premise should be as free as possible from debris or loose materials that could be used as missiles.

6.2 Suitable Working Environments

All public areas should be well signed.

Reception areas should, where practicable, be properly staffed and be kept in a clean, well-lit and comfortable state. They should have adequate space with sufficient seating. A more relaxing environment may be created by the use of subdued wall coverings and some pictures and plants. Pictures, which are fixed to the wall and plants in fixed containers, are more difficult to use as weapons. Tension building boredom may be relieved by the provision of reading material or play areas for those waiting.

Using waiting areas as thoroughfares should be avoided if possible.

Interview rooms should have an unobscured vision panel in the door and be furnished with consideration to items being used as weapons or barricades.

A means of summoning emergency assistance should be available in areas where there is a significant likelihood of encountering violent or aggressive behaviour. Any such system must be regularly tested including the reaction to the alarm from other staff.

Some services may also need to consider the need for additional safety measures. Examples may be the use of toughened glass, the rounding of edges on furniture and the careful selection of ornaments that are ineffective as weapons.

All external areas used during hours of darkness must be adequately lit.

In schools, classroom layout will be governed by space and teaching needs but wherever possible staff should base themselves in a position which allows sight of all entrances and immediate access to at least one of them.

6.3 Working Practices and Patterns

The following guidance applies to all staff across the Department of Children and Education, although some may be more relevant to particular circumstances or teams. Staff should recognise that their own attitudes and modes of behaviour are likely to be reflected by those using the service or coming into contact.

Before meeting a visitor (such as a parent, client, service user etc), staff should refer to any information available about that person's potential for violence. For this to be an effective precaution, it is essential that all relevant information about previous incidents is recorded and shared with staff. If it is anticipated that a visitor may display aggressive behaviour then staff should consider whether to meet with that person alone and should prepare their responses to any violent or aggressive behaviour in advance of the meeting.

Staff should avoid working in isolation, particularly out of normal hours. After evening functions, staff should consider leaving in groups rather than individually.

If telephone callers become abusive or threatening, staff may issue a caution along the lines of, 'if you continue to be abusive, I shall put the telephone down', and then do so if the caller persists.

Visiting unknown clients, parents, service users etc. at home, may pose additional risks and should always be subject to a risk assessment. As part of the risk assessment, it may be necessary to involve additional colleagues and / or the police.

Whenever working away from a base, staff must always ensure that a colleague has details of their programme and whether or not you are intending to return to the base. Local procedures must be in place to respond to concern about the non-arrival or return of colleagues. (See *Section 6.9 on Lone Working*).

When travelling by car or cycle, staff should ensure that the vehicle is roadworthy, that the route is planned, that the foot journey at their destination is as short as possible and that vehicles are left in well-lit and secure areas.

Staff should avoid wearing clothing or jewellery that could be grabbed and used to inflict injury on the wearer.

Staff involved in emergency responses should take account of the advice within this section as far as is possible and should not, *in any circumstances*, place themselves or colleagues at undue risk.

Throughout the Department of Children and Education it is essential that a manager, receiving any information indicating that a pupil, parent, client or service user may pose a risk to staff, logs this information appropriately. For managers within Children and Families branch, it is possible to log this information on the CareFirst system. A red marker is placed on the relevant person's ID and an exclamation mark is placed on their record. This indicates that a warning has been registered against that person. Exact details of the offence are not entered on the screen, but the markers highlight to staff that they need to consult the individual's file. Such information may originate from an incident report form, a CR6 Form, a risk assessment form or from information received from another agency.

6.4 Physical Intervention (Control and Restraint)

As a general rule, physical interventions should only be used as a last resort when other strategies have been tried and found to be unsuccessful or when the risks of not employing an intervention outweigh the risks of using reasonable force.

There is no legal definition of 'reasonable force' so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

There are two relevant considerations:

- the use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of **any** degree of force is unlawful if the particular circumstances do not warrant such use;
- the degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. The degree of force and the duration of its application should always be the minimum needed to achieve the desired result.

It is a criminal offence to use physical force, or to act in a way that leads another person to fear the use of force (for example, by raising a fist or issuing a verbal threat), unless the circumstances give rise to a 'lawful excuse' or justification for the use of that force. Such justification may be to prevent an injury to oneself or to others or to prevent serious damage to property. In these circumstances, a reasonable amount of force may be used. Staff should be aware that the use of unjustified and excessive force might be an offence (see *Section 6.5* on self-defence).

All instances of physical intervention must be recorded in accordance with school or departmental policies.

All staff who may be potentially involved in physical intervention must have access to the departmental advice referred to in this document and any other local guidance that has been produced.

More advice on physical interventions is available in the Department of Children and Education's policy document 'The Use of Physical Interventions by Staff – Policy Statement and Guidance'.

6.5 Self Defence

Leaving or getting away is often the best defence using any pretext that may work but individuals do have the legal right to defend themselves, or others, if attacked. The amount and degree of defensive force used must be proportional to the level of risk being faced. This will depend upon the circumstances. You do not have to be hit first if you are in genuine fear of being injured.

6.6 Protective Equipment

Personal protective equipment may provide a degree of protection or reassurance to staff in some circumstances. Risk assessments should identify when equipment should be issued to staff and it should only be issued once information and training in their use has been provided.

If personal alarms are issued, they need to be carried so that they are easy to reach in an emergency. They may deter an attacker but may also aggravate a situation.

Mobile telephones can be used to summon assistance or to obtain information from colleagues that may help to defuse a situation. They may not operate very well in some parts of the county.

Pagers or BT charge cards may be appropriate in some circumstances.

For staff making home visits, electronic devices called 'dog dazers' can be used to fend off dangerous dogs by emitting high frequency noise that is distracting to the dog.

6.7 Behaviour Policies in Schools

Everyone involved with the school needs to know and understand the boundaries of acceptable behaviour. All schools should have a school behaviour policy including a clearly stated code of conduct.

The Code of Conduct that gives effect to the overall behaviour policy should cover:

- child protection against abuse and assault
- staff protection procedures
- discipline, control and restraint procedures
- identification and response to racial and sexual harassment, bullying and truancy.

A comprehensive behaviour policy sets the framework for improving the overall climate of behaviour and discipline within the school.

The aims of the policy might include:

- encouraging a whole school approach to behaviour and discipline;
- helping staff to manage behaviour more effectively;
- helping the school to promote young people's respect for others;
- promoting firm action against all forms of bullying;
- reducing the level of truancy;
- reducing the numbers of pupils being excluded; and
- promoting equal opportunities policies (gender, race and disability).

The precise content of the policy is a matter for each school and its supporting community; it cannot effectively be 'lifted' or prescribed. A checklist to support the development of school behaviour policies is attached as *Appendix 1*. It may also be useful to refer to the 2005 DfES document 'Guidance for Safe Working Practices for the Protection of Children and Staff in Education Settings'. This document can be found at www.teachernet.gov.uk and also on WISEnet.

6.8 Creating Suitable Learning Environments

Creating the best possible learning environment can contribute significantly to encouraging positive pupil behaviour. A wide variety of factors affect behaviour in the learning environment and schools may wish to develop their own checklists to help staff. These checklists may include:

- physical arrangements
- social interactions:
 - * pupil/pupil interaction
 - * pupil/teacher/teaching assistant interaction
 - * social and academic grouping of pupils
- teaching factors

6.9 Lone Working

The nature of our activities is such that many employees are often required to work alone and / or away from their base and / or out of normal office hours.

The risk of violence and aggression towards staff increases in a lone working situation and therefore all lone working activities will be subject to a risk assessment. Section Managers or Team Leaders must assess the situations, either generically or individually, and ensure that reasonable practicable precautions are implemented.

N.B. Those assessed at high risk must not be allowed to continue.

If the perceived risk warrants it, such precautions might include:

- cancelling the visit / appointment / meeting;
- re-arranging the venue;
- re-scheduling the time of the visit / appointment / meeting;
- specific selection of staff;
- additional staff being present;
- providing detailed information to colleagues about your intended itinerary;
- training in conflict diffusion techniques for staff;
- collection of information from other sources, e.g. the Police;
- provision of a personal alarm and/or other personal communications.

In addition to these higher-risk precautions, all lone workers must log, with an administrative officer, their intended movements throughout any lone working period during office hours. The log should include information which will allow your movements to be traced should you fail to return safely either to the office base or your home. This may take the form of a weekly timetable, submitted in advance and updated in the light of circumstance. ***Note that the carrying of a mobile phone does not abrogate this requirement, as you may be unable to receive a signal or be incapacitated from using it.***

For low-risk lone working periods after normal office hours, then it is sensible to inform someone at home of your itinerary and of the action to take should you fail to arrive home. If there is no suitable person at home, then staff may, for their own reassurance, want to arrange a system whereby a colleague is primed to alert someone if confirmation of a safe return is not made.

A locally arranged escalating procedure must be in place to alert the manager if any member of staff is unaccounted for at the end of any high-risk lone working period or in any other circumstances giving cause for concern.

7. RESPONSIVE MEASURES

This section includes:

- 7.1 short-term debriefing
- 7.2 longer-term debriefing
- 7.3 counselling
- 7.4 change of duties
- 7.5 involvement of the police
- 7.6 financial recompense
- 7.7 legal advice and support

7.1 Short-term Debriefing

The nature and level of action following an incident will depend on the circumstances of each case. Some 'minor' instances may not require any action but it is important that no incident is dismissed as being too trivial to deal with without first exploring the effect of it with the member of staff involved.

Immediately after an incident, the line manager will ensure that all necessary first aid or medical treatment is arranged.

It is probable that the victim will want to talk about the incident but may be feeling distressed or guilty. It is important that sensitive support is given at this point. Managers should be aware that other colleagues are likely to be seen as primary emotional supports and this may require some flexibility about the normal work routine continuing. Further opportunities to talk about the incident should be provided after a period for reflection.

All parties involved in the incident should write down their thoughts and recollection of the incident as soon as they feel able to. The staff member should be reminded of the Staff Counselling Service and that a trade union or professional association representative may be present at any meeting where a discussion of the incident takes place.

All incidents should be formally acknowledged. This may be verbally and/or in writing. Managers should recognise that the staff member involved may have a need for a specific type of acknowledgement.

Managers and Headteachers should review risk assessments and care and support programmes in the light of the incident. This should include the sharing of information protocol to ensure that all staff and other agencies are made aware of risks.

7.2 Longer-term Debriefing

Victims of violence or aggression may need time to come to terms with the implications of the incident. Headteachers / Managers should be alert to the possibility that the member of staff is underestimating his or her own needs.

Other staff who may have witnessed the incident or are likely to come into contact with the aggressor should be given information about the incident and its implications. It may be useful to arrange a staff meeting to discuss feelings about the incident and assess its impact.

Any staff development needs that are highlighted by the incident should be addressed.

If a member of staff is absent from work for a lengthy period following the incident, the Human Resources and Occupational Health Service at County Hall can provide advice for employees within the Department for Children and Education and for those schools which purchase their services. These services can also assist in the rehabilitation of the staff member.

7.3 Counselling

Wiltshire County Council offers a confidential counselling service to all staff. The counsellor can be contacted by telephoning 01225 713147. Only self-referrals or referrals made with the consent of the individual will be accepted. Normally a series of sessions will be available and these can take place at any suitable venue throughout the county.

7.4 Change of Duties

The staff member and Headteacher / Manager should agree any need to alter work duties as a result of the incident. This should be done such that the member of staff is not put under duress or made to feel guilty.

7.5 Involvement of the Police

The police should be informed of all incidents where a member of staff has been assaulted. In some circumstances, the member of staff may not wish the police to be involved. However, the Headteacher / Manager has the final decision and may judge that the wider protection of the community requires that a report be made to the police, notwithstanding the wishes of the individual.

If, during the course of the incident, a child is assaulted or abused, this **must** also be reported to the relevant social work team, or the police, in accordance with the ACPC procedures and the DfES 'What to Do' guidance. Schools should ensure that the incident is reported in the first instance to the Department for Children and Education, Human Resources. All establishments should be aware of these procedures, but further details can be found at www.wiltshire.gov.uk.

7.6 Employers Liability

A member of staff who believes that they have suffered harm as a result of a work related incident should seek independent advice as to any civil claim they may have.

Where employees are covered by the County Council's Employers Liability insurance further advice can be sought from the Insurance and Risk Manager, c/o the Finance and IT Department at County Hall. Managers should redirect any correspondence or query about claims to the Insurance and Risk Manager and should not offer an opinion about the outcome.

The County Council's Employers Liability insurance will not apply automatically to all staff working in schools. Some schools may have arranged their own insurance. In these cases, advice should be sought direct from the insurers.

Employees may also contact the Criminal Injuries Compensation Board. Details can be found at www.cica.gov.uk. In order to pursue a claim the incident must be reported to the police within 24 hours and to the Board within one year.

7.7 Legal Advice and Support

If an employee is the victim

If an employee is a victim of an assault which gives rise to criminal proceedings, then the County Council can provide support in terms of advising on the criminal process. However, this will not extend to bringing a civil action for damages, save to the extent that this is necessary in order to secure an injunction to prevent further assaults or harassment. If an injunction is to be sought against the perpetrator, the Solicitor to the Council can advise on each case as to whether the circumstances justify such an application or whether alternative action may be more suitable.

Any employee who believes that they have suffered harm as a result of a work related incident should seek independent advice as to any civil claim they may have. The County Council's Employers Liability insurance will apply where legal liability is established against the County Council or any other employee.

Employees may also contact the Criminal Injuries Compensation Board, as outlined in *section 7.6* above.

If an employee is alleged to have committed an offence

Where an employee is the subject of a criminal investigation as a result of allegations made by one of the County Council's clients, the County Council cannot provide legal advice or representation to that individual. This is so, even where it appears that the employee has followed the County Council's procedures.

If the police decide to take action against a member of staff then the Council will be as supportive as the merits of the case allow. However, the Council is also unable to provide financial assistance to an employee to seek his or her own legal advice and representation from another source. Nor can it reimburse an employee's legal costs in the event of a prosecution not proceeding or ending in an acquittal.

In light of these two paragraphs, **it is strongly recommended that staff consider membership of an appropriate Trade Union**. Alternatively, staff may want to consider the possibility of taking out private insurance cover for such eventualities.

If a third party claims compensation

Where an employee is the subject of civil proceedings arising from an incident in which a third party alleges injury, the matter will be dealt with under the Council's insurance arrangements, or a school's own insurance arrangements, thus protecting individual employees. The only circumstances where employees may find themselves outside the protection of the Council's or school's insurance are where criminal acts have been committed or where the individual is negligent.

7.8 Exclusion of Pupils

Guidance on the exclusion of pupils has been provided in LEA Circular A53/00 based on Government Circular 10/99. The guidance states:

“Fixed period exclusion is only to be implemented in response to serious breaches of a school’s discipline policy and where a range of alternative strategies has been tried and failed and where allowing a pupil to remain in school would seriously harm the education or welfare of the pupil or of others in the school.

Permanent exclusion is only to be implemented in response to very serious breaches of school discipline policy and when a wide range of other strategies has been tried and failed, including the use of a Pastoral Support Programme.”

7.9 Warning Letters

The Solicitor to the Council will, at the request of a Headteacher or Manager and subject to satisfactory evidence, issue a warning letter to any adult who has committed a serious act of violent, abusive or aggressive behaviour. An example of such a letter is given in *Appendix III*, which relates specifically to schools. Letters used for other departments within Children and Education will be of a similar nature, but would not include reference to the Education Act 1996.

It is not appropriate for similar letters to be sent from the Solicitor in response to incidents involving pupils, as contact with parents in these circumstances should be a function of the school or the LEA. A sample letter that Headteachers may find useful to amend to their own need and approach is given as *Appendix IV*.

8. TRAINING

Staff within the Department for Children and Education and staff in schools who are likely to be at risk from violence will require some level of training. The type and frequency of training will differ according to the nature of the risks faced.

The Department’s Training and Development Plan will address the needs of staff at headquarters rather than based in schools and will be in line with the training pathways for each occupation group.

A detailed training and development plan will be disseminated to all relevant staff towards the end of 2005.

9. REPORTING PROCEDURES

Full guidance on the reporting of incidents is given in the Health and Safety for Schools Manual, the Corporate Health and Safety Manual and in The Use of Physical Interventions by Staff - Policy Statement and Guidance.

Only by reporting incidents can working practices and procedures be adjusted to provide as much protection for staff as is possible. The accumulative effect of several minor incidents can be just as harmful as that from those of a more serious nature and staff should not overlook these ‘lesser’ incidents.

The reporting process has four elements. Items 1 and 2 relate to all staff, but items 3 and 4 do not apply to schools:

1. A book or form, for recording details of what individuals perceive to be minor incidents should be available at all work bases. These are not of statutory type and can be designed to suit the needs of each particular establishment. However, it is important to ensure that such a record of minor incidents is kept.
2. The County Council’s green Incident Report and Investigation Form should be used for incidents that are more serious or to highlight the cumulative effect of a series of minor incidents. A copy of this is set out in *Appendix V* (for schools) and *Appendix VI* (for all other departments). Completed forms should be sent to the Occupational Health and Safety Team at County Hall, with a copy being retained at the member of staff’s work base.

3. A "Violence to Staff" Appendix Form should be attached to provide additional information about the incident.
4. In addition to the main 'incident reporting' forms, a CR6 Form should be completed (see *Appendix II*) and put into the 'Key Information' section of the client's or pupil's file. This form is also used for reporting any incident that could or does involve the abuse of children by an employee.

Managers and Headteachers should use these reports to identify measures that can reduce the likelihood of any recurrence as well as spotting regular or repeated perpetrators and victims. All reports will also be monitored centrally and regular cumulative reports will be compiled to identify trends and areas for further action.

Managers and Headteachers should be aware that if a major injury is attributable to an act of non-consensual violence for a work-related incident, then the incident must be reported to the Health and Safety Executive immediately by either telephoning 0845 300 9923 or on line by going to www.riddor.gov.uk.

Where an injury results in an absence of more than 3 days from normal work duties then the HSE must also be informed as shown above.

10. FURTHER SUPPORT AND ADVICE

Support and advice in respect of violence to staff is available from a range of sources, including:

Human Resources Officer – general advice and report

Staff Counsellor - counselling service to individual on self-referral

Occupational Health Adviser – advice on returning to work and ill health (following a referral from HR)

Health and Safety Adviser – advice on risk assessment and reporting

In addition, schools may wish to seek advice from the following:

School Link Adviser – general advice and support

Educational Psychologists – advice and input on critical incidents and preventative work

Education Welfare Officers - advice and support on attendance and related issues

Child Protection Officer – advice and support to Governors and Headteachers

Legal Services – advice to Governors and Headteachers

All of the above can be contacted through the County Hall switchboard on 01225 713000.

Some schools may have opted not to use some of the above providers. In such instances, Headteachers should make staff aware of alternative sources of advice.

Some other useful contacts are:

Health and Safety Executive
The Pithay
Bristol BS1 2ND
Tel: 0117 988 6000

Department for Education and Employment
Sanctuary Buildings
Great Smith Street
London SW1P 3BT
Tel: 0870 0012345

British Association for Counselling
1 Regent Place
Rugby CV21 2PJ
Tel: 01788 578328

Victim Support
Cranmer House
39 Brixton Road
Stockwell, London
SW9 5DZ
Tel: 0171 735 9166

Criminal Injuries Compensation Board
Morley House
26-30 Holborn Viaduct
London EC1A 2JQ
Tel: 0171 842 6800

APPENDICES

BEHAVIOUR POLICY (SELF-EVALUATION CHECK SHEET)

NAME OF
SCHOOL

DfES
NO.

DATE COMPLETED

Does your policy have or state the following: -

- A statement of ethos or principles**
 - Linked to governors agreed written statement of principles for behaviour
 - Linked to main aims/mission statement or vision statement
 - Outlines standards of behaviour regarded as acceptable (right from wrong)
 - Encourages aspects of self-discipline
- Clearly defined roles and responsibilities, including co-ordination**
 - Names any co-ordinator or personnel with particular responsibilities
 - Any special arrangements (pastoral care)
 - Any arrangements for in-service training of staff, including records of inset
- An outline of procedures and practice (such as):-**
 - Prevention better than cure
 - How systems are applied fairly and consistently
 - Use of Individual Behaviour Plans (IBPs)
 - Use of contracts
 - Any graduation of IBPs (e.g. Code of Practice procedures- from level 1 to 3)
 - Monitoring, review and evaluation procedures for IBPs
 - Involve pupils, staff, parents, carers and governors
 - How pupils are rewarded/sanctioned (e.g. commended or procedures for detention)
- An outline of rules and expectations**
 - Are the rules phrased positively highlighting expectations and provide clear reasons
 - Are they kept to a minimum (Elton 4:55)
 - Are they realistic and manageable/workable and clearly displayed within the school
 - Do they reflect and implement the ethos of the school
 - Are they negotiated with pupils – class rules/playtime rules
 - Have they been communicated to pupils, staff and parents
 - Do they refer to routines and other general practice in the school
- An outline of rewards for good behaviour**
 - How good behaviour is recognised and rewarded, including hierarchy of rewards; (e.g. certificates, merits, stickers verbal praise and reinforcement, displays of work, letters home)
 - How rewards contribute to pupils taking/having increased responsibility
- An outline of consequences of undesired behaviour**
 - What sanctions are used, including hierarchy
 - How sanctions/punishments are applied; (e.g. linked to causes in proportion to offence, relate to individuals not whole groups, avoid humiliation and applied consistently)
 - Refer to the school policy on the use of force to control or restrain pupils including:
 - reference to the types of incidents where physical force might be appropriate such as imminent risk of injury to self or others, or significant risk of damage to property;
 - practical considerations i.e. telling the pupil what will happen if the behaviour does not cease, when the Police will be summoned;
 - what form the physical intervention may take e.g. blocking a pupils' path, holding, pushing, pulling, leading a pupil by the hand or arm, shepherding a pupil away by placing a hand on his/her centre of the back, or using more restrictive holds;
 - recording and reporting procedures (included as an annex - the recording pro-forma) and the use of an incident book;
 - procedures to inform parents/carers or guardians of any incidents;
- An outline for dealing with bullying (or separate anti-bullying policy)**
 - Clear statement of ethos or principles (including zero tolerance- mentioned in prospectus)
 - Procedures for raising issues of bullying by pupils, staff and parents, carers
 - Links to PSHE curriculum or other (e.g. circle time)
 - Support for victim/s and arrangement/s to deal with perpetrator/s
 - Clear procedures to be followed once issue is raised (including co-ordination of action and time-scale for resolution) and the involvement of governors
 - Involvement with parent's, guardians or carer
 - Written reports from all involved (victim, perpetrator, staff)

- ❑ **Set out approaches to exclusions**
 - Procedures used by headteacher for fixed and permanent exclusions
 - Right of parents to appeal
 - Arrangements for work to be sent home if a pupil is excluded
- ❑ **Relate to, and link with, other policies**
 - Linked to equal opportunities policy, including reference to racial or sexual harassment
 - Linked to policy for special educational needs
 - Linked to PSHE or other pastoral policies
 - Linked to any elements in attendance, truancy or exclusion policy
- ❑ **Outline partnership with parents**
 - Mentions arrangements for shared responsibility, including parents, guardians, carers and pupil
 - Involves parents at each and every stage of procedures and practices (e.g. responding quickly and promptly to concerns)
 - Ensures good communication with parents(e.g. clear information or collating comments from parents and considering them at SMT and Governors meetings)
- ❑ **Outline partnership with outside agencies**
 - Arrangements for consultation/liaison with Behaviour Support Team
 - Arrangements for consultation/liaison with Social Services, Health or other outside agency
 - Arrangements for consultation/liaison with LEA(e.g. likely to affect responsibilities of authority as an employer, or increased expenditure)
- ❑ **Have strategies for developing, monitoring and evaluating which include**
 - Details of how, who and when it will be reviewed (e.g. references to ethos, meets aims/objectives set, scrutiny of records on good/undesirable behaviour, monitoring of teaching)
 - Links to efficient use of resources
 - What could operate better (evaluation)
 - Results of any questionnaires, feedback from parents or others
 - Include, if separate, arrangements to monitor, review and evaluate anti-bullying policy
- ❑ **Useful Documents to refer to include:**

The pack of six government circulars "Pupils with Problems"
8/94 Pupil Behaviour and Discipline, 9/94 The Education of Children with Behavioural Difficulties
10/94 Exclusions from School, 11/94 The Education by LEAs of Children Otherwise than at School
12/94 The Education of Sick Children, 13/94 The Education of Children being looked after by Local Authorities

The Elton Report (1989)
The SEN Code of Practice (1994)
The Children Act (1989)
The Education Act (1997)
Home-school Agreements (SSFA 1998 s.110-111)
Social Inclusion: Pupil Support - guidance on pupil attendance, behaviour, exclusion and re-integration (Circular 10/99).
OFSTED "Principles into Practice: Effective education for pupils with emotional and behavioural difficulties". London, HMI 177
Galvin, P and Costa, P (1992) Developing a Behaviour Policy and Putting it into Practice: Leeds City Council
Lund, R (1996) A Whole-School Behaviour Policy: A practical guide. London: Kogan Page
DfES website: www.dfes.gov.uk – Bullying
Assertive Discipline: Lee Cantor
Circle Time: Jenny Mosely

Created by Mark Brotherton (SEN Adviser)

EXAMPLE LETTER – SECTION 547 (FROM COUNTY SOLICITOR)

Dear

RE: SCHOOL

I refer to an incident that happened on school premises on *(date)*.

The Headteacher instructs me that whilst on site you used abusive language about a member of staff and the school in general and physically threatened a member of staff.

This sort of behaviour is unacceptable and will not be tolerated. The County Council takes the security of its staff and pupils very seriously. Please note that from now on, you are expressly excluded from entering onto any part of the school site. This exclusion is indefinite. If you feel it is unjustified, you may make written representations to the Headteacher/Board of Governors asking for it to be reviewed.

Please note that Section 547 of the **Education Act 1996** makes it an offence for a person to trespass on educational premises and cause a nuisance or disturbance. You should therefore be aware that if you are found on the premises without the Headteacher's permission, you may be removed and liable to a criminal prosecution.

I am sending a copy of this letter to the Chief Inspector at the Divisional Police Headquarters and to the Headteacher.

Yours sincerely,

for Solicitor to the Council

EXAMPLE LETTER RE PUPIL BEHAVIOUR

Dear Name(s)

This letter is to notify you that earlier today *(or insert date)* an incident occurred in which *(name of child involved)* displayed behaviour that caused *(injury, distress or both)* to a member of my staff.

The details of the incident are that *(name of child)* *(description of act of violence or aggression, including the actual words used is verbal abuse was involved. Also include the name of the victim)*.

This behaviour is unacceptable.

The Governors and the Local Education Authority have been informed of this matter *(and in view of the seriousness of the incident, I have also informed the police)*.

I have taken into account all of the circumstances as given by *(name of child)*, *(name of member of staff)* *(and by others who were involved)* and / or *(witnessed the incident)* and I am advising you that I intend to *(give details of any punitive or remedial action such as lunchtime detention, internal exclusion, fixed period exclusion, permanent exclusion)*.

Any repetition of this behaviour will result in *(give details)*.

It is important that I talk with you and *(name of child)* to establish ways in which we can ensure that there are no further instances of this form of behaviour. Please contact *(as appropriate)* to arrange an appointment as soon as possible.

Yours sincerely,

Headteacher

APPENDIX V – pro-forma to be attached

**COUNTY COUNCIL INCIDENT AND INVESTIGATION REPORT FORM
(FOR SCHOOLS)**

APPENDIX VI – pro-forma to be attached

**COUNTY COUNCIL INCIDENT AND INVESTIGATION REPORT FORM
(FOR ALL OTHER DEPARTMENTS)**

