



Heath Hayes Academy

Violence in the Workplace Policy

REVIEW DATE:	October 2018
---------------------	---------------------

Signed by Chair of Governors	Date
	October 2017

Heath Hayes Academy Violence in the Workplace Policy

GENERAL STATEMENT:

The Academy has designed this policy to be adopted by employers, staff and visitors, contractors and all other persons who attend the Academy in any capacity. With all amendments if necessary being made and communicated. It may be used for the updating of existing policies. In compiling this policy, the Academy is aware that the Health and Safety at Work, etc Act 1974 places duties on every employer to:

- Provide and maintain systems of work that are safe
- Provide all necessary information, instruction, training and supervision to enable individuals to be safe
- Provide and maintain a safe place of work with safe access and egress.

In addition, 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. Employers must also make arrangements to implement control measures that follow from the risk assessment, so far as it is reasonably practicable.

Every Academy should have a separate policy covering the use of force to control or restrain pupils.

Failure to comply with the above leaves the employer vulnerable to legal challenge.

The following preventative principles are essential for all workplaces:

User-friendly and accessible procedures must be in place. Staff should be familiar with the procedures and be able to refer to them immediately. These procedures must be reviewed regularly and updated as necessary. Practical training must be provided to all staff. As training methods change or as a reminder for staff, refresher training should also be provided.

Signed _____
(Head teacher)

Date _____

Signed _____
(Chairperson of the Governing Body)

Reviewed and updated with all staff annually and New Dimensions quarterly.

POLICY ON VIOLENCE, THREATENING BEHAVIOUR AND ABUSE:

Background:

This model policy and guidance is considered by the Association of Teachers and Lecturers to constitute good practice in managing violent, threatening or abusive situations. Therefore the Academy takes it in its entirety.

Introduction:

The Academy and the staff acknowledge and accepts the legal obligation:

- To provide and maintain safe systems of work
- To provide all necessary information, instruction, training and supervision to enable individuals to be safe
- To provide and maintain a safe place of work for employers, pupils and visitors to the Academy
- Declares its intention to take all reasonable and practicable measures to this end and to support fully those employees who are the victims of violence, threatening behaviour and abuse
- Acknowledges that every employee has the right to be treated with dignity and respect — assaults on staff are not acceptable
- Will take measures to deter violence, threatening behaviour or abuse and take action against those responsible.

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 their colleagues and the pupils in their care
- To cooperate with the employer on health and safety matters
- To carry out activities in accordance with training, instructions, policies and procedures
- To tell the employer of any serious risks.

Definitions:

In this policy:

- i. "assault" encompasses any intentional and violent physical conduct and includes verbal abuse as well as threats of and attempted physical assault
- ii. "employer" includes, Academy, college or educational establishment or the governors of any Academy or college or educational establishment
- iii. "manager" includes the head teacher or principal or their designated deputies
- iv. "parent" includes a guardian or carer
- v. "Academy" covers colleges and any other educational establishment
- vi. "pupil" includes "student"
- vii. "local authority" has been used rather than "local education authority".

This policy sets out the action that will be taken to reduce the frequency of assaults, monitor their occurrence, train staff, support victims of violence and deal with incidents when they occur.

The 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 levels of risk 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.
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. Reference, if appropriate, to the police.
10. The use of statutory powers.
11. Relief from duty, if appropriate, following assault.
12. Providing medical advice, legal advice and counselling.

13. Cooperating with the trade unions of assaulted members.

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 her/his professional duties, support under these procedures will be provided.

PREVENTION:

The employer will:

- Record all assaults on staff and will make statistics based on this information available to staff and other interested agencies.
- Undertake regular, suitable and sufficient risk assessments
- Use 'Five Steps To Risk Assessment', the HSE guidance, when carrying out risk assessments
- Follow these steps in the risk assessment process:
 1. Include the whole of the site, including areas adjacent to the site.
 2. Include staff who visit pupils at home as part of the risk assessment process.
 3. Identify and assess the risks: activities and workplaces should be looked at and considered for what could reasonably be expected to cause harm.
 4. Consideration should be given to everybody at the workplace and everyone using the site.
 5. Determine appropriate actions to manage those risks: existing precautions should be examined to establish whether they are adequate and whether more should be done.

IMPLEMENT THE ACTIONS:

This may include measures such as:

1. training programmes
2. alterations to Academy entrances
3. implementing procedures for visitors to the Academy site
4. communications systems
5. emergency procedures
6. the provision of alarms or back-up for staff
7. monitoring the results
8. informing all staff who might be affected of the outcome of the risk assessment
9. keeping a record of the findings and consider how they might be used to prevent harm
10. considering risks to the personal safety of staff as part of the risk assessment process

Using the employer's statutory powers to seek to prevent any person entering the Academy premises without lawful authority, and who causes or permits nuisance or disturbance to those people lawfully using the premises. Where the name of the intruder is known, warning letters will be sent by the **(Chairperson of the Governing Body)** making it clear that, if the intruder trespasses again and causes a nuisance or disturbance, they risk prosecution and the matter will be reported to the police. In more serious cases the **Governing Body** will consider taking out a prosecution and/or injunction against the offenders. This decision will be under the guidance of the **Head Teacher, Site Manager, H&S responsible person, the police, and H&S advisor.**

Liaison with the police:

The employer will establish and maintain close liaison with the local police. It will draw up a procedure enabling the police to be called and to respond promptly when incidents occur. The employer will work with the local police to confirm the circumstances in which they will pursue a prosecution against an assailant.

The employer will seek to agree with the police that they will obtain evidence and initiate a prosecution when a member of staff at the Academy is assaulted, even if the assault is minor.

Dealing with offensive weapons and knives:

As soon as a member of staff is aware either that a pupil is in possession of an offensive weapon or that there has been an incident involving a weapon the following actions should be taken:

- Immediately inform the designated senior manager – all staff should be aware who this is.
- Immediately inform the head teacher/principal/head of the establishment staff should not try to deal with the situation alone.
- The senior member of staff on site must decide whether it is necessary to contact the police.
- The Academy should consider whether to deal with the matter as a disciplinary issue.

If the person refuses to cooperate, the police should be called. No further action should be taken until the police arrive.

In some exceptional circumstances, action may have to be taken immediately. If this is the case, the person should be isolated from other people if possible. A colleague or adult witness should be present.

Assaults by adults

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

- Inform the police, requesting their immediate attendance
- Take steps to ensure that all staff and pupils are safe and secure
- Take appropriate steps to isolate the assailant

and subsequently:

Liaise with the police if the assailant is known, send her/him a letter stating that her/his behaviour is unacceptable and that s/he is not permitted to come onto the Academy premises in future without an appointment. If s/he does so, and causes a nuisance or disturbance, s/he will be regarded as a trespasser and will be liable to prosecution for causing a nuisance or disturbance as a trespasser on educational premises

Where appropriate, take action to prosecute her/him either directly or via the police.

Where such episodes are a recurrent problem, the Academy should consider putting a formal notice on the entrance or entrances to the Academy informing intruders that they may face prosecution.

Assaults by pupils:

In the event of an assault on a member of staff by a pupil, the assailant should normally be removed from Academy 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 should 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 Academy, the **Head Teacher, Board of Governors**, will consult the assaulted member of staff about appropriate arrangements. S/He will not be required or expected to teach, supervise or support the pupil concerned.

Action when an assault occurs:

If a member of staff is assaulted, the following action should be taken.

1. S/he should be allowed access to a private area for as long as necessary where s/he can sit with a friend, representative or colleague.
2. S/he should be allowed to leave the Academy and go home if s/he wishes and the employer will make appropriate arrangements which may include arranging transport for her/him.
3. S/he may have to attend a hospital, accompanied by a friend, representative or colleague.
4. Similarly, s/he may have to attend her/his GP's surgery and may wish to be accompanied.
5. S/he may also wish to seek an appointment with the Academy occupational health advisor. Professional counselling services will also be made available free of charge. The staff member will be made aware of the availability of these facilities.
6. In addition, staff who have been assaulted will be provided with other appropriate support, including legal advice.
7. A medical assessment of any injury should be made as soon as practicable, for example at hospital or by her/his GP. The **Head Teacher and Board of Governors** will pay any reasonable charges (e.g. from a doctor, dentist or optician) which may be incurred in obtaining the assessment. This will not in any form agree negligence or guilt, of either party.
8. In cases of visible injuries, it is helpful to obtain photographs. The **Head Teacher and Board of Governors**, on behalf of the Academy will pay all reasonable costs of obtaining them. This will not in any form agree negligence or guilt, of either party.
9. If the assault has occurred away from the premises, the Academy should be formally notified.
10. A written record covering the circumstances leading up to the assault, the assault itself and any injury should be made as soon as possible.
11. As soon as practicable after the assault, the member of staff should prepare a written statement on the incident and should be given the opportunity to consult her/his trade union before submitting it.
12. Written statements should be obtained as soon as practicable from all witnesses. Wherever possible, they should be prepared on the day of the incident or as soon as possible thereafter.
13. The member of staff who has been assaulted should be provided with a copy of all written statements.
14. The incident must be reported to the police. The **Head Teacher and Board of Governors**, acting on behalf of and with the consent of the member of staff, will normally inform the police of any assault on Academy premises. If the member of staff concerned does not wish the police to be informed, those views will be taken into consideration. In all cases, the member of staff has the right to report the incident personally to the police.
15. The incident must be reported to the **Head Teacher and Board of Governors**.
16. The **Head Teacher and Board of Governors** must pass on information about the assault to the local authority. The **Head Teacher and Board of Governors** must confirm this in writing to the member of staff.
17. The member of staff should be advised to contact their trade union representative. In any discussions about the incident, the staff member may be accompanied by a representative of her/his trade union who will be accorded facilities time to support and advise the member of staff.
18. The **Head Teacher and Board of Governors** will undertake an investigation and prepare a formal written report as soon as practicable. This may be delegated to the **H&S responsible person**. This report will be agreed with the employee concerned. The report will be given to the police by the **Head Teacher and Board of Governors** or her/his representative and to those with overall responsibility for health and safety.

Further support for the victim of assault:

The Academy will permit the assaulted member of staff to take reasonable paid time off to consult her/his trade union, the police or legal advisors and to attend court if a prosecution is initiated, or for the purposes of any other form of litigation.

The employer, on request, will provide legal advice to assist and prepare the assaulted member of staff for any appearance in court if the matter leads to a criminal prosecution.

If the assailant is prosecuted, the employee and other employees who are witnesses may be required to give evidence in court. Paid leave of absence will be granted for this purpose and appropriate cover will be provided.