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**East Dunbartonshire Council**

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## **Education Procedure Manual 2/21**

### **Management of Incidents of Violence against Employees in Educational Establishments**

**Amended October 2019**

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### **Monitoring and Review**

This procedure manual will be reviewed in accordance with:

- Legislative change
- Changes to national conditions of service
- Other external factors
- Feedback on the effectiveness of the policy
- Requests for review by Elected Members, Trade unions and/or Management.

### **Alternative Formats**

All Education Procedure Manuals can be found on The Hub. The Procedure Manual and the associated Appendices can also be made available, on request, in a variety of formats. These can be requested from Education, People and Development. Information will be made available in accordance with the Council's Accessible Information Policy.

## **1.0     INTRODUCTION**

**1.1** All children have the right to feel safe and free from all forms of violence (United Convention on the Rights of the Child, Article 19). Equally, employees have the right to work in a safe and secure environment. East Dunbartonshire Council has a duty of care under the Health and Safety at Work Act 1974 to ensure the health, safety and welfare of employees at work and is fully committed to providing safe and inclusive education across all educational establishments (hereafter referred to as schools).

**1.2** In accordance with the Management of Health and Safety at Work Regulations (HASAWA) 1999, East Dunbartonshire Council assesses risks to employees and makes arrangements for their health and safety by effective planning, organisation, control, monitoring and review, which includes protecting employees from the risk of violence. The aim is to safeguard the health, safety and welfare of employees at all times by:

- reducing the risk of violence against employees;
- making sure that arrangements are in place to assess the risk of violence against employees;
- providing appropriate training and information for employees;
- making sure management standards are applied consistently;
- providing appropriate support to employees following a violent incident;
- maintaining robust recording and management systems for all violent incidents including those that fall within Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013; and
- making sure that employees who have experienced or witnessed incidents are confident to report them, have them taken seriously and dealt with effectively.

**1.3** East Dunbartonshire Council aims to ensure equity and holds the presumption of mainstream education unless a pupil's needs deem otherwise. In providing such education it is recognised that certain pupils, at certain times, may exhibit behaviour which is challenging, disruptive and/or very difficult to manage. Such behaviour will impact on the pupil, fellow pupils and those employees working in educational establishments. Employees therefore must be highly skilled and provided with appropriate processes, training and support to carry out their roles.

- 1.4** The Health and Safety Executive (HSE) defines violence at work as:

*"Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work. This can include verbal abuse or threats as well as physical attacks."*

This includes physical assault, physical and verbal abuse, serious or persistent harassment, victimisation, bullying and/or threats with or without a weapon. Physical assault is the intentional application of force by one person on another, without lawful justification, resulting in injury or personal discomfort. Non-physical assault is the use of inappropriate language or behaviour causing distress and/or constituting harassment. Persistent unacceptable behaviour includes loud or intrusive conversations or shouting, offensive sexualised behaviour or gestures and unwanted email, telephone or other electronic communication. This list is not exhaustive. The term 'incident' will be used throughout the remainder of this Procedure Manual to encompass either physical and non- physical assault, abuse or harassment.

- 1.5** East Dunbartonshire Council considers any harassment, violent or aggressive behaviour against employees as unacceptable. Management and employees in schools should be cognisant of the need for monitoring and implementation of safety measures.
- 1.6** This Procedure Manual provides clear structures to ensure that employees are protected from violence and relates to the prevention, management and reporting of violent incidents in schools.
- 1.7** This Procedure Manual should be read in conjunction with other related East Dunbartonshire Council policy documents
- Violence in the Workplace
  - Health and Safety Procedure Manual (19/01)
  - Policy and Procedures for Managing Critical Incidents and Trauma
  - Dignity at Work
  - Protocol for Weapons in Schools

## **2.0     SCOPE**

**2.1**     This Procedure Manual refers to incidents of violence by pupils against any employees operating in a school or educational establishment. The procedures within East Dunbartonshire Council's, 'Violence in the Workplace', should be followed where acts of violence against employees are carried out by other employees.

**2.2**     Certain employees can be identified as being particularly vulnerable to risks that are associated with violence from pupils. These could include, for example:

- Employees working in Additional Support Needs establishments;
- Employees working on a one to one basis with pupils;
- Employees working alone;
- Employees working with pupils who have social, emotional, behavioural problems; and
- Where an individual pupil has been identified as being predisposed to violence (employees should be fully informed of this matter in advance).

## **3.0     STRATEGIES TO MINIMISE RISK OF VIOLENCE AGAINST EMPLOYEES**

### **3.1     Wellbeing Strategy**

All classrooms and playrooms should be free from violent behaviour. Schools are expected to be nurturing and inclusive and to foster a climate of mutual respect. This can only be achieved when pupils' needs are appropriately assessed and met. East Dunbartonshire Council's Education Service Wellbeing Framework should be fully implemented to promote a safe working environment for all employees and pupils.

### **3.2     Differentiated Curriculum**

Teachers are expected to provide an appropriate differentiated curriculum which meets the needs of all pupils. For some learners, alternative tasks, activities and resources are required, including learning through play, learning outdoors and activities which develop skills for learning, life and work. Where these modifications do not result in the expected improvements, teachers should approach the Depute Head Teacher (DHT) Pupil Support (Secondary) or the Support for Learning Coordinator (Primary) for support.

### **3.3     Training and Support**

From time to time pupils with challenging behaviour present in classes and playrooms. This behaviour can occur on a continuum and be exacerbated by certain factors. It is therefore essential that the DHT Pupil Support/Support for Learning Coordinator ensures that employees are appropriately trained and supported to carry out their duties. This may also include working with specialist employees to construct appropriate risk assessments.

### **3.4     Risk Assessment**

Employers have a duty, under Managing Health and Safety at Work Regulations (1999), to assess risks of injury and ill health to which employees and others are exposed. The duties cover the reasonably foreseeable risks of violence. The assessment of risk should be ongoing for pupils as they access all areas of education. For most pupils this will consist of dynamic discussions and decisions between employees and pupils and may not require any formal recording. For pupils who demonstrate challenging and concerning behaviour, formal risk assessment procedures must be considered from the earliest realisation that problematic behaviour is occurring or likely to occur, in accordance with Health and Safety Executive Recommendations .

### **3.5     Pupil Management Plans**

Where a pupil requires support in the form of a Pupil Management Plan, this must be constructed with the Team around the Child (TAC) and clearly reflect the views of the pupil and family. As members of the TAC, teachers must also be fully involved in the rationale behind decisions and understand their role to support. Other employees who come into contact with the pupil must also be advised about risk management strategies.

### **3.6     Professional Learning**

Where specialist staff, in conjunction with the DHT Pupil Support/Support for Learning Coordinator, establish the need for professional learning, this shall be arranged as a matter of urgency from amongst the specialist teams, including Educational Psychology to ensure that employees are fully equipped to fulfil their responsibilities. Where learning and development from external agencies is identified, this too shall be provided without delay. It is the responsibility of senior leaders to disseminate specialist information such as Suicide and Self Harm guidelines; it is the responsibility of employees to become familiar with policies or ask for support where they identify a gap in their skills or knowledge.

### **3.7 Training in De-escalation and Restraint**

The policy document, *Including Every Learner: Promoting positive relationships and managing behaviour that challenges (2019)* sets out a training plan and strategies to support staff understanding and management of de-escalation and restraint.

**Employees in mainstream schools are not permitted to access training in restraint.**

**Employees should be aware that in certain circumstances, even in the face of physical assault, the use of force to protect oneself could result in criminal charges being made.**

### **4.0 MANAGEMENT OF INCIDENTS**

- 4.1** Schools should have a process in place to ensure that employees can access support in the event of an incident, for example a 'Red Card' policy or by telephone. Suitable arrangements should be put in place in the event of senior management being out of the building so that there is a clear and consistent approach which all employees are made aware of.
- 4.2** Following an incident, Senior Managers must decide on appropriate action, ensuring that the employee is reassured, supported and confident that their needs will be met.
- 4.3** If there is an emergency situation that requires immediate police attendance, the police should be contacted without delay and the Chief Education Officer informed. Thereafter the Head Teacher should involve the police through the Community Police.
- 4.4** Employees, as individuals, are entitled to involve the police but as a courtesy should inform their Head Teacher, who should inform the Chief Education Officer. Employees should note that in order to make a claim to The Criminal Injuries Compensation Authority (CICA) for compensation, the incident must have been reported to the police.
- 4.5** Where an incident of violence involving an employee occurs, the Head Teacher or representative will conduct an investigation. The extent of the investigation will depend on the severity of the incident. This may include gathering witness statements from those involved.
- 4.6** Following the investigation, the Head Teacher or representative will agree appropriate actions which may include, for example, a restorative meeting, an apology, an amended timetable or exclusion in accordance with Education Procedure Manual 3/11 *Including Every Learner: Preventing exclusion and promoting positive behaviour*.
- 4.7** In the case of extreme behaviour, the Team Around the Child (TAC) should be reconvened to discuss the Risk Management Plan and make any appropriate adjustments. Health and Safety employees and representatives of Professional Associations will be involved in these procedures, as appropriate.

**5.0 WELLBEING OF THE EMPLOYEE**

- 5.1** Following an incident of violence, the overriding concern should be the wellbeing of the employee and any others involved.
- 5.2** East Dunbartonshire Council will offer a range of support to employees who have been subject to violence arising from their workplace. A Wellbeing meeting should be held as soon as possible after the incident to determine how best to support the employee. This could include being made aware of the Employee Assistance Programme (EAP) and how to access legal support.
- 5.3** Those who suffer violence will require sympathetic support to rebuild their professional and/or personal confidence. Where required, employees should seek medical advice and may wish to contact a relevant agency such as Victim Support Scotland. Managers and employees should also consult East Dunbartonshire Council's Policy for Managing Critical Incidents and Trauma.
- 5.4** An employee can also access guidance and support through their trade union representative.
- 5.5** As soon as possible afterwards, the Head Teacher or representative should arrange a meeting to consider the incident and any matters arising from it: the employee has the right to be accompanied at any such meeting. A companion may be a fellow worker or a trade union official. A representative acting in a legal capacity will not be considered an appropriate companion.



## **6.0 REPORTING AND RECORDING INCIDENTS**

Recording of incidents helps to build up a true picture of the risks and triggers for work related violent incidents, as defined in paragraph 1.4, and therefore helps in the monitoring and development of appropriate prevention strategies. It can contribute towards evidence which may be required should legal proceedings be initiated. Employees will be encouraged to report and record incidents of violence and be aware of the process for doing so. **Employees should report all incidents and should not accept that violence is part of the job or that reporting violence will be considered as incompetence.**

- 6.1** The employee experiencing violence should be encouraged to contact their appropriate trade union representative for further advice and support if required.
- 6.2** It is the responsibility of the Head Teacher or designated senior manager to work with the employee to record the incident using the HS1(a)/ <http://thehub.eastdunbarton.gov.uk/business/health-and-safety/forms> and provide a copy of the paperwork to the employee concerned on the day of the incident or as soon as possible thereafter.
- 6.3** All incidents should be recorded on the form as detailed above in paragraph 6.2 and emailed by the Head Teacher or designated senior manager, copying in the employee, to the Health and Safety inbox at [Health.Safety@eastdunbarton.gov.uk](mailto:Health.Safety@eastdunbarton.gov.uk).
- 6.4** The Health & Safety team will record the accident/incident and depending on the nature of the incident, may investigate it further.
- 6.5** If an employee is hospitalised, or has to go home following an incident of violence, Health & Safety should be notified immediately with involvement of other teams as appropriate such as HR.
- 6.6** Where an employee is absent for more than seven consecutive days as the result of a violent incident (this seven day period does not include the day of the incident, but does include weekends and rest days) East Dunbartonshire Council's reporting procedures should be followed in line with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013. These reports are completed by the Health & Safety Team after the school has reported the incident through HS1a form. The Health and Safety Team will follow up the HS1a/ Violence form if the employee has been absent since the violence incident (in the case the form has been completed before the seven day period is over). The RIDDOR report must be made within 15 days of the incident.

**7.0     MONITORING OF INCIDENTS**

- 7.1**     The GIRFEC Liaison Group will be provided with reports every quarter and will use these to quality assure processes and offer support/challenge to schools where patterns of concern emerge.
- 7.2**     Statistics will be report to the appropriate Health & Safety Committee for consideration. This will include the presentation of the volume of accidents/incidents reported along with an analysis of trends and hot spots to inform future actions