



CITY OF
WOLVERHAMPTON
COUNCIL

Working in Partnership

Assaults on School Staff Policy

Local Conditions of Service for School Based Employees

ConnectEd Partnership highly recommend the use of this policy. The policy is considered best HR practice, it has been developed in accordance with current employment law and has been negotiated with all recognised professional associations and HR providers across the City of Wolverhampton.

This is not a statutory policy, but recommended as good practice

Updated December 2020

Adopted by: Loxdale Primary School

On: 01/03/2021

Signed (Chair of Governors/Trust):

Minute number:

This document was reviewed in December 2020 and it was agreed that no amendments were required.

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1.0 STATEMENT OF PRINCIPLES

The Governing/Trust Board of Loxdale Primary School encourages close links with students, parents and the wider community. Students benefit when such relationships are positive.

The Governing/Trust Board expects and requires its members of staff to behave professionally in difficult situations and attempt to diffuse the situation where possible, seeking the involvement of other colleagues as appropriate.

Examples of unacceptable behaviour include:

- Shouting at members of staff in person or on the phone
- Physically intimidating a member of staff e.g. standing very close to them
- The use of aggressive hand gestures
- Threatening behaviour
- Shaking or holding a fist towards another person
- Swearing
- Pushing
- Hitting e.g. slapping, punching, kicking,
- Spitting
- Breaching the school's security procedures

This is not an exhaustive list, but seeks to provide illustrations.

The Health and Safety Executive notes that violence in the workplace “can include verbal abuse or threats as well as physical attacks. Physical attacks can cause anxiety and distress, and in more serious cases, pain, disability or even death. Serious and persistent verbal abuse may damage worker’s health through anxiety and distress. In addition, worry about violence at work, even in workers who do not directly experience it, can be a source of stress.”

The Governing/Trust Board expect staff to behave reasonably to others and for others to behave reasonably to staff. All staff have the right to work without the fear of violence and abuse and the right, in extreme cases, to use appropriate self-defence.

Parents are expected to behave in a reasonable manner when on the school site. A school may consider that aggressive, abusive or insulting behaviour, or language from a parent presents a risk to staff or pupils. It is enough for a member of staff or a pupil to feel threatened. In such a circumstance, schools have a power in common law to bar the parent from the premises. There is no legal right for parents to come onto the school site and parents can be barred from entering the school site if they do not behave appropriately, this relates to section 547 of the Education Act. Parents may be barred from the school site for an identified period of time, as finite bans are not recommended.

If an incident occurs, the response will be measured and the incident will be investigated. The lessons learned from an investigation will be shared.

2.0 Introduction

- 2.1 It is good practice to record all incidents of abuse, threatening behaviour or violence against any member of staff. Schools should ensure that they have a policy in place for covering incidents involving aggression, threatening or violent behaviour and should undertake a risk assessment to protect staff and others from the risk of aggression or violence from visitors, pupils or parents.
- 2.2 The employer is fully supportive of any member of staff who is the victim of a physical and/or verbal assault. The employer's legal service will advise any member of staff who is assaulted in the course of, or arising from, the performance of his/her duties. It is the victim's responsibility to inform the police if they choose (see Appendix D, the role of the police).
- 2.3 The employer will use its best endeavours to secure the prosecution of any intruder who is on school premises for unlawful purposes and/or uses violent, abusive, offensive or foul language or behaves in an unruly and disorderly manner.
- 2.4 Incident Report Forms (IR1 for maintained schools, Appendix A included, is also available on CloudW. An example proforma for non-maintained schools is included in Appendix B) are available in schools, on the Health, Safety and Welfare pages on Engage, from Trade Union/Professional Association Representatives, or may be obtained from the Health and Safety Team.
- 2.5 In the event of an employee being involved in an assault, an investigation will be undertaken and this may result in the disciplinary procedure being invoked.

3.0 Action to be taken after Assault/Incident

- 3.1 Any injuries sustained must be treated appropriately and recorded in the accident book.
- 3.2 Any school staff that have been the subject of, or threatened with, aggressive, violent or threatening behaviour and/or language should report the incident to the Headteacher as soon as possible and complete an Incident Report Form.
- 3.3(a) For maintained schools, upon receiving a completed IR1 form from a member of staff, the Headteacher should ensure the form is filled in, complete the appropriate section of the form and submit one copy to the Health and Safety Team. It is important to remember that the IR1 form can be used as a legal document therefore information recorded within must be factually correct and legible. All sections must be fully completed and be emailed to the Health and Safety Team at healthandsafety@wolverhampton.gov.uk.
- (b) Non-maintained schools should follow their own procedure of forwarding Incident Report Forms to their appropriate body. Good practice could include academies forwarding Incident Report Forms to their Local Professional Association representative.
- 3.4 Where an incident keeps an employee off work for longer than seven days due to injury (not counting the day on which the accident occurred but including weekends and bank holidays), the Health and Safety Executive (HSE) must be informed under Reporting of Incidents, Diseases and Dangerous Occurrence Regulations 2013 (RIDDOR). The report must be made to the HSE within 15 days of the accident. This report is made by the Health and Safety Team and the Headteacher must inform the Health and Safety Team as soon as possible to ensure this deadline is met.

- 3.5 Under RIDDOR, a record must also be kept of any accident where an employee has been incapacitated for more than three consecutive days. An Incident Report Form will suffice.
- 3.6 Where an incident involves violence and aggression, consideration must be given to involving the Police. If the victim chooses to involve the Police, the Headteacher should give every support in this decision. If the decision is to involve the Police, the incident must be reported as soon as possible by dialling 101 and asking for the Police Station within whose area the school is located. Immediate assistance should be summoned by dialling '999'. Victims are free to seek advice from Trade Unions/Professional Associations, Legal Advisers, the local office of victim support etc., but this should not delay reporting the incident to the Police and the employer in the first instance. Any delay may lead to evidence being lost or weakened which will probably result in a prosecution not being pursued.
- 3.7 School/Academy Management should:
- Give immediate support to staff subjected to violence
 - Investigate all reported incidents of violence and abuse of all kinds
 - Assess risks and devise strategies for the prevention of violence, e.g. Individual Pupil Risk Assessment. Appendix C provides an example
 - Devise, in consultation with staff, and implement a behaviour management and anti-bullying policy
 - Adopt a formal system for reporting and recording all incidents of violence
 - Confirm that reporting an incident will not reflect on competence
 - Take into account the fact that women are disproportionately subjected to violence

4.0 Section 547 Education Act 1996

- 4.1 In the event of serious incidents, and where staff feel particularly vulnerable as a result of any incident, a Headteacher can request the employer to issue a 'Section 547 Notice'. This could be invoked for those persons who are a visitor to the premises, this may include those who have parental responsibility for a pupil in school, and threaten, abuse or assault a person on the premises.
- 4.2 Section 547 of the Education Act 1996 makes it a criminal offence for a person who is on school premises without lawful authority to cause or permit a nuisance or disturbance.
- 4.3 Any person who, without lawful authority, is present on premises to which this Section applies and causes or permits a nuisance or disturbance to the annoyance of persons who lawfully use those premises (whether or not such persons are present at the time) shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 2 on the standard scale.
- 4.4 This Section applies to premises which are the employer's responsibility including playgrounds, playing fields and other premises for outdoor recreation.
- 4.5 Under Sub-Section 3, a Police Officer, or a person whom an employer has authorised to exercise the power, may, if he/she has reasonable cause to suspect that any person is committing or has committed an offence under this Section, to remove him/her from the premises.
- 4.6 No proceedings (under sub section 6) shall be brought by any person other than the employer and/or a Police Officer.
- 4.7 The Police will respond to all reported incidents involving violence. Incidents occurring on school

premises will be treated seriously and will be investigated. Staff wishing to make a formal complaint must be prepared to give a written statement, and in the event of Police prosecution, be prepared to attend Court and give evidence.

5.0 Issue of Section 547 Notices

- 5.1 The employer will send a letter of warning, advising of the possibility of prosecution, to any visitor reported to them as having used threatening behaviour. This can be activated by completion of the Incident Report Form (IR1 form or equivalent) provided by the employer. In extreme situations it will be possible to request a Section 547 Notice by telephone/email to the Local Authority for maintained schools and Trust Board for academies, followed up by a completed form.
- 5.2 The employer will take the lead in authorising the issue of the Section 547 Notice. Such Notices are issued by first class post normally within three working days of receipt of the authorisation. Where such action is requested by the Headteacher, the approval of the employer is required.
- 5.3 The withdrawal of permission to enter the school premises (which also includes the school grounds) will take immediate effect. However, parents/carers will be given the opportunity to provide comments and observations to the employer on the decision of the Headteacher, which may include expressions of regret and assurances about their future good conduct. If, after receipt of such information, the decision is confirmed there will be the opportunity for review on a termly basis. The review stage may involve arranging a meeting with all interested parties and their representatives and will be convened by the employer. Following review, the Section 547 Notice may be rescinded or continued, depending upon the circumstances of the case. The outcome of this review will be notified by the employer.
- 5.4 Should a breach of the Notice occur, i.e. when a person enters school premises in breach of a Notice and causes or permits a nuisance or disturbance to the annoyance of persons who lawfully use the premises, contact should be made with the employer. Further action may be taken by the employer based on the evidence provided and it is therefore important that full details relating to all incidents are recorded and submitted. A person found guilty of an offence under Section 547 is liable to a fine.

City of Wolverhampton Council

Health and Safety Report Form

IR1

Please refer to Health & Safety Intranet for guidance. <http://portal/corporate/healthandsafety/Pages/default.aspx>

What type of incident are you reporting (please tick): Accident Near Miss Personal Safety

Reporting Directorate & Service Area:

Section/School/Site:

Personal Details

Forenames:

Tel:

Surname:

Date of Birth:

Home Address:

Sex:

Status : Employee Job Title: Contractor Company:

Member of Public Student Visitor Other (Specify)

Incident Details

Location:

Date:

- -

Time:

Reported To:

Date:

- -

Time:

Describe **What** and **How** the event happened. Mention any item of equipment which was being used at the time and whether there was any supervision at the time of the incident. (Continue On Separate Sheet If Necessary)

Were any injuries sustained **Yes** **No**

Details of Injury if relevant (Describe in detail, left or right side, body parts, etc):

Did you receive any medical attention ? **Yes** **No**

If 'yes' specify : **First Aider** **Self** **A&E** **Doctor**

Details of treatment received :

Has any time been lost from work : **Yes** **No**

If 'yes' date of first absence :

Assailant Details (If Personal Safety Incident)

Name:	UPN	Tel:
Address:		Approx. Age:
Witnesses (Continue On Separate Sheet If Necessary)		
Name:	Name:	
Other Relevant Details:	Address:	
Address:	Tel:	
Tel:	Tel:	

Managers Actions

Identify the factors which contributed to the accident.

Outcome/Action Taken to Prevent Recurrence

Continue On Separate Sheet If Necessary

Reported By	Countersigned (Line Manager)
Name:	Name:
Position:	Position:
Signature:	Signature:
Tel: Date: - -	Tel: Date: - -

Once complete, please ensure that you:

- (a) Retain a copy of this form on site;
- (b) email a copy of the completed form to healthandsafety@wolverhampton.gov.uk

For further information contact: the Health & Safety Team, Tel : 01902 551212 or email healthandsafety@wolverhampton.gov.uk

Health and safety Team Use	
ICASS Ref Number:	Recorded on iCASS by: Date:
Is the incident reportable under RIDDOR : Yes <input type="checkbox"/> No <input type="checkbox"/>	Date Reported : Reported by :
Accident form reviewed by :	Date :

Example Incident Report Form – for non-maintained schools/academies

This form should be used to report all instances of violence and abuse, whether physical or verbal, that are directed to anyone working on our behalf. This includes abuse and threats made over the telephone. Reports must be made as soon as possible after the incident. The victim must be given time away from their duties for this report form to be completed. It should be given to the line manager who is responsible for ensuring it is processed and action taken in accordance with agreed policy on reporting and preventing work-related violence.

Victim's Name:**Victim's Address:****Victim's Contact Telephone Number:****Victim's Email Address:****Date of Incident:****Time of Incident:****Precise address and location of incident:****Name(s) of person(s) being violent or abusive (if known):****Description of the person(s) being violent or abusive:**

EXEMPLAR

Is CCTV footage available? YES/NO**If telephone abuse or threat, is a recording available? YES/NO****Nature of incident:**

- | | |
|--|--|
| <input type="checkbox"/> Stalking | <input type="checkbox"/> Armed Assault – use of weapon |
| <input type="checkbox"/> Destruction of Property | <input type="checkbox"/> Verbal Abuse |
| <input type="checkbox"/> Physical Assault: Hitting, pushing, spitting or shoving | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> Armed Assault – Use of object as weapon | <input type="checkbox"/> Other (specify) |

Verbal Abuse? YES/NO

Please give details:

Physical Violence? YES/NO

Please give details, including any weapons used:

Please describe any injuries suffered – give as much detail as you can:

Location of injuries – please tick all relevant:

- | | |
|--|-----------------------------------|
| <input type="checkbox"/> Head | <input type="checkbox"/> Buttocks |
| <input type="checkbox"/> Face | <input type="checkbox"/> Stomach |
| <input type="checkbox"/> Neck | <input type="checkbox"/> Back |
| <input type="checkbox"/> Shoulders | <input type="checkbox"/> Groin |
| <input type="checkbox"/> Arms | <input type="checkbox"/> Thigh |
| <input type="checkbox"/> Hands | <input type="checkbox"/> Shin |
| <input type="checkbox"/> Chest | <input type="checkbox"/> Calf |
| <input type="checkbox"/> Other (specify) | <input type="checkbox"/> Feet |

Describe Incident in Detail

Include what happened, where, who was involved, what you heard, saw, etc. Give as much detail as you can

EXEMPLAR

Contact details of any witnesses:

Name: Contact Details:

Name: Contact Details:

Name: Contact Details:

Was first aid required? YES/NO

Was an ambulance called for? YES/NO

Were the Police called for? YES/NO

-----*FOLLOW-UP: FOR INTERNAL USE ONLY*-----

Name and contact details of person investigating incident: (Report must be attached on completion)

Date investigation commenced:

Has the relevant safety representative been notified? YES/NO

Name of safety representative and date of referral:

Has a referral to an Employee Assistance Programme been made? YES/NO

Name of responsible person and date of referral:

Has a referral for counselling been made? YES/NO

Name of responsible person and date of referral:

Have the outcomes of follow-up action been communicated with the victim? YES/NO

Name of responsible person and date of communication:

EXAMPLE RISK ASSESSMENT OF PUPIL/STUDENT BEHAVIOUR

Management of Health & Safety at Work Regulations 1999 (as amended)

What types of pupil/student behaviour needs to be risk assessed?

Pupil/student behaviour which gives cause for concern needs risk assessing. Violent and/or unpredictable behaviour may put the pupil/student, their peers, employees and others at risk. Risks can also arise amongst pupils/students with special educational needs and particularly those pupils/students with disabilities.

What do managers/heads of establishments/settings have to do?

It is important to decide whether a pupil/student has to be continually assessed on a day-to-day basis or alternatively on one-off events such as school visits and off-site activities. The significant findings of the risk assessment need to be recorded to ensure compliance with the law.

Additionally, it is also important, for reasons other than Health & Safety, to demonstrate that a wide range of strategies have been implemented to support the pupil/student. Where violent behaviour leads to suspension/exclusion of an individual and it can be shown that this was predictable, a pre and post event risk assessment record is needed. This will show what considerations have been given to the hazard (the individual) and the risk reduction strategies, which were put in place to minimise the risk.

N.B. The risk assessment record would be a legitimate piece of information to inform the School Disciplinary Committee and the Exclusion Appeals Committee should that be necessary.

Employees must receive proper training to implement any physical handling or restraint of pupils/students. For further help and guidance in a situations where a pupil/student requires physical handling or restraint refer to the Physical Restraint and Reasonable Force Policy.

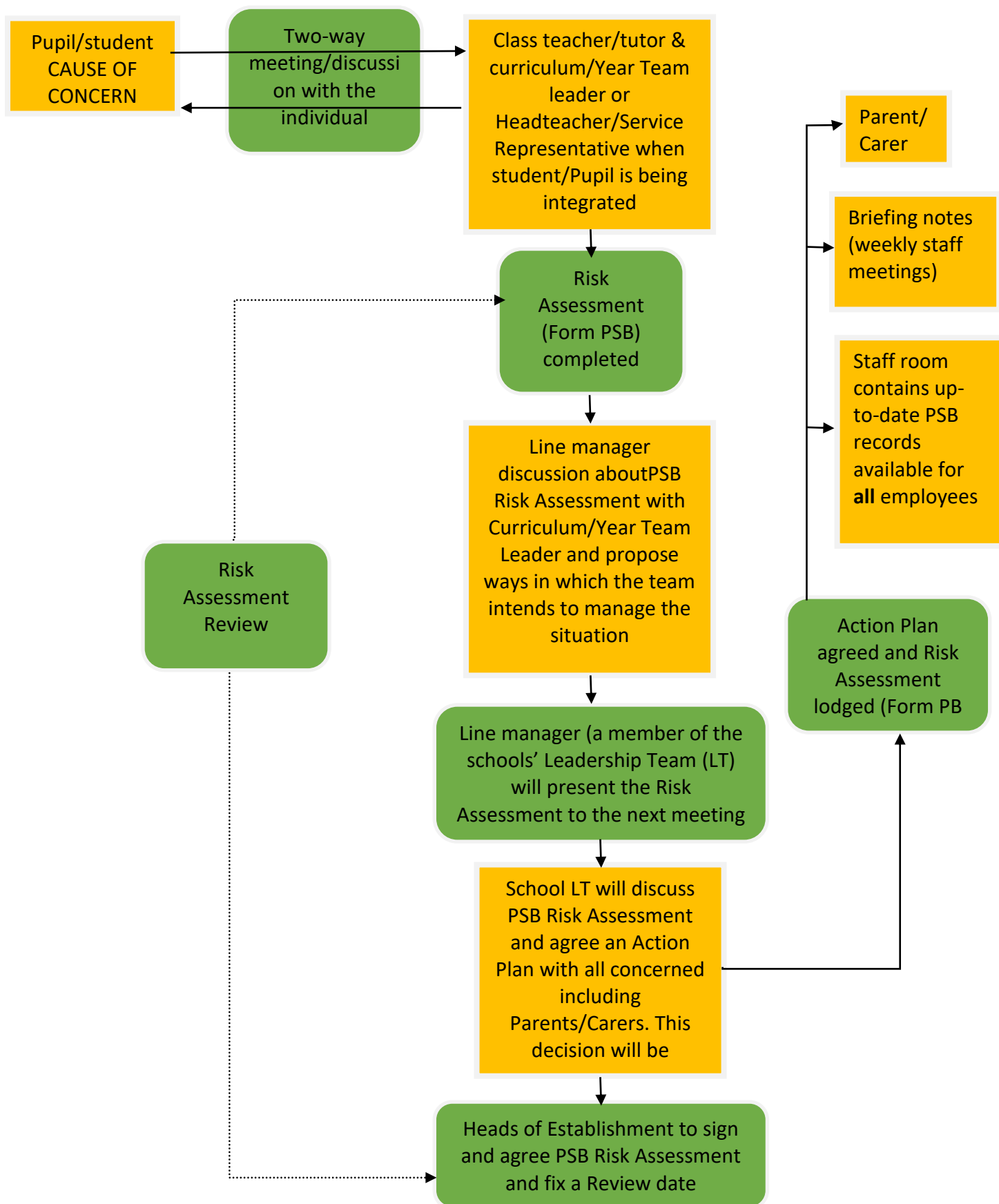
What is the procedure for risk assessing pupil/student behaviour?

The flowchart "Pupil/Student Behaviour Risk Assessment Model Procedure" (Annex 1) details the procedure for risk assessing pupil/student behaviour.

How is the risk assessment to be recorded?

The "Risk Assessment Record – Pupil/Student Behaviour" (Form PSB) and Checkpoints (See Annex 2) should be used for recording the risks assessed. Four examples are illustrated in Annex 3.

Pupil/Student Behaviour (PSB) Risk Assessment Model Procedure



N.B. A Risk Assessment must be carried out on each pupil/student who is re-admitted following exclusio. The assessment is to be carried out by a member of the schools' Leadership Team

Pupil/Student Behaviour
Management of Health and Safety at Work Regulations

A	School/Setting	Name of Pupil/Student	School Year	D.O.E ⁽¹⁾	D.O.B. ⁽¹⁾
B	What are the behavioural patterns that present health and safety hazards?				
C	What risks do they pose and to whom? ⁽²⁾		Estimate Risk Level H/M/L ⁽³⁾		
D	What measures have been taken to reduce the risk? ⁽⁴⁻¹⁰⁾		Risk Level Achieved H/M/L ⁽¹¹⁾		
E	What further action is needed to reduce the risk? (state action/specify dates)		Remaining Risk Level H/M/L ⁽¹²⁾		
F	What activities can not be reasonably safely managed without disproportionate costs? ⁽¹³⁾				

Name of assessor		Head of establishment	
Job title		Signature	
Assessor signature		Date	
Date		Review date	

Checkpoints

- (1) D.O.E. – Date OF Entry to school/setting
D.O.B. – Date Of Birth
- (2) Has all available information on the pupil/student been made available to all appropriate employees, volunteers, helpers, coaches/instructors? This may include non-teaching employees
- (3) Estimated risk level: H – High, M – Medium, L – Low
- (4) Have all appropriate support services been consulted e.g. Behaviour Support Service
- (5) Are all those people that are potentially at risk aware of how they should respond? This may include other pupils/students, employees and employers offering work experience, escorts and/or visitors
- (6) Are all identified risk reduction measures in place?
- (7) Are there contingency plans for absences of employees and others identified in control measures?
- (8) Are appropriate emergency action plans in place e.g. contact numbers for parent/guardian, carer, education social workers. Are these regularly updated and easily available?
- (9) Has appropriate information, instruction and training been provided in areas like conflict avoidance?
- (10) Has this assessment been brought to the attention of appropriate employees and others affected and when will it be reviewed and updated?
- (11) Risk Level Achieved: H- High, M – Medium, L – Low
- (12) Remaining Risk Level: H – High, M – Medium, L – Low
- (13) Can these costs be estimated?

Role of the Police

The role of the police in dealing with assaults and trespass is very important. Any incident where police help is required should be reported with the minimum of delay, in order to ensure that any evidence is secured and preserved, and giving an indication of whether he/she wishes to make a formal complaint. Failure to do so will mean that the police will not take formal action, although they may still be prepared to interview the assailant on an informal basis.

The police will respond to all reported incidents involving violence. Incidents occurring on school premises will be treated seriously and will be investigated. Staff wishing to make a formal complaint must be prepared to give a written statement and, in the event of prosecution by the Crown Prosecution Service, be prepared to attend Court and give evidence.

Having decided to involve the police, the incident must be reported as soon as possible by dialling 101 and asking for the police station within whose area the school is located. Immediate assistance should be summoned by dialling '999'.

All school staff should be mindful of the requirements of the Criminal procedure and Investigation Act 1966 with regard to the disclosure of 'unused material'. During an investigation, police officers can expect to gather quite a lot of information. A large proportion will be used as part of the prosecution case against the accused. The legislation now sets down precise rules about what is done with the information not used – commonly referred to as 'unused material'.

Specific duties are placed upon the police with regard to making all reasonable inquiries during an investigation and to retain, record and reveal investigation material. It is therefore vitally important that all information relating to an investigation is made available to the Investigating Officer. This will include all IR1 forms and any notes made by school staff.

A Court Case can be jeopardised by failure to disclose information to the defence – the golden rule must be that the investigating officer must be told of all records or information recorded in any way which may have a bearing on the inquiry. The officer will then ensure that the correct procedures are followed.

Common Assault. Where a member of staff is assaulted by a parent or carer and minor injury is caused, the parents or carer may be charged with common assault in accordance with Section 39 of the Criminal Justice Act 1988.

Where sufficient evidence exists and the victim consents, the police will obtain evidence and initiate the prosecution on behalf of those who are classified as vulnerable by virtue of their occupation. This specifically includes teachers.

Such cases can be tried only in the Magistrates' Court. However, where there is a racial element to the offence, the parent or carer may be charged with the offence of racially aggravated assault contrary to Section 29 of the Crime and Disorder Act 1988. This can be tried either in the Magistrates' Court or the Crown Court. Whether a prosecution can or should be pursued in a particular case will depend upon a range of factors including the strength of the evidence and the possibility of alternative methods of disposal such as a Caution.