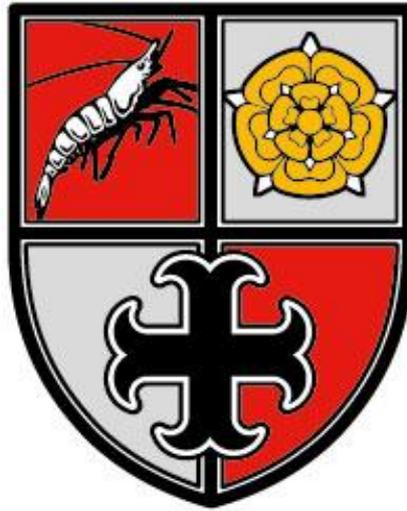


MARSHSIDE PRIMARY SCHOOL



Violence at work

Spring 2020

Date reviewed by sub-committee: Safe and Well 28.01.2020

Date Approved by Full Governing Body 10.03.2020

Chair: Andrew Brown _____

Headteacher: Katharine Hall _____

Review Date: Spring 2022

Version No 2 – 17/03/2020

EQUALITY STATEMENT

Our school recognises children's diverse circumstances and is committed to its legal responsibilities under the Equality Act 2010. Each child regardless of their background could be a victim of child abuse and is therefore entitled to the same degree of protection and support.

We have carefully considered and analysed the impact of this policy on equality and the possible implications for pupils with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Marshside Primary School recognises that there are no circumstances in which violence towards any employee is acceptable and no employee should be expected to accept exposure to violent behaviour as part of their role.

Introduction

The Health and Safety Executive (HSE) defines work-related violence as:

‘Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work’.

This definition is taken to include verbal abuse or threatening behaviour, any assault, any serious or persistent harassment, including racial or sexual harassment and extends from what may be seen to be minor incidents to serious assault and threats against the employee’s family.

This policy is applicable to all employees of Marshside Primary School who suffer physical or verbal abuse during the course of their duties from children, parents and/or members of the public.

Legal Requirements

Health and Safety law applies to risks of violence, just as it does to other risks from work.

The main relevant legislation is:

The Health and Safety at Work Act 1974 (HSAW Act)

Employers have a legal duty under this act to ensure, so far as is reasonably practicable, the health, safety and welfare of their employees while they are at work.

The Management of Health and Safety at Work Regulations 1999

Employers must consider the risks to employees (including the risk of reasonably foreseeable violence); decide how significant these risks are; decide what to do to prevent or control the risks; and develop a clear management plan to achieve this.

The Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 1995 (RIDDOR)

Employers must notify their enforcing authority in the event of an accident/incident at work to any employee resulting in death, major injury or incapacity for normal work for more than three days. This includes any act of non-consensual physical violence against a person at work.

Policy

The governors of Marshside Primary School believe that all violence to employees is unacceptable and is committed to providing full support to any employee who suffers violence in the course of, or arising out of, their official duties.

We expect all members of our school community to behave in a reasonable way, but sadly there are occasions when behaviour by children, parents, carers and visitors to the school is considered unacceptable.

Information will be available to members of the public in the form of a statement that violence is unacceptable and the governors of Marshside Primary School will take legal proceedings if necessary to maintain the safety and well-being of its employees.

All incidents of verbal abuse or physical violence will be treated seriously and responded to appropriately. On no account will such incidents be treated lightly or dismissed as part of everyday life, nor will a violent incident be viewed as a reflection on an individual employee’s ability.

All incidents of verbal abuse or violence will be reported to the Headteacher and investigated; and appropriate action taken to minimise the risk of a recurrence. This may include the need to share information with colleagues and across schools to establish any pattern of violence from particular areas.

Where serious threats are made to an employee in the course of their employment, the Headteacher and/or Chair of Governors will take appropriate and supportive action to prevent any recurrence. This may include

sending a formal letter to the person concerned warning that legal action will be taken if a breach of the law occurs.

An employee who has been occasioned harm in any way, including threats or psychological damage or who has suffered damage to their property, will be actively encouraged to report the matter to the Police. Every opportunity will be taken to prosecute offenders either by the Police, or in certain circumstances, individuals may wish to initiate legal proceedings themselves. Marshside Primary School, and Sefton authority, will ensure that employees are supported through the prosecution process.

Risk Assessment

By looking at the roles employees undertake, and the context in which they work, it is possible to identify the potential for violence. When undertaking a risk assessment, it is essential to identify individual causes of risk, and equally important to recognise that these risk factors rarely occur in isolation and when combined will have the potential to increase the risk of violence. As such, employees may face a series of combined risk factors such as threatening behaviour from children, which may be supported and/or influenced by the parent/carer.

Risk Assessments will be carried out in Marshside Primary School where violence poses a significant risk to employees. Any recommendations arising out of the assessment should seek to eliminate or reduce the risk to the lowest reasonable practicable level.

Where the risk assessment identifies that the risk(s) may not be contained within the setting of Marshside Primary School it may be appropriate to share information with colleagues.

It is recognised that the behaviour of some children may present particular challenges to employees.

Legal position

Physical restraint used in self-defence is acceptable in law, but only with the minimum force necessary. This means that it is reasonable for employees to use sufficient force to stop or control violent situations, or prevent themselves or other people from being injured. Risk Assessments will be carried out in Marshside Primary School where violence poses a significant risk to employees. Whilst the risk of an employee being in a situation where the only way to protect themselves is to cause harm to the violent person is unlikely, it is accepted in law. In deciding whether the force used was reasonable, the courts will consider all of the circumstances surrounding the violent situation.

There is no legal definition of when it is reasonable to use force, as this will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired outcome. Use of force could not be justified to prevent trivial misbehaviour. However, deciding whether misbehaviour is trivial will also depend on circumstances.

Aftercare and support

Marshside Primary School is committed to providing full support, including aftercare, to employees who have suffered violence in the course of their duties. Support will include:

- Line management support/debrief to ensure the incident is discussed, recorded appropriately and consideration is given to further action;
- Referral to the Sefton occupational health department for those employees who feel they may benefit from this service;
- Where appropriate, access to Trades Union Welfare Officers;
- Immediately after reporting a violent incident, the victim will be offered local support to ensure their needs are met. This will include consideration as to whether it is appropriate for the employee to remain at work following the incident. Debriefing will take place as soon as possible after the event to minimise the risk of longer-term trauma and harm. The purpose of the debriefing session is to enable the individual to talk about his/her feelings of distress. It is normal for people to feel vulnerable, helpless or powerless to react, and there may be feelings of guilt, anger and fear of another attack. These feelings may not manifest themselves immediately and may take time to

come to terms with. Individuals will be encouraged to talk openly about their experiences; what happened, how they responded and how they felt.

Even the most sophisticated policies and procedures relating to violence and personal safety cannot guarantee that a violent incident will never occur. It is important therefore, that post incident support is available to anyone subjected to violence in the course of their work.

Such services ensure that support, practical help and access to sources of specialist help are provided subject to availability.

Types of unacceptable behaviour.

In order to support a calm and safe school environment the school will not accept or tolerate parents, carers and visitors exhibiting the following:

- Disruptive behaviour or disorderly conduct which interferes or threatens to interfere with the operation of a classroom, office or other area of the school grounds;
- Using loud / or offensive language, shouting, swearing, cursing, using profane language, attempting to physically intimidate, use of aggressive hand gestures or displaying anger, temper, agitation;
- Making unreasonable demands;
- Refusing to allow others to respond;
- Threatening to harm a member of school staff, visitor, fellow parent / carer or pupil regardless of whether or not the behaviour constitutes a criminal offence;
- Damaging or destroying school property;
- Sending abusive or threatening emails or text/voicemail/ phone messages or other written communications;
- Defamation of the school or staff character on Facebook or other social networking sites;
- The use of physical aggression towards another adult or pupil. This includes physical punishment against your own child on the premises;
- Approaching someone else's child in order to discuss or chastise them because of their actions towards your own child;
- Smoking and consumption of alcohol or illegal drugs on school premises;
- Dogs being brought in to school premises with the exception of assistance dogs.

This list is not exhaustive

In the case of an incident in school the Headteacher will investigate the incident and with members of the Senior Leadership team determine the action to be taken.

ANY INCIDENTS OF ACTUAL OR THREATENED VIOLENCE WILL BE REPORTED TO THE POLICE IMMEDIATELY.

These include:

VERBAL WARNING.

The Headteacher or deputy will speak to the person or persons perpetrating such an incident privately. It will be put to them that such behaviour is unacceptable and will not be tolerated. An assurance will be sought that such an incident will not be repeated. It will be stressed on this occasion that repetition of such an incident will result in further more serious action being taken.

WRITTEN WARNING.

The Headteacher will write to the person or persons involved informing them that their conduct is unacceptable and will not be tolerated. The letter will make it clear what behaviours occurred and what action will be taken. It will also be made clear that should any further incidents occur then the school will initiate an exclusion from the school premises. The person or persons involved will be expected to sign to confirm receipt of the written warning. This could include registered post.

EXCLUSION FROM THE SCHOOL PREMISES.

If unacceptable behaviour incidents continue to occur or the initial incident is considered serious enough, the Chair of Governors (or Vice Chair of Governors) would enforce an exclusion from the school premises.

A ban would take immediate effect, however the person / persons are able to make representation within a period of one week. At the end of the week the Chair of Governors (or Vice Chair of Governors) will consider any representation made, then make a decision to either confirm the ban or discontinue it.

REMOVAL BY POLICE.

If following a decision to exclude a person for the school premises they persist in entering the school premises, they may be removed by the police as a trespasser under Section 547 of the Education Act 1996 and charged with an offence under the Public Order Act 1986.

All parents, even if excluded from school premises, are not excluded from the rights to access school and have a right to seek an appointment to speak to school staff about their child's educational progress.

Related documents.

MPS Positive handling policy

MPS Positive behaviour policy

[HSE Violence at Work Code of Guidance](#)

Appendix 1 Written Warning.

Dear

Following an incident at Marshside Primary School on [DATE] at [TIME] I am writing to advise you formally that your behaviour towards [Name of children / staff / parents] was totally unacceptable and I have taken advice on how to proceed.

The incident has been investigated

Or

As I witnessed your behaviour

and I must inform you that your behaviour at this time was not acceptable and will not be tolerated because: [Provide a brief summary of the incident, its effect on pupils and staff and include behaviours that occurred]

As a result of the incident I write to advise you that should you need to access school to discuss your child's educational progress you must contact school via the school office to make an appointment.

I must advise you that any repetition of such behaviour towards any members of the school community will be followed by an immediate withdrawal of permission for you to enter the school premises and may result in a referral to the local police.

I am copying this letter to the Chair of Governors. Should you wish to discuss the contents of this letter, please make an appointment to see me via the school office.

Yours sincerely,

CC Chair of Governors

Appendix 2 Exclusion from the school premises.

Dear

I refer to the incident, which took place on < DATE>, involving <NAMES> at <LOCATION>.

I write to advise you that Marshside Primary School takes violence and intimidation towards its employees very seriously and will take all necessary action to minimise the risks of staff being subjected to such behaviours.

I have received a report from the Headteacher of Marshside Primary School on [DATE] at [TIME] about your unacceptable behaviour.

I note that you have had a private conversation / written warning about your conduct in the past.

I must inform you that the Governors will not tolerate conduct of this nature and will act to defend pupils and school staff. On the advice of the Headteacher, I am therefore instructing you that until I have reviewed this incident, you are not to reappear on the school premises. If you do not comply with this instruction, I shall arrange for you to be removed from the premises. If you cause a nuisance or disturbance of the premises you may be prosecuted under section 547 of the Education Act 1996; if convicted under this section, you could be liable to a fine of £500.

Special arrangements can be made for you to meet with the Headteacher, of necessary, but you will need to contact the school office to make an appointment. The withdrawal of permission for you to enter the school premises takes effect immediately and will be in place for [number of days] school days in the first instance. If you wish to appeal this decision, you have the opportunity to write to me with any comments or observations of your own in relation to the report I have received from the Headteacher. These comments may be to challenge or explain the facts regarding the incident, to express regret and give assurances about your future good conduct.

If you do wish to appeal, please send me any written communication you wish to make by [date 10 school days from date of letter] so that I can look into this case and make a decision on any appeal. If, on your receipt of your comments, I consider that my decision should be confirmed, you will be supplied with details of how

Yours sincerely,

Chair of Governors.

CC Headteacher

Appendix 3 – Ban from premises upheld

Dear

On (date) I wrote to inform you that on the advice of the Headteacher I had withdrawn permission for you to come onto the premises of Marshside Primary School. To enable me to determine whether to confirm this decision for a longer period, I gave you the opportunity to give your written comments on the incident concerned by (date). I have not received a written response from you/I have received a letter from you dated (date), the contents of which I have carefully considered.

In the circumstances, and after further consideration of the headteacher's report, I have determined that the decision to withdraw permission for you to come onto school premises should be confirmed. I am therefore instructing that, until further notice, you are not to come onto the premises of the school without the prior knowledge and approval of the headteacher. If you do not comply with this instruction I shall arrange for you to be removed from the premises of the school. If you cause a nuisance or disturbance on the premises, you may be prosecuted under Section 547 of the Education Act 1996; if convicted under this section, you are liable to a fine of £500.

Even though we have taken this decision, the Headteacher and staff at Marshside remain committed to the education of your child(ren), who must continue to attend school as normal.

This decision will be reviewed again (insert review date which should be a reasonable period and no longer than 6 months).

When deciding whether it will be necessary to extend the withdrawal of permission to come onto the school premises, consideration will be given to the extent of your compliance with the decision, any appropriate expressions of regret and assurance of future good conduct received from you; and any evidence of your co-operation with the school in other respects.

If you wish to pursue the matter further you have a right to complain to a panel of school governors who have not been involved previously and who will consider the circumstances of the decision to withdraw permission for you to come on to the school site. You can make your complaint by writing to the Clerk to the Governors, Mrs Kay Squires at Marshside Primary School.

Yours sincerely,

Chair of Governors.

CC Headteacher