

## Violence at Work Policy

**Last amended 25.06.18 by Heather Watson**

**Reviewed and Approved by Vicky Elsworth, HR Manager  
06.05.20**

**Ratified by Board of Trustees 13.05.20**

**Next review date May 2022**

*This policy has been reviewed in line with the 8 principles set out in the Single Equality Policy and an initial screening Equality Impact Assessment has been carried out.*

Within this policy the term Headteacher refers to the Headteacher of the school and the term CEO refers to the Chief Executive Officer of the Twynham Learning Academy Trust (the Trust).

The governors of the Trust are charity trustees and company directors and for the purpose of this policy these terms are interchangeable.

This policy reflects the legislation at the time that it was last reviewed. Any changes in legislation will take precedence over anything printed in this policy.

## **Policy Statement**

**The Trust recognises that there are no circumstances in which violence towards any employee is acceptable and no employee shall be expected to accept exposure to violent behaviour as part of their role.**

### **1 Introduction**

- 1.1 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'.
- 1.2 This definition is taken to include verbal abuse or threat, 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.
- 1.3 This procedure has been agreed following consultation with the Local Authority, the HR Provider and recognised Trade Unions.

### **2 Scope**

- 2.1 This policy is applicable to all employees of the Trust who suffer physical or verbal abuse during the course of their duties from students, parents and members of the public.

### **3 Legal Requirements**

- 3.1 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 etc 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 2013 (RIDDOR)**

Employers must seek advice from their HR Provider 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.

#### **4 Policy**

- 4.1 Violence of any form to an employee of the Trust is totally unacceptable and the Trustees are committed to providing full support through appropriate means to any employee who suffers violence in the course of, or arising out of, their official duties.
- 4.2 Information will be available to members of the public in the form of a statement that violence is unacceptable and the Trust will take legal proceedings if necessary to maintain the employee safety and well-being.
- 4.3 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.
- 4.4 All incidents of verbal abuse or violence must be reported to a line manager, the Headteacher, CEO or a Trustee and investigated; and appropriate action taken to minimise the risk of a recurrence. This may include the need to share information with colleagues and other schools to establish any pattern of violence from particular areas.
- 4.5 Further details and guidance on the reporting of incidents can be found in the Trust's Accident Reporting Policy and Procedure.
- 4.6 Where serious threats are made to an employee in the course of his/her employment, the , CEO, Headteacher and/or Chair of Trustees 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.
- 4.7 An employee who has been occasioned harm in any way or suffered damage to their property should be actively encouraged to report the matter to the Police. Every opportunity should be taken to prosecute offenders either by the Police, or in certain circumstances, individuals may wish to initiate legal proceedings themselves. The Trust will ensure that employees are supported through the prosecution process.

#### **5 Risk Assessment**

- 5.1 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 students which may be supported and/or influenced by the parent/carer.

- 5.2 Risk Assessments should be carried out by the Trust 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 the Trust, it may be appropriate to share information with colleagues as outlined in Paragraph 4.4 above. Further information on the risks of lone working, together with guidance for lone workers is available in the Lone Working Policy.
- 5.3 It is recognised that the behaviour of some students may present particular challenges to employees.

## **6 Legal position**

- 6.1 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. 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 remote, 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.
- 6.2 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.

## **7 Aftercare and support**

- 7.1 The Trust 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.
  - Access to the HR Provider's Counsellor for those employees who feel they may benefit from this service. The Counsellor may wish to discuss with the employee the need and mechanism for specialist post incident support.
  - Where appropriate, access to Trade Union Welfare Officers.
- 7.2 Immediately after reporting a violent incident, the individual who has been attacked should be offered local support to ensure their needs are met. Debriefing should 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 should be encouraged to talk openly about their experiences; what happened, how they responded and how they felt.
- 7.3 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.

7.4 The following policies, which are available from the school office, also provide advice and guidance when dealing with incidents of violence at work:

- Behaviour & Motivation Policy
- SEN policy

## **8 Review**

8.1 This policy will be reviewed periodically by the Local Authority and amendments recommended to the Local Advisory Board for adoption as appropriate.

Equality Impact Assessment – Initial Screening Record

1. What policy is being reviewed?	Violence at Work Policy
2. Upon whom will this impact?	All Employees, Students and Visitors to the Trust and Trust schools

3. How would the work impact upon groups; are they included and considered?

<b>The Equality Strands</b>	Negative impact	Positive impact	No impact
Minority ethnic groups			√
Gender			√
Disability			√
Religion, faith or belief			√
Sexual orientation			√
Transgender			√
Age <small>(N/A to pre-school and school children)</small>			√
Rurality			√

4. Does data inform this work, research and/or consultation, and has it been broken down by the equality strands?

	NO	YES	Uncertain
Minority ethnic groups	√		
Gender	√		
Disability	√		
Religion, Faith or belief	√		
Sexual Orientation	√		
Transgender	√		
Age	√		
Rurality	√		

Does the initial screening highlight potential issues that may be illegal? NO

Further comments:-

Do you consider that a full Equality Impact Assessment is required? NO

Initial screening carried out by Julian Burton, Chair of Staffing Committee, 21/02/14 and reviewed by the Staffing Committee June 2018

Comment by CEO: