

Durham County Council – School Violence & Aggression Health & Safety Policy

Distribution

To be brought to the attention of all Directors, Heads of Service, Managers, Supervisors and Employees including Trade Union Representatives and Elected Members.

Introduction

Durham County Council (the Council) is committed to ensuring the health, safety and welfare of all its employees.

This guidance aims to assist head teachers and governing bodies in cases where the behaviour of young people or adults gives cause for concern. In particular, the guidance deals with situations where young people or adults are being threatening, violent, abusive or aggressive towards members of the school community.

Such behaviour clearly cannot be tolerated. Staff and pupils have a right to expect their school to be a safe place in which to work and learn. This document includes advice on a range of possible measures that can be taken to ensure appropriate protection for schools.

The Council recognises its responsibilities and obligations to employees regarding violence and aggression at work and is committed to managing and providing a safe and secure working environment.

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Section 1 – What is violence and aggression?

For the purposes of this policy, violence is defined as:

“Any incident, in which an employee is abused, threatened or assaulted by a member of the public (including, clients and pupils et cetera) in circumstances arising out of the course of his or her employment.”

This would include physical violence, aggression, verbal abuse, abuse related to a protected characteristic as defined under Equality Act 2010 and intentional damage to personal property.

The Council recognises its responsibilities and obligations to employees regarding violence and aggression at work and is committed to managing and providing a safe and secure working environment.

Section 2 – Responsibilities

Corporate Directors and Heads of Service along with head teachers and governing bodies are responsible for the safety of all the school employees by ensuring that arrangements are in place to implement, monitor and review this policy and make effective arrangements to minimise the risk of violence at work. Employees are also responsible for their own safety and for following the Council's guidance and systems for the management of Violence and Aggression.

Section 3 – Requirements

The Council will ensure –

- Early recognition and assessment of the risk to employees and others affected by the Council's undertaking when violence or aggression could be reasonably foreseeable.
- It incorporates the process and assessment results into management activities i.e. supervision, 1-2-1s, appraisals, competencies, performance management, team-meeting agendas and other procedures/management systems.
- Where significant risks are identified, suitable control measures are put in place to remove or reduce those risks to a reasonable level and establish effective communication and monitoring thereof.
- That all violence & aggression incidents are reported and investigated as appropriate, for the purpose of improving safety and preventing recurrences.
- Effective communications between the head teacher and their staff are maintained to raise awareness of violence and aggression risks.
- Individual responsibility is encouraged at all levels to recognise and inform management of hazards and risks associated with violence and aggression.
- It reviews all acts of violence and aggression towards employees and where appropriate refer to the police.
- Employees are aware of the support systems available including counselling, legal advice et cetera. where appropriate for employees affected by incidents of violence and aggression.

Section 4 – Risk Assessment

Risk is defined as 'the likelihood of harm'. The significance of a risk depends upon the severity of the possible outcome and the number of people who may be affected. All risks are to be managed before harm occurs. This is to say, adopting a proactive approach rather than a reactive one.

Schools must identify staff members to carry out risk assessments. These staff members will identify the potential for significant harm to either staff or others arising from work activities. These assessments should not be confused with those made for an individual pupil, through a formal plan such as a care plan or an individual education plan.

They are different and should be separate, because the risk of violence or aggression from a pupil may extend beyond the staff that might normally be expected to have access to the agreed plan. In the case of care plans, these individual assessments should be taken into account when preparing the risk assessment.

Risk assessments will seek to establish the risk to staff after taking into account:

- Information about children or adults using the school, including the frequency and severity of any previous incidents.
- Frequency and nature of the contact.
- Experience and training of the members of staff.
- Location.
- Adequacy of existing control measures.

In some cases, this information can only be established through consultation with others that come into contact with the individual, or hold relevant information about those using the school. All significant risks should be recorded on a risk assessment form. Both assessors and head teachers are responsible for ensuring that the outcomes of risk assessments are shared with all relevant personnel.

All risk assessments will be reviewed at least annually but more frequently if enhanced risks are identified or whenever circumstances change.

Section 5 – Physical Intervention

As a rule, physical intervention should only be used as a last resort when other strategies have been tried and found to be unsuccessful or when the risks of not employing an intervention outweigh the risks of using reasonable force.

There is no legal definition of ‘reasonable force’ so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may be reasonably used. It will always depend on all circumstances of the case.

There are two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant such use.
- The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. The degree of force and the duration of its application should always be the minimum needed to achieve the desired result.

It is a criminal offence to use physical force, or to act in a way that leads another person to fear the use of force, unless the circumstances give rise to a ‘lawful excuse’ or justification for the use of that force. Such justification may be to prevent an injury to oneself or to others or to prevent serious damage to property. In these circumstances, a reasonable amount of force may be used.

All instances of physical intervention must be recorded in accordance with policies.

Section 6 – Training

Staff within schools who are likely to be at risk from violent and aggressive behaviour will require some level of training. The type and frequency of training will differ according to the nature of the risks faced. The school should identify and provide suitable training in skills that may include de-escalation techniques, breakaway techniques and the use of force to control or restrain.

Section 7 – Behaviour Policy

Everyone involved with the school needs to know and understand the boundaries of acceptable behaviour. All schools should have a school behaviour policy including a clearly stated code of conduct as detailed in the Education and Inspection Act 2006.

The Code of Conduct that gives effect to the overall behaviour policy should cover:

- Child protection against abuse and assault.
- Staff protection procedures.
- Discipline, control and restraint procedures.
- Identification and response to racial and sexual harassment, bullying and truancy.

A comprehensive behaviour policy sets the framework for improving the overall climate of behaviour and discipline within the school.

The aims of the policy might include:

- Encouraging a whole school approach to behaviour and discipline.
- Helping staff to manage behaviour more effectively.
- Helping the school to promote young people's respect for others.
- Promoting firm action against all forms of bullying.
- Reducing the level of truancy.
- Reducing the numbers of pupils being excluded.
- Promoting equal opportunities policies.

The precise content of the policy is a matter for each school and its supporting community.

Section 8 – Lone Working

The nature of some school activities is such that employees are sometimes required to work alone and/or out of normal school hours. The risk of violence and aggression towards staff increases in a lone working situation and therefore all lone working activities will be subject to a risk assessment. Head teachers must assess the situations, either generically or individually, and ensure that reasonably practicable precautions are implemented.

If the perceived risk warrants it, such precautions might include:

- Cancelling the visit/appointment/meeting.
- Re-arranging the venue.
- Re-scheduling the time of the visit/appointment/meeting.
- Specific selection of staff.
- Additional staff being present.
- Training in conflict diffusion techniques for staff.

In addition to these higher risk control measures, clear lines of communication should be in place between all lone workers and the school during school hours.

For lower risk lone working periods after normal school hours, then it is sensible to inform someone at home of your itinerary and of the action to take should you fail to arrive home. If there is no suitable person at home, then staff, for their own reassurance, may want to arrange a system whereby a colleague is primed to alert someone if confirmation of a safe return is not made.

A locally arranged escalating procedure must be in place to alert the head teacher if any member of staff is unaccounted for at the end of any high-risk lone working period.

Section 9 – Banning of an Individual

Contact should be made with the Local Authority following an incident involving an adult whereby the school would like to pursue banning the individual from the site.

The access to Education lead officer can be contacted on 03000 265535 or by email at clare.nicholls@durham.gov.uk.

The Pupil Placement & Education Safeguarding Manager will link with colleagues from Legal Services to discuss the potential of banning the individual and to produce a letter informing the individual if that course of action is agreed.

Section 10 – Exclusion of Pupils

Some cases of violence and aggression involving either pupil on pupil or pupil on staff member could lead to either fixed term or permanent exclusion of the young person. Statutory guidance on excluding pupils from school can be found on the Department for Education (DfE) webpage.

Guidance on 'exclusion from maintained schools, academies and pupil referral units in England' is published and updated by the DfE which must be followed in each case.

Any school wanting to discuss a fixed term or permanent exclusion of a pupil should contact the Senior Officer Pupil Casework on 03000 265903 or david.wall@durham.gov.uk.

Section 11 – Monitoring and review

The Council's Health and Safety Team (HST) will undertake monitoring of the policy and its implementation.

The operation of this policy will be kept under review and such changes will be made to the policy as deemed appropriate following necessary consultation with the trade unions.

Section 12 – Support

This policy covers the promotion of a positive supportive framework by the Council to assist staff who have been affected by incidents of violence and aggression to cope with the effects of such incidents.

When dealing with victims of violence or aggression head teachers and employees should consider support options that are available within the Council, where appropriate: such as counselling through the Employee Assistance Programme (EAP) or via the Occupational Health Service or trade unions.

Dependent on the circumstances consideration should also be given to informing the Police.

Section 13 – Confidentiality

All information will be handled sensitively and used only for its proper purpose.

Under the General Data Protection Regulations 2018, individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

Section 14 – Dealing with Abuses of the Policy

Employees who attempt to abuse this policy may face disciplinary action. The council takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

Section 15 – Equality and Diversity

The Council's vision is of an Altogether Better Durham comprising two key components of an Altogether Better Place, which is Altogether Better for People. Within this vision are three key equality objectives, set out in the Single Equality Scheme, to provide high quality accessible services to all, be a diverse organisation and work with others to promote equality countywide. These objectives apply both in the delivery of services and in relation to the Council's employment practices. The Council is committed to including equalities in everything that it does. This includes the elimination of unlawful discrimination, promoting diversity as a positive force and valuing and celebrating a diverse workforce and community.

Further information and guidance

Further advice and guidance is available from the Council's Health and Safety Team or from the Health and Safety intranet pages.

Health and Safety Team

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Telephone: 03000 263430
Email: hsteam@durham.gov.uk

The [Health and Safety Executive website](#) (HSE) contains useful information in relation to this subject matter as well as other general Health and Safety guidance, much of which can be downloaded for free.

For information on support and counselling, visit the Occupational Health Service page on [the extranet](#) or visit the [employee assist website](#) directly.

For access to guidance on exclusion from maintained schools, academies and pupil referral units in England, visit the [Department for Education website](#).

Please include any additional appendices after this comment.

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