

VIOLENCE IN A SCHOOL SETTING POLICY

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| Date Created: 9 th April 2009 | Date of Amendment: May 2018 | Date of Next Review: If and when required |
| Approved by | | |
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| Responsible Directorate/Division | Risk and Emergency Planning Division Corporate and Policy Division | |
| Supporting documents, procedures & forms of this policy | Violent Incident Report: Guidance On Completion (Appendix 1) | |
| References & Legislation | <ul style="list-style-type: none"> – INDG69 – Violence at Work – Health and Safety at Work Act 1972 – Management of Health and Safety at Work Regulations 1999 | |
| Schools Consultation Audience | Schools Health and Safety Meeting 11 th May 2014 | |
| Head teachers checklist | <ol style="list-style-type: none"> 1. Where necessary, ensure that all safety procedures are included in Occupational and Lone Working Risk Assessments. 2. Ensure that Violent Incidents are reported and dealt with in accordance with identified procedures. 3. The governing bodies of schools are directed to adopt the policy, as from time to time revised, and implement its procedures. | |

VIOLENCE AT WORK

Policy Statement:

Halton Borough Council recognises the real risks to employees from violence at work. As part of employers' responsibilities under the Management of Health, Safety and Welfare at Work Regulations, 1999 the Authority is committed to proactively minimising the risk of violence to employees through the provision of a safe working environment, safe systems of work and appropriate training.

Scope:

Over the last decade there has been a significant rise in violent incidents towards school employees. Halton Borough Council recognises the real risks to school employees from violence at work and is proactively minimising that risk.

Definition of Violence:

The Health and Safety Executive's definition of work-related violence is: 'Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work'.

'Violence at work' constitutes a physical attack on a member of the workforce but in the context of health and safety issues, has been broadened to encompass any kind of abuse or aggressive behaviour that might inflict physical or psychological harm to the victim within the workplace.

This policy is aimed at external work related violence i.e. non-employee violence directed at an employee. Employee-on-employee violent incidents should be addressed through the Personnel Policies.

Work-related violence can be physical or non-physical. Examples of each include:

Physical

- Physical assault
- Pushing and shoving
- Damage to personal property
- Kicking, biting, punching, spitting, etc
- Unwanted physical contact

Non Physical

- Threats and threatening gestures
- Abusive phone calls, letters, e-mails
- Verbal abuse
- Bullying/harassment
- Insults, innuendo, ridicule, sarcasm

In particular non-physical violence includes any cyber-bullying through email, text, Facebook, Tweet, etc.

Roles and Responsibilities:

• Head teachers:

In their role as Head teachers, Head teachers are responsible under the Management of Health, Safety and Welfare at Work Regulations 1999. They must ensure that occupational risk assessments identify whether or not the task or occupational group concerned is likely to be at risk from violence at work. If violence is identified as an occupational hazard then

actions need to be taken to protect employees by minimising the risk. Records of the risk assessments must be kept and any actions identified should be shared with the relevant employees. The measures need to be monitored to make sure that they are effective.

- **Employees:**

Employees have a responsibility for their own health and safety and that of their colleagues. As such they should understand the local procedures designed to protect both themselves and their colleagues from incidences of violence (e.g. lone working procedures, the requirement to report violence incidents).

Incident Reporting:

Reporting of violent incidents is crucial as it helps staff to protect their own health and safety and that of colleagues who may otherwise be placed at risk. Employees should be encouraged to report all violent incidents via the electronic reporting system (See Appendix 1 for reporting format)

Investigation:

All violent incidents must be investigated:

- Explore the reasons why it occurred;
- Identify both the immediate and underlying causes including updating Behavioural Action Plans;
- Highlight recommendations that prevent or limit the likelihood of recurrence;
- Provide feedback to those affected; and
- Improve overall health, safety and welfare performance.

An investigation should:

- (i) Be carried out in accordance with the guidance.
- (ii) Commence at the earliest opportunity and in any case within 24 hours of occurrence.

An investigation will always take place where:

- (i) The incident highlights an occupational or behavioural risk which has not previously been assessed;
- (ii) The incident highlights shortcomings in the existing risk assessment;
- (iii) The incident is reportable to the Health and Safety Executive;
- (iv) The incident is sufficiently serious to warrant an investigation;
- (v) Those affected by the incident reasonably request it.

Training:

Occupational risk assessments will identify those employees requiring training in dealing with violence and aggression. Head teachers must ensure that upon induction appropriate training is identified including Team Teach and Conflict Management.

Environment:

The school will aim to provide, as far as is reasonably practicable, a working environment that reduces the risk of violence to staff. This will be included in the risk assessment.

Staff Support:

After the incident has been dealt with, the Head teacher should arrange an informal debriefing session as part of the violent incident reporting procedure with the employee concerned. The opportunity should be taken to review policies and procedures to check their effectiveness.

In some instances there will be a need for support e.g. counselling, support around prosecution of the assailant, compensation. This should be identified as soon as possible after the incident.

If legal advice is required, the employee should seek advice from their Trade Union or his / her own Solicitor.

Staff should be aware that failure to report an incident to the police will prevent their entitlement to support from the Criminal Injuries Compensation Board.

Data Protection:

To comply with the Data Protection Act, there is a declaration at the beginning of the report that states,

'In order to comply with DPA 2018, personal details entered in an accident record must be kept confidential. All records will be stored in accordance with IT Standing Orders.

It is important that you are absolutely accurate in the details you enter onto this system. The information you enter here may be referred to in court. You may in certain circumstances be called on to give evidence as to the facts on oath in court or tribunal'.

If personal information is entered onto the system on behalf of an injured party or witness by another person, it is the schools responsibility to ensure that they are to be issued with the Violence at Work System Privacy Notice, as per appendix '2'.

Where a third party (e.g. solicitor or parent) requests a copy of an accident report, only information of direct interest should be passed on.

Monitor and Review of Violent Incidents:

Head teachers will be responsible for identifying and monitoring trends from those incidents that are reported within their work areas. Following an incident they should review the existing risk assessment and take any appropriate actions to reduce the risk of a further incident. Revised procedures should be monitored to ensure that they are effective.

Review and Evaluation

In order to ensure that this policy continues to be effective and applicable to the Council, the program will be reviewed biennially by Risk and Emergency Planning and relevant stakeholders. Conditions which might warrant a review of the policy on a more frequent basis would include:

- Changes to legislation;
- Employee concern.

Following completion of any review, the program will be revised and/or updated in order to correct any deficiencies. Any changes to the program will be consulted through the relevant stakeholders.

Version Control and Change History

| Version Control | Date Released | Date Effective | Approved By | Amendment |
|-----------------|---------------|----------------------------|-------------|---|
| 1 | 2002 | May 2002 | | Policy Created |
| 2 | 2009 | Apr 1 st - 2010 | | Update current Policy and Violence Incident Form |
| 3 | 2012 | 2012 | | Updated with new RIDDOR Regs |
| 4 | May 2014 | May 2014 | | Includes any cyber-bullying and Behaviour Action Plans and other areas around the risk assessment |
| 5 | July 2015 | July 2015 | | Updated review date |
| 6 | May 2018 | | | Updated with Data Protection Section and Privacy Notice |

VIOLENT INCIDENT REPORT: GUIDANCE ON COMPLETION

All sections of the electronic forms must be completed.

Many of the sections for completion are self-explanatory and for that reason are not addressed within this guidance note.

Part A

Employees should aim to complete this part of the form as early as possible after the incident. Consideration should be given to the emotional state of the employee as to whether or not the form filling process should be delayed.

Account of Incident

This should include details of events leading up to the incident as well as the act of violence itself.

Police Involvement

It is recommended within the Violence at Work policy that acts of physical violence and serious verbal threats are reported to the police. Although this is encouraged, it is still dependent upon the employee concerned giving their consent for police involvement.

Where an employee is injured either physically or psychologically as a result of a violent incident they may be entitled to compensation by lodging a claim for criminal injuries. It is a pre-requisite for lodging a claim that a crime reference number is obtained along with the attending police officer's name and number.

Injuries

Describe injuries as precisely as possible, stating which side / region of the body were injured e.g. fracture to right wrist, bruising to lower back, cut above left eye. The Principal Health and Safety Advisor within Risk and Emergency Planning Division will then make a decision on whether there is a requirement to notify the Health and Safety Executive under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR), 1995.

Damage to Property

This includes damage to both council property and employee's personal property. It is important that details of damage arising from an incident are passed on to the police for the purpose of insurance.

Part B

This part of the electronic form is to be completed jointly by the employee involved and their line Head teacher.

Time off Work

At the time of completing the form, it may be difficult to ascertain how long a period of sickness absence will be following a violent incident. Head teachers must note that if a member of staff is off work for more than 7 days following the date of the incident (and including weekends), and then Risk and Emergency Planning Division must be notified. The Principal Health and Safety Advisor will then notify the Health and Safety Executive in accordance with RIDDOR, 1995.

If known, the number of day's absence should be recorded along with details of the condition resulting in absence e.g. stress or any physical injuries. Where the cause of absence is stress then the guidance in the Stress Policy must be followed.

Action taken or to be taken by the Head teacher

This section must be completed giving details of any actions that the Head teacher may have taken or will take to:

- Provide immediate support to the employee involved
- Where appropriate, communicate relevant information regarding the incident to other groups of staff
- Notify the police
- Write to the assailant stating that the Authority does not tolerate violent incidents and that future occurrences will result in notification to the police.
- Correspondence must be checked by Legal Services before being sent out. Revise risk assessment around task / assailant
- Notify appropriate staff of revised control measures to minimise risk of a future
- Where appropriate arrange training for the employee in dealing with violence and aggression

Note that any actions identified must be time-bound.

Date of Review

Where actions are identified these will need to be reviewed for effectiveness. The Head teacher and the employee should arrange a post-incident review meeting within 3 to 6 months after the incident.

General Data Protection Regulation (GDPR)

PRIVACY NOTICE: VIOLENCE AT WORK SYSTEM

Who is the Data Controller for the information I provide?

Halton Borough Council is the Data Controller for the personal information you provide.

The Council's Data Protection Officer can be contacted on 0151 511 7003 or by email to Peter.Richmond@halton.gcsx.gov.uk

We collect and hold information about you in order to record all accidents and incidents for employees and anyone affected by HBC actions

Why do you need my information?

- (i) Provide a safety, health and welfare at work of all its employees and a safe environment for any person who uses its services and premises;
- (ii) Fulfil its legal duties as conferred under relevant statutory provisions;
- (iii) Investigate incidents to identify both the immediate and underlying causes and highlight recommendations that prevent or limit the likelihood of recurrence;
- (iv) To collect information for any claims for damages and for insurance purposes; and
- (v) Ensure that all relevant incidents are reported to the Health and Safety Executive (HSE).

What legal basis allows you to use my information?

Available Basis:

- (1) Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.

This is especially if the injured party has completed the form.

- (2) Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).

These include the Health and Safety at Work Act, Management Regulations, Reporting of Injuries, Diseases and Dangerous Occurrences Regulations and the First Aid Regulations (this list is not exhaustive).

- (3) Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

- (4) Legitimate interests:** the processing is necessary in your interests, for the Council's legitimate interests or the legitimate interests of a third party.

Special Category:

Lawful Bases for processing special category (e.g. race, ethnicity, sexual orientation, etc. where processed to uniquely identify a person) data and in particular data concerning health where processed to uniquely identify a person:-

- (1) You have given explicit consent to the processing of your personal data for a specified purpose.
- (2) Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the council or yourself in the field of employment and social security and social protection law in so far as it is authorised by law or a collective agreement pursuant to law providing for appropriate safeguards for the fundamental rights and the interests of yourself.
- (3) Processing is necessary to protect your vital interests or those of another person where you are physically or legally incapable of giving consent.

Do I have to provide this information and what will happen if I don't?

HBC will not be able to record, report and retain records and demonstrate that it has investigated incidents and complied with it's legal duties.

Who will my information be shared with?

With relevant HBC managers, Enforcement Bodies such as the HSE and insurers.

How long will you keep this information for and why?

If an adult for 7 years.

For a child/young person up to the age of 21 years.

How will my information be stored?

On the Violent Incident data base on the HBC Intranet, which is secure.

Will this information be used to take automated decisions about me? No

Will my data be transferred abroad and why? No

What rights do I have when it comes to my data?

Right to be informed – through this Privacy Notice

Right to rectification – you have the right to have personal data rectified if it is inaccurate or incomplete.

Right of Access - you have the right under the Data Protection Act 2018 (General Data Protection Regulation 2018) to request a copy of your information and to know what it is used for and how it has been shared. This is called the right of subject access. To request a copy of your data or ask questions about how it is used download a copy of our form from <https://www4.halton.gov.uk/Pages/councildemocracy/Data-Protection.aspx> and send it to Information Governance Service, Halton Borough Council, Service Improvement Division, Municipal Building, Widnes, WA8 7QF. Or email informationgovernanceservice@halton.gov.uk

Source of data

In addition to the information that you provide about yourself we will also receive information from others entering the report on the system on your behalf.

Who can I complain to if I am unhappy about how my data is used?

You can complain directly to the Council's Data Protection Officer by writing to:

Data Protection Officer, Information Governance Service, Halton Borough Council, Municipal Building, Widnes WA8 7QF'.

You also have the right to complain to the Information Commissioner's Office using the following details: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 08456 30 60 60 or 01625 54 57 45. Website: www.ico.org.uk

