



Assaults on School Staff Policy

Policy Owner: SHINE Academies CEO

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This policy has been agreed as being fully consulted on with the following trade unions ASCL, NAHT, NASUWT, Unison, NEU, GMB and UNITE and was implemented by SHINE Academies on the above date

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1. Introduction

- 1.1 SHINE Academies is committed to adopting policies and procedures to encourage a healthy and safe working environment. The Trust promotes close links with pupils, parents, and the wider community. Pupils benefit when such relationships are fostered.
- 1.2 The purpose of this policy sets out the action that will be taken towards reducing the frequency of assaults, monitoring their occurrence, supporting victims of violence, and dealing with incidents when they occur. This policy applies to any incidents involving any form of unacceptable behaviour displayed by both adults and children.

Examples of unacceptable behaviour include:

- Verbal abuse, including shouting at employees in person or on the phone
- Abuse of employees via email or social media
- Physically intimidating employees 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.

- 1.3 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 Trust recognises its responsibilities under the Health and Safety at Work Act 1974 to protect employees from violence at work.

All employees have the right to work without the fear of violence and abuse and the right, in extreme cases, to use appropriate self-defence.

- 1.4 The Trust is fully supportive of any employee who is the victim of a physical and/or verbal assault. Employees are encouraged to seek support from their Trade Union

Representative and any appropriate legal advisors. It is the victim's responsibility to inform the police if they choose (see Appendix C, the role of the police).

2 Responsibilities

2.1 Trust Responsibilities

2.1.1 The Trust acknowledges and accepts its legal obligation in relation to the Health and Safety at Work Regulations 1999, in particular section 3 which places a general duty on employers to conduct their undertakings in such a way as to ensure, so far as is reasonably practical, that persons other than themselves or their employees are not exposed to risks to their health or safety and:

- To provide and maintain safe systems of work
- To provide all necessary information, instruction, training, and supervision to enable individuals are safe
- To provide and maintain a safe place of work for employees, pupils and visitors

2.1.2 The Trust also acknowledges its responsibility under the Management of Health and Safety at Work Regulations 1999, in particular section 3, which places a duty on the employer to assess the risk to their employees, and those not in their employment but who may be affected by their actions. This includes the risk posed to them by violence and aggression. To fulfil this obligation the Trust will:

- Record any significant findings of a risk assessment, and any group of employees that may be affected by that risk
- Make employees aware of any risks they may be exposed to during their working day

2.1.3 The Trust will:

- Give immediate support to employees 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 B provides an example of this
- Devise, in consultation with employees, 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

2.2 Employee Responsibilities

2.2.1 The Trust expects employees to:

- Behave reasonably towards others and for others to behave reasonably towards employees. All employees have the right to work without the fear of violence and abuse and the right, in extreme cases, to use reasonable force to defend themselves
- Behave professionally in difficult situations and attempt to diffuse the situation where possible, seeking the involvement of other colleagues as appropriate.
- Take reasonable care of their own health and safety and that of others, including colleagues and pupils in their care
- Cooperate with the Trust on matters of health and safety
- Carry out activities in accordance with training, instructions, and relevant guidance, policies, and procedures
- Inform the Trust of any risk, actual or perceived, in a timely manner

2.2.2 Employees should be aware that some of the behaviours listed at paragraph 1.2 of this policy may be displayed by pupils which are linked to additional needs. It is therefore important for all employees to be familiar with the normal behaviours for these pupils and to identify when the behaviour displayed is a known behaviour of that pupil or it is being displayed as an act of aggression or violence. If an employee is in doubt, they should always seek assistance from an appropriately trained employee when faced with unacceptable behaviours.

2.2.3 In the event of an employee being involved in an assault, where it is alleged that the employee is the perpetrator, a fact-finding exercise will be undertaken and this may result in the disciplinary procedure being invoked where appropriate.

3 Action to be taken after an Assault/Incident

3.1 Reporting Arrangements

3.1.1 All employees are encouraged to report all incidents, using the Incident Report Form (appendix A) or by logging it on the school's system, where any of the behaviours outlined in section 1.2 or behaviours of a similar nature are displayed. Taking into consideration that the information contained within this section of the policy is not exhaustive of what would be considered as unacceptable behaviour. The Trust will take reports seriously and deal with them sensitively. Any reporting of an incident will not reflect upon an individual's competence.

3.1.2 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.

3.1.3 All reportable incidents involving employees can be reported online [How to make a RIDDOR report - RIDDOR - HSE](#), but a telephone service remains for reporting fatal and major injuries only - call the Incident Contact Centre on 0345 300 9923 (opening hours Monday to Friday 8.30 am to 5 pm). A report must be received within 15 days of the incident.

Work-related incidents must be reported to the HSE that:

- Result in death or a specified injury
- Prevent the injured person from continuing their normal work for more than seven days (excluding the day of the incident)
- Lead to a reportable occupational disease, for which the employee has received a written diagnosis from a doctor

Specified injuries include:

- Fractures (excluding fingers, thumbs, and toes)
- Amputations
- Loss or reduction of sight
- Crush injuries that cause internal organ damage
- Serious burns (those that cover more than 10% of the body or that damage the eyes, respiratory system, or other vital organs)
- Scalping (skin being separated from the head) that requires hospital treatment
- Unconsciousness caused by head injury or asphyxia.
- Any injury that results from working in an enclosed space and leads to hypothermia or heat-induced illness, or resuscitation or hospital treatment for over 24 hours
- These are also reportable if they are the result of non-consensual violence in connection with work in the school. For example, where there is an incident involving a pupil and an employee and the employee sustains a serious injury as the result of an incident and medical treatment is sought by a medical professional.

3.1.4 Under RIDDOR, a record must also be kept of any accident where an employee has been incapacitated for more than three consecutive days. The Incident Report Form

will serve as this record.

- 3.1.5 Where an incident involves violence and aggression, consideration must be given to involving the Police. If the victim chooses to involve the Police, the Trust will 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 Trust in the first instance. Any delay may lead to evidence being lost or weakened which will probably result in a prosecution not being pursued.

Regardless of whether the incident is reported to the Police or any other external body, support will be given to all employees following that incident.

3.2 Support for Employees

- 3.2.1 Where there has been an assault on an employee or an employee has sustained an injury following an incident, the following steps should be considered:

- Any injuries sustained must be treated appropriately and recorded in the accident book
- The employee will be permitted access to a private area for as long as necessary where they can sit with a friend, colleague or trade union representative
- The employee will be permitted to go home if they so wish, and any necessary transport arrangements will be made where applicable
- Where the employee is required to attend hospital or their GP they can choose to be accompanied by a work colleague, friend or trade union representative
- The employee may access the Trust's occupational health services and counselling service. The Trust will make the employee aware of this provision and complete any referral in a timely manner
- In the case of visible injuries, the employee can choose to take photographs if they wish
- If the assault has occurred away from the Trust premises, the Trust should be formally notified
- The employee will be required to make a factual written statement of the event through completion of an Incident Report Form (Appendix A)
- Written statements will be taken from any witnesses to the event, preferably on the day of the event or as soon as possible thereafter
- In all cases the employee has the right to report the incident personally to the Police if they so wish

- The incident should be reported to a member of the senior leadership team.
- Following any assault/incident, risk assessments, and where applicable behaviour and support plans, should be revisited

4 Section 547 Education Act 1996

4.1 Parents and visitors are expected to behave in a reasonable manner when on any of the Trust sites. The Trust may consider that aggressive, abusive or insulting behaviour, or language from a parent or visitor presents a risk to employees or pupils. It is enough for an employee or a pupil to feel threatened. In such a circumstance, schools have a power in common law to bar the parent/visitor from the premises. There is no legal right for parents/visitors to come onto the school site and parents/visitors can be barred from entering the school site if they do not behave appropriately, this relates to section 547 of the Education Act 1996. Parents/visitors may be barred from a 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.

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 Trusts 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 they have reasonable cause to suspect that any person is committing or has committed an offence under this Section, to remove them 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. Employees 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 Issue of Section 547 Notices

- 5.1 The Trust 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. In extreme situations it will be possible to request a Section 547 Notice by telephone/email to the Trust Board, followed up by a completed form.
- 5.2 The Trust 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.
- 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 Trust 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 Trust. 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 Trust 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 Trust Board. 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.

6 Dealing with Weapons

- 6.1 If an employee has reasonable grounds for suspecting that anyone on or around Trust premises is in possession of a weapon, or that there has been an incident involving a weapon, they should immediately inform the Headteacher; they should not try to deal with the situation alone.

6.2 Where the person is not on the premises, but is around the premises or is an unknown intruder or a parent and is on Trust premises, then the Police should be called and no employee of the Trust should try and engage with the individual.

Appendix A – Incident Report Form

Assaults Against School Staff Incident Report

**Report of an Incident / Injury / Assault to an Employee / Non-Employee
Including Verbal Intimidation and Racist Abuse**

Please complete all sections of the form and use a separate form for each incident

1. Surname: Forename(s):
Address:
Telephone Number: Age: Male Female

2. Date / Time of incident: (24 hour clock – eg: 14:20)
Precise address and location of incident:.....
.....

3. Please give a full account of the incident, including acts of violence. Explain what happened and what the injured person was doing. If a fall from height, please state height. If necessary, please provide a sketch on a separate sheet.

.....
.....
.....
.....

4. Details of any injuries sustained (e.g. laceration of the 1st finger on right-hand, scald to left foot, etc...)

.....
.....

5. Did the injured person become unconscious? Need resuscitation?
How would you describe the condition of person at the time of the incident (e.g. rational, shocked, traumatised?)

.....

6. Was the injured party treated at hospital? Yes No

If Yes, which hospital?

Were they detained in hospital over 24 hours? Yes No

7. To whom was the incident / injury reported?

Name:..... Position:

8. Names and addresses of witnesses:

Name:..... Name:.....

Address:..... Address:.....

Tel:..... [Tel:.....](#)

9. If the person involved in the incident is a member of staff, please complete the following:

Job title: (for student's state 'student')

School:

10. In the event of an injury has the injured person's guardian or other appropriate contact been informed

Yes No If Yes, who was notified?

.....

By whom..... Date..... Time.....

11. Did the incident happen at the place where the person was authorised to be for their work?

Yes No If NO, why was the individual there?

.....

Was the person undertaking duties authorised or permitted as part of their work?

Yes No Purpose of the activity:

.....

12. Was the incident subject to police investigation? Yes No

If yes, which station?

Name/rank/number of the Officer dealing.....

13. Is the accident / injury RIDDOR reportable? Yes No

14. Has a copy of this form been sent to Elite Safety in Education?

Yes No

If Yes, who was form sent to?

15. Number of days the person involved in the incident is likely to be absent from work, including weekends:

None 7 days or less 8 days or more

Return to work date (Official use only):

26. Signature of person completing this form: Signature..... Date:

Name (BLOCK LETTERS): Position:

17. Monitoring: White British White Irish White Other (specify).....

White / Black Caribbean White / Black African White / Asian Mixed Other.....

Indian Pakistani Bangladeshi Caribbean African Chinese Other

Does the person involved in this incident consider themselves in any way disabled? Yes No

Appendix B – Example Individual Pupil Risk Assessment

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

What types of pupil behaviour needs to be risk assessed?

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

What do Headteachers and Managers have to do?

It is important to decide whether a pupil must 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. 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. For further help and guidance in a situations where a pupil requires physical handling or restraint refer to the Physical Restraint and Reasonable Force Policy.

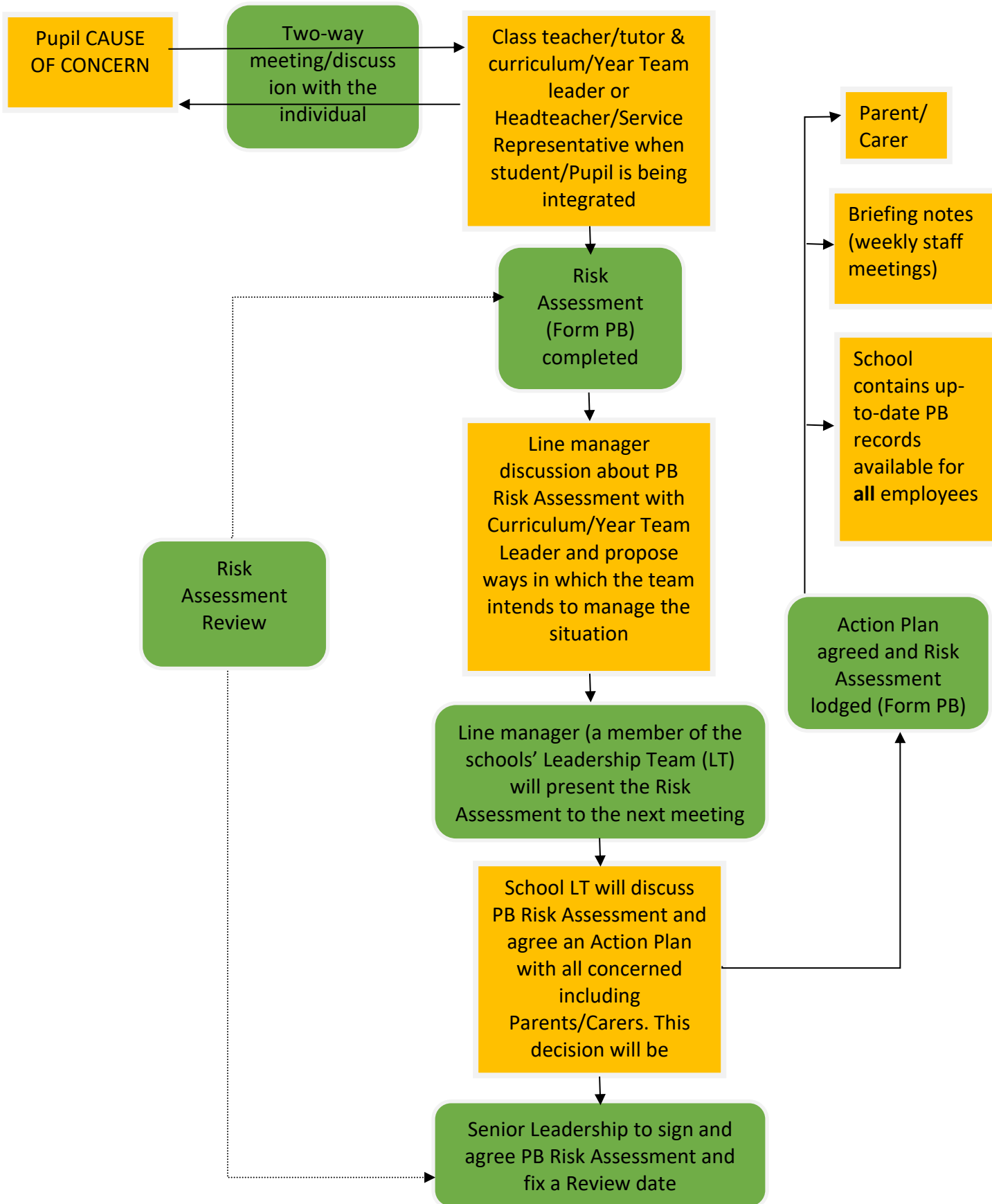
What is the procedure for risk assessing pupil behaviour?

The flowchart “Pupil 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 Behaviour” (Form PB, Annex 2) and Checkpoints (see Annex 3) should be used for recording the risks assessed.

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 exclusion. The assessment is to be carried out by a member of the schools' Leadership Team

Pupil Behaviour
Management of Health and Safety at Work Regulations

A	School/Setting	Name of Pupil	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		Headteacher	
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 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, 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?

Appendix C – 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 they 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. Employees 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 employees 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 incident forms and any notes made by employees.

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 an employee 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.