Hillside Primary School

Violence at Work Policy



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(Based on latest version (Nov 21) of Violence at Work Compliance code)

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1. Introduction

Schools should take a serious view of violent incidents and support any employee who experiences violence at work acknowledging that no employee should have to work in fear of this. Employees should not be expected to tolerate violent behaviour as simply "part of the job" nor accept it as an indication of failure in providing a service. Sometimes staff have to work in highly volatile and potentially dangerous situations.

Schools should adopt the principles of preventing, controlling and defusing a situation rather than use physical intervention with a violent individual.

Violent behaviour is considered as distinct to difficult behaviour, though difficult behaviours may at times escalate into violent behaviour at which time they should be treated as such. The definitions and approaches below distinguish between the two.

This compliance code sits alongside the safety management of difficult and dangerous behaviour compliance code, the aim of which is to improve outcomes for children, adults and employees reducing the risk of injury through behaviour management processes.

This policy does not apply to violence in respect of an employee's behaviour towards a colleague. Contact should be made with your HR provider, in this instance.

1.1 Violent behaviour

Violent (dangerous) behaviour is behaviour that is obviously likely to cause harm and/or behaviour that would be fear-inducing to the average person. It is not defined by the resulting damage to the victim, or the intent behind the act, but by the nature of the act itself. It includes bullying, threats, and intimidation, as well as physical violence, such as:

- Assault or physical contact of any sort
- Fatal and major injury
- Injury or emotional shock requiring first aid, further treatment, counselling, absence from work
- Feeling at risk or distressed (including where there has been damage to property as part of threatening behaviour).
- Threats of harm to the employee, their family, friends or property
- Use of insulting or derogatory remarks aimed at the employee
- Stalking
- Hate crime

Please note: for NCC schools these incidents must be reported to the HSW team (see section: 1.4)

1.2 Difficult behaviour

It is recognised that people may act out of character in times of trouble or distress. Difficult behaviour can be described as negative behaviour that an employee experiences during the course of their work that does/could not cause harm. For NCC schools, difficult behaviour does not fall into the definition of violence, and therefore doesn't need reporting on OSHENS. Difficult behaviour can arise from a wide range of situations such as:

- Mental health and personality conditions
- Having difficulty in communicating
- A reaction to bad news or loss
- Previous negative experience of people in authority or organisations

- Cultural norms – a simple nod of the head or smile may be interpreted as something that wasn't intended, as can hand gestures and eye contact. It is important to ensure that you understand the culture of who you are meeting with where possible.
- Social norms – swearing can be both a social and cultural norm. Swearing will be experienced where it is a social norm and in such instances is not intended to be offensive.

Difficult behaviour may include, but is not limited to:

- Demanding responses within an unreasonable timescale
- Repeatedly contacting or insisting on speaking to a particular member of staff who is not directly dealing with the matter
- Excessive telephone calls, emails or letters
- Sending duplicate correspondence requiring a response to more than one member of staff
- Repeatedly changing the substance of an enquiry or complaint or raising unrelated concerns
- Persistent refusal to accept a decision or explanations.
- Continuing to contact the Authority without presenting new and relevant information

Difficult behaviour may escalate and become violent. It is important to ensure that employees who regularly experience difficult behaviour understand and apply appropriate de-escalation techniques; a range of these are detailed in the Personal Safety Guide. In some services, employees may also need to understand a range of positive approaches which can be gained by attending training such as "Handling Difficult Situations Assertively". In addition, the environment and approach to work may contribute towards increasing the risk of violence, see section 2.1 for further information.

It is also important to recognise that people with health conditions or experiencing the situations described above may become violent. Any violent incidents must be reported even if there are underlying factors.

1.3 Individual impact of violence and difficult behaviour

The impact of violence or difficult behaviour experienced varies significantly from one person to another. We all have different levels of tolerance and views as to what is personally acceptable. Individual views should not influence the implementation of this policy (including the need to report violent incidents):

- Where a violent incident occurs, it must be reported via your incident reporting system (OSHENS for NCC schools) and investigated.
- Where difficult behaviour is experienced or likely to be experienced in specific roles, managers must ensure that staff well-being is proactively managed. This should include debriefing arrangements, discussion in 1-2-1's and relevant information, instruction and training (see Section 2.2.1 Competency and Training).

It is important to remember that if you regularly experience these behaviours, you may feel that it is part of the job and not feel inclined/recognise the need to report violent incidents. Without this information, your school will not fully understand the risks to employees, it is therefore important to ensure relevant incidents are being reported appropriately.

2. Violence at Work – Risk Assessment and controls

Managers must ensure that the risk of violence is assessed. This compliance code outlines a range of control measures in relation to: organisational arrangements; employees involved;

service users and members of the public; the work being undertaken and work environment. These measures should be considered on a risk basis. The general risk assessment form F625a can be used to record your assessment.

The Personal Safety Guide outlines further control measures that should also be applied on a risk basis.

Please note, this compliance code links closely with lone working, however, not all violent incidents occur while employees are lone working and the presence of more than one employee is not always enough to keep violent behaviour from occurring, therefore measures must be considered even when lone working does not take place.

2.1 Organisational approach

The control measures outlined in the Personal Safety Guidance document should be implemented on a risk basis. The following general arrangements should be applied by Managers:

- Employees should be supported where they have terminated a meeting to protect their (or others') safety and were unable to de-escalate the situation.
- Ensure that realistic meeting times can be set.
- Ensure the deployment lone working controls where the risk of violence is foreseeable.

Please note specific guidance should be followed where there is a risk to Personal safety involving high risk cases and serious threats

2.1.2 De-escalation

It isn't always possible to predict violence, but in many cases events gradually escalate and it's often possible to prevent escalation through applying a range of de-escalation techniques, such as active listening, not talking about a situation that appears to be causing distress for a period of time.

All employees who work in difficult and dangerous situations must be able to be aware of and spot escalating behaviours, avoid risk and keep control in a difficult situation as detailed in the Personal Safety Guide.

Where a situation escalates or it is clear that behaviour is unpredictable, then employees should leave where possible (for example, at a home visit or in a meeting room) or obtain support, such as using a personal safety alarm, or calling a manager.

2.1.3 Abusive telephone calls

The requirements of this section apply to telephone calls where there is an increased risk of receiving verbal abuse. The following general principles must be incorporated into working arrangements if an abusive call takes place:

- Be patient, after a few moments the abusive language may abate.
- Try not to become upset or react with a similar response, it will likely exacerbate the reaction of the caller.
- Try to remain calm but listen and remain attentive to the caller.
- If the behaviour persists, advise them clearly that unless they are able to continue the discussion without causing offence, the call will be terminated.
- If they continue to be offensive, then terminate the calling advising the caller "I am going to finish this call'.

- Terminate the call and follow the arrangements to report the incident where appropriate.

2.2 Employees

2.2.1 Competency (and training)

Employees who work in situations where violence may occur must be competent in the ongoing process of risk assessment. Competency is achieved through a combination of skills, experience, knowledge, training and aptitude. Managers must ensure that all employees are familiar with local safe working practices and receive appropriate information, instruction and training to ensure their competency.

Managers should assess whether their staff should attend the one day personal safety training course detailed below.

2.2.2. Personal Safety Training

One day Personal Safety Training

Personal safety training is provided to employees at risk of violent or dangerous behaviour. Details of training is provided in on the Learning Hub.

E-learning

Employees can also complete personal safety e-learning (please note – this is an overview of personal safety and does not replace the requirement for Personal Safety Training described above)

Norfolk Steps

Norfolk Steps provides training relevant in the effective use of everyday physical interventions. This course includes the use of restrictive physical techniques which are only applied on a critical individual care planning basis, please refer to the safety management of difficult and dangerous behaviour compliance code for further information.

Further information about this training can be obtained by contacting: The Professional Development Centre, Norwich.

2.2.3 Employee protection

Where roles involve sensitive case work, enforcement activities or activities that can become highly emotive it is important that employee's personal information online (such as social media, electoral role) is controlled and secure so that it cannot be obtained by people who might use it to cause harm.

Guidance is provided that offers advice about how to protect and control personal information. It is mainly intended for use by employees who are involved in the type of work described above, but it also provides good general practice.

On rare occasions, where the level of threat to the personal safety of an employee (or people associated with an employee) is high, the guidance on Personal Safety in High Risk Cases and Serious Threat must be implemented

If there is a severe disturbance, assault or threatened violence, the Police should normally be contacted by the employees involved or their line manager. If the Police are involved the Crown Prosecution Service (CPS) may decide to prosecute an assailant. If however the CPS decides not to prosecute, the employee has the option of pursuing the matter by taking private legal action against the assailant.

If an individual decides to take private legal action, it should be remembered that they have already suffered from the assault itself and it is important that they are reassured and guided in seeking legal redress.

Please note, the involvement of the Police does not negate the need to report the incident via your incident recording system. For NCC schools, the Health, Safety and Well-being team should be involved in any serious incident review.

2.3 Data Protection

It is often believed that data protection legislation protects the rights of the aggressor and takes priority over the rights of the worker, and that personal information cannot be recorded and shared. This is not the case, recording and sharing of relevant information is often essential to enable an adequate risk assessment to be carried out. Data must be managed appropriately. You may wish to seek further advice from information management specialists.

2.4 Work environment

Work environments vary significantly. Assessment must take account of the individual risks associated with the work environment, including:

2.4.1 Publicly Accessible Buildings

Display the Violence at Work Poster where it is identified as suitable for the environment. For example:

- Where it forms part of an overall approach to the reduction of violence incidents
- Where the services being provided may give risk to potentially violence situations.

2.4.2 Reception Areas and Controlled Meeting Rooms

The way in which people are received sometimes affects how they react. Reception areas should have easy access, good lighting, an inviting atmosphere, and be staffed where possible.

When people are kept waiting, the reasons should be explained and if appropriate the person should be given an apology

Access from reception to work areas should be controlled using keypads, swipe cards or other security devices. Consideration must be given to CCTV in areas that are obscured from view or not staffed.

Where needed, an alarm system with readily accessible panic button should be installed. It's important that alarm systems can be heard, and that all employees are trained to respond on hearing the alarm. Alarm systems should be tested on a regular basis to ensure they are functioning.

Controlled meeting rooms should have:

- Easily accessible exit(s) for all room users, avoiding obstacles and the need to pass each other directly. This can be achieved through furniture placement and exit location(s).
- Comfortable room temperatures
- A vision panel/window in the room so that observations can be made from outside the room.

2.5 Risk Assessment Review

Managers must ensure that adequate reporting and feedback mechanisms are in place where employees have experienced difficult and/or violent behaviour so that future safe working arrangements can be reviewed. Required changes to working practices must be communicated to all relevant staff.

3. Reporting violent incidents and taking relevant action

3.1 Completing Incident Reports

Violent incidents that meet the definition in 1.2 above must be reported and investigated using the school's incident reporting arrangements. It is important to report all relevant incidents so that they can be thoroughly investigated, members of staff can be appropriately supported, and the risk to all members of staff can be reduced.

3.2 Support for employees

If an employee is injured or in shock, assistance should be given with arranging medical treatment. There may be circumstances where an employee should be collected from their location or taken home if they are unable to drive, due to the emotional impact an incident has had or a physical injury.

There should be no presumption of failure by the employee because violence has occurred. Line managers should talk through the incident with employees as soon as possible. It is important that any management discussion and debriefing does not just focus on how they performed but addresses the effects on them as individuals. Management involvement and investigation is a reflection of the seriousness of the incident and supports the experience of the victim. These behaviours reflect a positive safety culture.

Emotional support should be offered to the employee in addition to medical attention. A confidential counselling service, Norfolk Support Line (NSL), is provided to NCC employees and schools that purchase the service. NSL can be contacted at any time and offers confidential and independent advice on any aspect of working arrangements that may cause an individual undue concern. Managers should remind employees of the availability of NSL and encourage its use.

Employees should be advised of the options open to them (detailed in sections 2.2.3 and 3.4 see 3.4)). In some circumstances it may be appropriate to refer the individual to their trade union for legal advice.

3.3 Hate Incidents

Behaviour motivated by prejudice or hate is never acceptable. Staff that experience hostility or abuse by a client or member of the public because of their age, gender, race, religion, disability or sexual orientation **must** report it to the police and their line manager. Likewise, if a member of staff witnesses an incident it may be considered a disciplinary offence if they do not report it to the relevant people.

Hate Incident/Crime is defined as "any incident which may or may not be a crime and is perceived by the person or any other person as being motivated by prejudice or hatred"

A hate crime is any offence committed against a person or their property motivated by the offender's prejudice or hatred of that particular person or group of people because they are seen as being different. (Only the police can classify a Hate Incident as a Hate Crime).

For more detailed information NCC schools should read the Hate Incident Procedure

3.4 Range of Sanctions

There are a wide range of measures that can be taken by the school, depending on the severity of the incident. Managers must consider medical/health factors of the individual and the level of risk to staff when considering the following measures.

Verbal Warnings

Verbal Warnings are a method of addressing unacceptable behaviour with a view to prevention. The aim of the verbal warning process is to:

- Ascertain the reason for the behaviour as a means of preventing further incidents or reducing the risk of it reoccurring; and
- Ensure that the person is aware of the consequences of further unacceptable behaviour.

Where it is appropriate to discuss behaviour with the person involved, this should be done informally, privately and at a time when all parties involved are composed.

Ensure that cultural and disability issues are considered when addressing an incident. The manager should establish who should carry this out safely. A formal recording should be made.

Acknowledgement of Responsibilities Agreement (ARA) Letter

ARAs are an option where verbal warnings have failed. An ARA is a written agreement between parties to address and prevent a recurrence. This can be used as an early intervention process to stop unacceptable behaviour escalating. For anyone under the age of 16, other than in exceptional circumstances, an ARA with the child's parent(s) or guardian(s) may be appropriate.

Where a person does not comply with the terms outlined in the ARA, consideration can be given to alternative procedural, civil or criminal action. The Head of Service and NP Law will provide assistance in specific cases, should this be necessary. In the case of mental health, any action which may or may not include legal action will be made in conjunction with clinical opinion.

Please note: some service areas may use written behaviour and responsibilities agreements in place at the commencement of providing a service.

Written Warnings

If a person is responsible for intimidating behaviour etc. it may be appropriate for the Head Teacher to send a formal warning letter to the individual (and inform the Police). If a person is persistently displaying violent or aggressive behaviour towards one or more employees, staff should consult with their manager to review the service provided. An example of action which can be taken is to withdraw provision of a face to face service and provide support by telephone.

Final Warning Letter

The final warning letter usually follows where the ARA has failed to deter behaviour. This letter outlines that if the behaviour continues then it may be necessary to report the matter to the police with a view to the school supporting a criminal prosecution or obtaining a civil injunction.

A final written warning will be issued to the person by the Head of Service. Under no circumstances should it be implied to a person that the service will be withheld at this point. The withholding of a service should always be seen as a last resort and only ever following legal advice.

Withholding Services/Final alternative provision
Some services are statutorily required to be provided and withholding the service may result in significant risk to the service user. In these cases, a final alternative provision must be sought, for example work with the Police to establish a means of working only where there is Police support/presence.

This option may be pursued where the final warning letter has failed to deter the behaviour of an individual, or where the nature of the assault is so serious that legal advice has been sought. The Head of Service will have the final say and sign any letters to this effect.

In addition, legal sanctions may include:
- Civil Injunctions and Anti-Social Behaviour Orders
- Criminal Prosecution

Schools should be committed to working with the Police and Crown Prosecution Service to ensure the best possible response and action taken as appropriate in the circumstances. Please contact NP Law to arrange for legal sanctions.

3.5 Compensation to employees
Individuals who are injured or suffer damage to their property through no fault of their own and as a consequence of their work should not be financially disadvantaged.

In this context, where injuries are sustained which result in absence from work, the absence may be treated as being attributable to industrial injury in line with the guidance in P313 Improving Attendance Policy and Procedure and may not count against the normal sick pay entitlement.

Any further or alternative extension of full or half pay may only be agreed by the relevant Director and with the approval of the Head of HR.

Compensation for any injuries sustained may come from a number of sources depending on the nature and severity of the injury including:
- National Conditions of Service that prescribe various payments to compensate for permanent disablement or death
- Application to the Head of HR for compensation via the relevant Director.

If the injuries are the result of an assault it may also be possible to claim compensation from the Criminal Injuries Compensation Agency (CICA). Information on the CICA can be found on the Ministry of Justice website. Please note, the CICA has strict eligibility criteria for claiming compensation, this includes reporting the incident to the police.

If personal property is damaged as a result of an assault, whether it be damaged clothing or more valuable items, compensation may be available through various insurances held by the school. An application must be made in line with the any policy for Compensation in cases of death; accident; injury; loss or damage to personal property.

Designated Link Governor: Sue Stinton
Name/Signature of Headteacher: Simon Minter
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