



The Athelstan Trust

Violence and Aggression to Staff Policy

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1.0 Introduction

1.1 The Athelstan Trust and its schools are aware that some members of staff will on occasion be in a position where they may face verbal abuse, threatening behaviour or even be assaulted in some way. This will be distressing for themselves, their families and their colleagues. Where violence and aggression is anticipated, the Trust and the school will operate systems of work that minimise risks. This policy sets out ways in which the Trust can help prevent such incidents and minimise their effect.

1.2 We work with a diverse range of young people and adults and it may not always be possible to foresee a particular incident. However, the overwhelming majority of situations can be anticipated in which there might be a risk to personal safety, and this document sets out the way in which these potential incidents should be managed.

1.3 If incidents do occur, it is important that managers and staff follow the reporting procedure so that relevant information from the incident can be used to adjust operational, managerial and policy practices.

2.0 Purpose of the Policy

2.1 The purpose of this policy is to set out The Athelstan Trust’s policy and procedures to prevent, manage and respond to work-related violence.

2.2 The Trust Board supports this policy, and we will not tolerate any instances of work-related violence, including verbal abuse, to our staff.

2.3 All employees have the right to be treated with consideration, dignity, and respect. This policy applies to all staff working on our premises.

3.0 Definition of 'Violence and Aggression' in School

3.1 The Athelstan Trust and its schools defines the term as:

Any incident in which an employee is abused, threatened or assaulted by another person in circumstances arising out of the course of their employment with The Athelstan Trust.

This applies whether the member of staff is on or off duty and is irrespective of the status of the perpetrator.

4.0 Examples of behaviour classed as 'violence' or 'aggression':

- Kicking
- Biting
- Punching
- Poking or pushing
- Spitting
- Scratching
- Head butting
- Tripping
- Actions that restrict movement
- Unwanted physical contact which results in no injury
- Use of weapons
- Use of missiles
- Extreme or repetitive verbal or written abuse which causes personal offence or distress
- Sexual, racial, homophobic or other harassment
- Bullying including cyber bullying
- Intimidation
- Damage to personal property
- Other aggressive behaviour
- Shouting
- Posturing
- Gestures
- Insults
- Innuendo
- Unreasonable demands or blackmail

Please note, this list is not exhaustive.

5.0 General Policy

5.1 Violence and aggression are unacceptable. However, given the nature of the services we provide, it is acknowledged that some staff may, on occasion, encounter violence or aggression and therefore the Trust takes reasonable measures to eliminate or minimise the risks.

- Risk assessments will be undertaken for specific pupils with known difficulties.
- Staff will receive training from time to time on measures to be taken in different circumstances.
- All incidents of violence and aggression **must** be reported to a member of the school Leadership Team (or member of The Athelstan Trust executive team for staff working in the Central Team)
- Where a member of staff has to use positive ‘handling procedures’ as a result of violence in the school, these should be recorded.
- Following an incident of violence or aggression, support will be offered by the school – where necessary staff should be directed to access support from our Health Assured scheme.
- Staff are expected to take account of their own safety when considering their actions in intervening in any incidents of violence or aggression.

6.0 Roles and Responsibilities

6.1 **The Trust Board**, as the employer, is responsible for the provision of measures to safeguard its staff. It delegates the implementation of the measures provided for within this policy to the Chief Executive Officer who in turn delegates this to the **Headteacher of each individual school**.

6.2 **The Headteacher and Leadership Team** will:

- ensure that risk assessments are undertaken where required;
- ensure that relevant staff receive training at appropriate intervals in skills that can be used to minimise risks to personal safety;
- ensure that all staff are aware of the procedure to report incidents of violence and aggression;
- ensure that all such reports are thoroughly investigated and responded to;
- offer and provide appropriate post-incident support to staff; and
- monitor the effectiveness of this policy.

6.3 **Individual members of staff** are responsible for:

- following working procedures and risk assessments;
- reporting likely or actual incidents of violence or aggression; and
- taking due regard of their own personal safety and well-being and for withdrawing from a situation where the risk of actual or potential violence or aggression is high. An exception to this is where any formal plan (e.g. a care plan) relating to a pupil, requires an alternative, prescribed course of action to be followed.

7.0 Risk Assessment

7.1 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 should be managed before harm occurs – that is to say, by adopting a proactive approach rather than a reactive one.

7.2 These assessments are not to be confused with those made for an individual pupil, through a formal plan such as an Educational Health Care Plan or a Student Safety Plan. They are different and separate because the risk of violence or aggression from a pupil may extend beyond the staff who might normally be expected to have access to the agreed plan. In the case of care plans, these individual assessments will be taken into account when preparing the risk assessment.

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

- Information about children including the frequency and severity of any previous incidents;
- Frequency and nature of contact;
- Experience and training of staff;
- Location; and
- Adequacy of existing precautionary measures.

7.4 The risk assessor will identify any necessary measures and ensure that identified post holders accept the responsibility to act upon them within an agreed timescale commensurate with the risk.

7.5 All significant risks will be recorded on a risk assessment form. Both assessors and line managers are responsible for ensuring that the outcomes of assessments are made known to all relevant personnel including the Head of Operations and HR Manager.

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

7.7 Assessments will be reviewed after each incident.

8.0 Preventative Strategies

8.1 General Security

School procedures provide for the registration of all visitors at our school reception areas. If a member of staff observes a stranger not wearing a visitor's badge, they will challenge this person immediately and alert Reception or a member of senior staff. However, due to the nature of some school sites, unauthorised access is possible, and it is acknowledged that this may pose a risk to staff or pupils.

8.2 Suitable Working Environments

When speaking to a member of the public/parent/pupil, staff will wherever possible use rooms with an unobscured vision panel in the door, and ideally leave the door open. Room layout is at the discretion of the individual member of staff and is governed by space and teaching needs. Wherever possible staff will base themselves in a position which allows sight of all entrances and immediate access to at least one of them - staff should position themselves nearest to the door.

8.3 Working Practices and Patterns

If it is anticipated that a visitor or pupil may display aggressive behaviour, staff will not meet with that person alone and will prepare their responses to any violent or aggressive behaviour in advance of the meeting. Staff will avoid working in isolation, particularly out of normal hours. If telephone callers become abusive or threatening, staff will issue a caution along the lines of, 'if you continue to be abusive, I shall put the telephone down', and then do so if the caller persists, at all times remaining polite, courteous and respectful.

8.4 Physical Intervention (Control and Restraint)

As a general rule, physical interventions will 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 reasonably be used. It will always depend on all the 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 will 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 (for example, by raising a fist or issuing a verbal threat), 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. Staff are aware that the use of unjustified and excessive force might be an offence.

All instances of physical intervention will be reported to a senior member of staff and recorded.

8.5 Self-Defence

Leaving or getting away from a threatening situation is often the best defence, using any pretext that may work but individuals do have the legal right to defend themselves, or others, if attacked. The amount and degree of defensive force used must be proportional to the level of risk being faced. This will depend upon the circumstances.

8.6 Positive Behaviour Policy

Each school should have in place a Behaviour Policy which focusses on a 'positive' approach and outlines the school's expectations of pupils and includes a Code of Conduct, as well as providing advice on creating a positive climate for learning and information on School rewards and sanctions.

8.7 Lone Working

There will be occasions when members of staff will be working alone in their particular area of the school, particularly outside of normal school hours/term time.

The risk of violence and aggression towards staff increases in a lone working situation. Staff will take care not to make an appointment to see a visitor who is not previously known to them at a time when they will be alone in an area of the school.

If possible, they will cancel or re-schedule the appointment, rearrange the venue or arrange for an additional member of staff to be present. Staff should only work alone if they have gained permission to do this from their line manager and a risk assessment has been put in place.

8.8 Training

The following training should be provided:

All staff, including new staff, should receive awareness training on work-related violence, our policy and procedures, how to prevent work-related violence, reporting procedures and what to do following an incident. This may be through formal training or a briefing from senior leaders, depending on the risk potential for the staff members.

9.0 Responsive Measures

9.1 Short-term Debriefing

The nature and level of action following an incident will depend on the circumstances of each case. Some 'minor' instances may not require any action, but it is important that no incident is dismissed as being too trivial to deal with without first exploring the effect of it with the member of staff involved.

Immediately after an incident, the line manager will ensure that all necessary first aid or medical treatment is arranged. It is probable that the victim will want to talk about the incident but may be feeling distressed or guilty. It is important that sensitive support is given at this point. Line managers will be aware that other colleagues are likely to be seen as primary emotional supports and this may require some flexibility about the normal work routine continuing. Further opportunities to talk about the incident will be provided after a period for reflection.

All parties involved in the incident will write down their thoughts and recollection of the incident as soon as they feel able to.

The staff member will be offered counselling through Health Assured and reminded that a trade union or professional association representative may be present at any meeting where a discussion of the incident takes place.

All incidents will be formally acknowledged, verbally and/or in writing.

The Headteacher and other managers will review risk assessments and care and support programmes in the light of any incident. This will include the sharing of information to ensure that all staff are made aware of risks as appropriate.

9.2 Longer-term Debriefing

Victims of violence or aggression may need time to come to terms with the implications of the incident.

The Headteacher, Leadership Team and Line Manager will be alert to the possibility that the member of staff is underestimating his or her own needs.

Other staff who witnessed the incident or are likely to come into contact with the aggressor will be given information about the incident and its implications.

Any staff development needs that are highlighted by the incident will be addressed.

If a member of staff is absent from work for a lengthy period following the incident, a referral will be made to an Occupational Health Adviser in accordance with the Trust's Absence Management Policy.

9.3 Counselling

Counselling will be offered where it is deemed appropriate by the Leadership Team and/or Human Resources through Health Assured.

9.4 Change of Duties

The staff member and Headteacher/Line Manager should agree any need to alter work duties as a result of the incident. This will be done such that the member of staff is not put under duress or made to feel guilty.

9.5 Involvement of the Police

The police will usually be informed of all incidents where a member of staff has been assaulted. In some circumstances the member of staff may not wish the police to be involved. However, the Headteacher has the final decision and may judge that the wider protection of the school community requires that a report be made to the police, notwithstanding the wishes of the individual. If, during the course of the incident a child is assaulted or abused, this will be reported in accordance with statutory regulations.

9.6 Employer's Liability

A member of staff who believes that they have suffered harm as a result of a work-related incident may seek independent advice as to any civil claim they may have. The Trust's Employers Liability insurance will apply where legal liability is established against the Trust or any other employee.

Employees may also contact the Criminal Injuries Compensation Board. Details can be found at www.cica.gov.uk. In order to pursue a claim, the incident must be reported to the police within 24 hours and to the Board within two years.

9.7 Legal Advice and Support

If an employee is the victim

If an employee is a victim of an assault on one of our sites, which gives rise to criminal proceedings, the

Trust's solicitors will provide support in terms of advising on the criminal process. However, this will not extend to bringing a civil action for damages, save to the extent that this is necessary in order to secure an injunction to prevent further assaults or harassment. If an injunction is to be sought against the perpetrator, the Trust's solicitors will advise on each case as to whether the circumstances justify such an application or whether alternative action may be more suitable.

If an employee is alleged to have committed an offence

Where an employee is the subject of a criminal investigation as a result of allegations made by one of the Trust's clients, the Trust cannot provide legal advice or representation to that individual. This is so, even where it appears that the employee has followed the Trust's procedures.

If the police decide to take action against a member of staff, then the Trust will be as supportive as the merits of the case allow. However, the Trust is also unable to provide financial assistance to an employee to seek his or her own legal advice and representation from another source. Nor can it reimburse an employee's legal costs in the event of a prosecution not proceeding or ending in an acquittal.

In light of these two paragraphs, **it is strongly recommended that staff consider membership of an appropriate Trade Union**. Alternatively, staff may want to consider the possibility of taking out private insurance cover for such eventualities.

If a third party claims compensation

Where an employee is the subject of civil proceedings arising from an incident in which a third party alleges injury, the matter will be dealt with under the Trust's insurance arrangements, thus protecting individual employees. The only circumstances where employees may find themselves outside the protection of the Trust's insurance are where criminal acts have been committed or where the individual is negligent.

9.8 Exclusion of Pupils

Guidance on the exclusion of pupils has been provided by *Statutory Guidance for Those with Legal Responsibilities in Relation to Exclusion 2017*.

Only the Headteacher can exclude a pupil and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. Please refer to the each school's own behaviour / exclusions policy regarding each school's approach to permanent exclusion.

9.9 Warning Letters

The Trust's solicitors will, at the request of the CEO and subject to satisfactory evidence, issue a warning letter to any adult who has committed a serious act of violent, abusive or aggressive behaviour.

10.0 Reporting Procedures

Only by reporting incidents can working practices and procedures be adjusted to provide as much protection for staff as is possible. The cumulative effect of several minor incidents can be just as harmful as that from those of a more serious nature.

Staff have a responsibility to report incidences of work-related violence, including threats and verbal abuse, to managers.

All incidents, including physical attacks, serious or persistent threats and verbal abuse must be recorded in the incident book at the school. This asks for details of when the incident occurred, who was involved, descriptions of the perpetrator and any relevant circumstances that may have contributed to the incident.

If senior leaders notice an increase in reports, several reports within a short period or reports about the same perpetrator, line managers should record the details, ask staff for more information and take action. The action may include contacting the police or The Athelstan Trust central team about a persistent

offender, reviewing the risk assessment and considering further prevention measures, or increased vigilance by managers or staff to prevent a more serious incident occurring.

Each school's Accident Report Forms are kept by the school office and are used to record all incidents and accidents, where an injury has been sustained.

For incidents that are more serious, the headteacher completes an on-line Accident/Incident Report and Investigation form with a copy being retained at the school. Major injuries are also reported to RIDDOR. Any incident requiring a member of staff to use any form of restrictive physical intervention should be recorded.

The Headteacher and Leadership Team, via the Local Governing Board, will use these reports to identify measures that can reduce the likelihood of any recurrence as well as spotting regular or repeated perpetrators and victims.

All reports will also be monitored by the Local Governing Board and regular cumulative reports will be compiled to identify trends and areas for further action. These will be shared with the Athelstan Trust Head of Operations.

Any incidents resulting in major injury to staff or that cause staff to be off work for three days or more must be reported under the RIDDOR Regulations 1995.

Any incident which results in a member of the public being taken directly to hospital from the premises must also be reported.

Managers should contact the HSE Incident Contact Centre on 0845 300 9923 to report the incident.

11.0 Further Support and Advice

Some useful contacts are:

Health and Safety Executive Department for Education
The Pithay Castle View House
Bristol, BS1 2ND East Lane
Tel: 0117 988 6000 Runcorn
Cheshire, WA7 2GJ

British Association for Counselling and Psychotherapy Tel: 0370 000 2288
BACP House
15 St John's Business Park Victim Support
Lutterworth 9A The Butts
Leicestershire, LE17 4HB Ilminster
Somerset, TA19 0AY
Tel: 01455 883300

Criminal Injuries Compensation Authority
Alexander Bain House
15 York Street
Glasgow, G2 8JQ
Tel: 0203 6842517