

# ***Work Related Violence Policy***

**2019**

**Relevant Legislation:** Management of Health and Safety at Work Regulations 1999

**Manager:** It is the SLT's duty to assess risks and take steps to avoid or control risks where necessary.

**Employees:** Employees have responsibilities to take reasonable care of themselves and other people affected by their work activities and to co-operate with their employers in meeting their legal obligations.

## 1. Definition

The Council's working definition of violence to employees is:-

"Any incident in which an employee perceives that they have been unacceptably abused, threatened or assaulted by a customer or other person with whom they come into contact in circumstances arising out of the course of his or her employment".

This would include:

- **Physical attack** – whether visible injury occurs or not. This will include sexual or racial attack.
- **Serious verbal abuse** – when an employee feels an unacceptable threat has been made against his or her person. This will include sexual or racial harassment.
- **Animal attack** – i.e. where an animal is used as a threat or tool of violence.
- **Attack against property** – as a means of intimidating an employee.

## 2. Incident Reporting

Violence can be both physical and verbal and all acts of violence in the workplace **must be reported**. As covered in Accident, Incident or Near Miss Reporting & Investigation Policy, a report, using the online reporting system – called LACHSweb, should be completed by the manager of the employee involved within 24 hours.

Violence at work that results in a fatality, a specified injury or where an employee is absent from work for more than seven days is reportable to the Health and Safety Executive under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations in the same way as accidents. It is vital therefore that serious violent incidents or incidents which result in absence from work are reported as soon as possible. **Refer to Reporting and Recording Incidents at Southgate School.**

### 3. Reducing risk

#### Security of buildings

- locked doors internally and externally
- safe ways out at all times
- external lighting
- staff aware of lone working policy
- access controls i.e. visitors sign in and out/ID badges colour coded
- high level security fencing to restrict access to the site
- restricted number of access points
- external surveillance systems

#### • Reception area

- easy access – near to main entrance
- business support team on hand throughout school working hours
- follow Lockdown/Invacuation procedures when necessary

#### • Visits away from the workplace

Staff to be familiar with the specific arrangements for visits away from school; visiting a prospective pupil, educating a current pupil off site in the home or in the community. A risk assessment must be in place prior to the visit which has been read and understood by the staff member/s visiting and also checked by SLT. The risk assessment must be followed at all times. Staff must inform their line manager/class team of their schedule including time of arrival and departure. In certain circumstances staff to text/call office/SLT to inform school of their arrival to the specified location and inform school of their departure from the specified location. Staff to 'sign out' and take a charged mobile phone. If potentially hazardous locations are suspected staff can ask the Health and Safety Lead or SLT to check the Council's Hazard Warning Database to inform staff of any potential known hazards in the area/ address. It may be deemed that the visit should not take place in which case the staff member/s will remain at school. Visits should not go ahead if there is deemed a high risk.

#### • Calling the Police/emergency measures

In cases of severe disturbance, assault or potential violence, the Police will be called. The Head Teacher or Deputy Head Teacher may have to make a judgement whether to close the building for a time if a serious incident occurs whilst they seek help and advice. Persons known to be a risk can be prevented from entering the premises by the Head Teacher.

#### • Support for the victims

Providing support for victims of violence is vital. Staff will receive understanding, sympathetic and sensitive treatment. Such support might include talking about the incident, time off work, legal advice and support on return to work.

- **Procedure for dealing with physical assaults on employees**

A member of SLT should see the victim as soon as possible after the incident to make sure the following steps are taken:

- give the victim first aid treatment and arrange medical attention if she/he has been injured or is in shock;
- talk through the incident with the employee as soon as possible
- offer time off work, where appropriate, following an incident and arrange for the employee to be accompanied if they choose to go home;
- offer them relief from certain duties if they wish to stay at work;
- remind the employee that violence counselling is available and notify Trade Union if she/he wishes;
- submit the Report of Injury to Staff using the online reporting system – called LACHSweb – within 24 hours;
- conduct a management review of the incident with all relevant staff;
- in more serious incidents, find out whether the Police intend to take action or not;
- find out whether the victim wishes to take action against the assailant or not and how e.g. Council sanctions or suing in the Civil Courts;
- advise the individual wishing to take civil action of the initial options for advice.

- **Employees' responsibilities**

- You should take reasonable care of your own health and safety and that of other persons who may be affected by what you do or don't do.
- You should be aware of, understand and comply with the school's policies, procedures, guidelines and instructions related to violence at work.
- You should take part in any training which the school makes available.
- You should report all incidents of violence or threatened violence, to your line manager. Do this even if you accept that it is part of your job to handle challenging behaviour and even if you do not wish further action to be taken. Management can only plan to reduce violence to staff if they are aware of the nature and extent of the problem.
- You should record details of an incident on an IR/13 form.

- **Prevention and avoidance of violence**

- Refer to the behaviour policy

- **Legal action against the assailant**

- Police involvement

If you are assaulted you have the right to make a complaint to the Police if you choose. In this case you should inform the Police straightaway. The Police (through the Crown Prosecution Service) may decide to prosecute the assailant as a case of criminal assault. Apart from giving the Police all the assistance

they require, no further action will be needed.

- Civil action by the employee

Whether the Police decide to take criminal action or not you may decide to sue your assailant(s) in the Civil Courts.

Legal advice is available from a wide range of sources including the following:

1. Some Trade Unions have a legal service which offers legal advice, representation and costs to members.
2. You may consult an independent Solicitor. If you need to be legally represented, you must use an independent Solicitor as the Council's own Solicitor cannot represent Council employees.
3. Any Legal Expenses Insurance you may have attached to an insurance policy such as your home insurance. You should contact the Insurance Company direct.

- **Compensation**

If you are injured as a result of violence, you may be entitled to claim compensation from the following sources:

- **The Council's Personal Accident (assault) Insurance Scheme** which covers permanent injury/disability only. You can get claim forms from your Service Personnel Officers. Return your form to them. The Council's Insurance Officer processes claims.
- **Employer's Liability Insurance** if it can be proved that the Council was negligent. An independent Solicitor or possibly your Trade Union will advise you.
- You can seek **compensation from the assailant(s)** in the Civil Courts. An independent Solicitor or possibly your Trade Union will advise you.
- You can seek compensation from the **Criminal Injuries Compensation Authority (CICA)**. If you choose this route, unless there are good reasons, you must have personally reported the incident to the police immediately after the incident. Your local Police HQ or the Criminal Injuries Compensation Authority itself, Tel: 0800 358 3601 will advise you.
- You may be able to submit a claim for **Industrial Injuries Disablement Benefits (accidents)**. This is payable if you are ill or disabled because of an accident or event that happened at work or in connection with work. The Department of Work and Pensions has the claim form and will give be able to give you advice.

**Note:** If your personal property becomes damaged within your duties, SLT can consider a good will payment (without accepting liability) however please refer to the ..... (see attached). This does not affect your statutory rights to follow any of the options mentioned above.

- **Absence from work**

If you are absent from work due to recorded incidents of violence at work this will be treated as Industrial Injury for the purposes of the Sick Pay Scheme.

- **Employee counselling**

It is important that you are "debriefed" immediately after the incident by someone who understands the nature of your job. Ideally, this should be your Manager. You should also have the opportunity to discuss the incident with someone outside your own workplace as soon as possible after the incident.

The Council has a violence counselling service. The initial point of contact is with Employee Health Care Unit, External Tel: 01484 226426 or internal number 860 6426. The member of staff who takes your call may be able to respond immediately if you simply have questions to ask. Alternatively they will arrange for one of the counsellors to contact you to arrange a meeting if this is what you need.

An answering machine will take messages outside normal working hours. If you leave a telephone number, someone will contact you on the next working day.

Any contact with the Unit will be dealt with in the strictest confidence and any meetings arranged will be held away from your workplace.

## **Southgate School Health and Safety – Guidelines for staff**

To be read in conjunction with the Kirklees Health and Safety Policy and the Southgate Health and Safety Policy.

Employees are to take reasonable care of their own health and safety at all times whilst at work and to consider the health, safety and welfare of others who may be affected by their acts or omissions at work.

### **Lifting**

Staff are discouraged from lifting or moving any heavy boxes or equipment and should inform the caretaker when heavy objects need to be moved. If undertaken by staff, it is done so at the member of staff's own risk.

The lifting of children is discouraged and should be done as a last resort. It is done so at the member of staff's own risk and they should seek support from their line manager before undertaking lifting.

### **Clothing, footwear and jewellery**

Appropriate footwear (a closed in shoe) should be worn by all members of staff. Open toed shoes, flip flops and mules are discouraged. If worn this is done so at the member of staff's own risk.

Appropriate clothing for the role should be worn by all staff. It is important to be mindful of dressing to suit the environment and pupils you will be working with.

It is advised not to wear jewellery that can be pulled such as necklaces or hoop/ dangling earrings. Staff are discouraged in wearing expensive designer glasses and to consider the impact of glasses being broken at work. Where staff choose to wear jewellery and other items, it is their own responsibility to ensure that it is safe.

### **Staff vigilance**

High levels of awareness and supervision by all staff are required at all times.

### **Reporting and reviewing accidents**

Refer to Reporting and Recording Accidents document within this document (also found in the Staff Handbook 2019-20 on the shared drive).

# Reporting and Recording Incidents



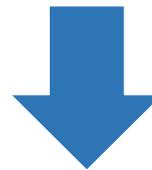
1. Any accident or injury to a child, member of staff or visitor should be recorded on the IR/13 Incident Report Form (a copy attached) on the day of the incident and reported to Head of Health and Safety. The form must be given to the Head of Health and Safety to check and sign and uploaded by the business support team, onto the Kirklees Council system within **15 days** of the incident. **IR/13 Incident Report Forms are kept in the red folder in the staffroom.**
2. An accident or injury to a child should be recorded as soon as possible after the incident by the first member of staff on the scene. It may be appropriate to confer with the school First Aider if they have been involved.
3. A similar procedure should follow in the event of an accident or injury to a member of staff or visitor. The member of staff injured must inform their line manager and visitors inform the staff member hosting the visit, who will then support with recording on the IR/13 form.
4. The process above is outlined on the Southgate incident reporting, recovery and review process. (See attached)
5. In ALL cases of injury to staff or pupils, the Head of Health and Safety MUST be informed and he/she will sign off the forms and inform the Head Teacher where appropriate.
6. Southgate School follows the processes specified by Kirklees Personnel and Payroll Unit. A member of the business support team will transfer the information onto the appropriate Kirklees system online (LACHSweb) and submit it to the appropriate officer.
7. Part of this process is an ongoing assessment of risk management, with a section reflecting on ways to improve the management of risk. This is built into the school's other risk management processes e.g. the Positive Management Plans of pupils with challenging behaviour and environment risk assessments, these should be adapted accordingly.

## Southgate incident reporting, recovery and review process

Incident occurs at work



- Report to a First Aider (if required)
- Inform a member of Senior Leadership Team



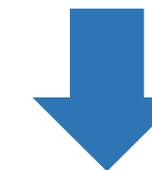
### **Recovery**

- Time out for employee (if required). Another member of staff to cover in class if necessary



### **Reporting**

- Line Manager/ SLT with staff member complete Incident Report Form (IR/13).
  - Witnesses complete witness statements.
  - Submit to the Head of Health & Safety.



### **Review**

- Investigation of violent incident by SLT/Head of Health & Safety.
- Review to feed into the completion of the Incident Investigation and reported via LACHSweb online reporting system.