



# **THE MORAY COUNCIL LOCAL NEGOTIATING COMMITTEE FOR TEACHERS**

## **DEALING WITH WORK RELATED VIOLENCE**

**(Teachers and Associated Professionals  
covered by SNCT guidelines)**

January 2017

LNCT 008-17

## **1. INTRODUCTION**

Violent behaviour is an ever-present problem in today's society. It includes not only physical attack, but also verbal abuse and threatening behaviour. Council employees, no matter what their role, may have to deal with violent behaviour as a work hazard even where the level of risk is very small.

This guidance has been developed to help teachers and associated professionals covered by SNCT where possible avoid or at least minimise the effects of violent or aggressive acts perpetrated on them by members of the public. Violent or aggressive acts between Council employees or by Council employees should be dealt with in line with The Moray Council's grievance and harassment policies.

The Moray Council has adopted the Health and Safety Executive definition of violence as: "Any incident in which an employee is abused, threatened or assaulted by a member of the public in circumstances arising out of the course of his or her employment". This definition includes actual or threatened assault, physical and verbal abuse or harassment, or any form of aggression which is experienced by the victim as distressing or intimidating. The Council acknowledges that no employee should have to work in fear of assault and takes a serious view of any incident of assault against its employees. It will fully support any employee who is assaulted or threatened in the course of their duties. However, employees who do not observe safe working procedures or deliberately put themselves or others at risk, then become a dangerous hazard within the workplace themselves.

## 2. Definition of Violence

**"Any incident in which an employee is abused, threatened or assaulted by a member of the public, pupil, service user or their family in circumstances arising out of the course of his or her employment".**

This definition includes actual or threatened assault, physical and verbal abuse or harassment, or any form of aggression which a person would feel was distressing or intimidating. As far as safety at work is concerned, violence is a broad term and perceptions of it will vary between victims and non-victims and people at higher risk and lower risk.

**Violent Behaviour can be split into two categories:-**

1. Physical Violence.
2. Non-Physical Violence.

Some examples of Physical Violence:-

- ◆ Kicking
- ◆ Biting
- ◆ Punching
- ◆ Scratching
- ◆ Spitting
- ◆ Head Butting
- ◆ Use of Weapons
- ◆ Use of Missiles
- ◆ Sexual Assault

Some examples of Non-Physical Violence:-

- ◆ Verbal Abuse
- ◆ Racial/Sexual Abuse
- ◆ Swearing
- ◆ Shouting
- ◆ Insults
- ◆ Threatening Gestures
- ◆ Abusive Phone Calls
- ◆ Bullying
- ◆ Innuendo

### 3. Range and scope of this document

The procedures set out in this document relate to violence by service users or members of the public, against any member of staff arising out of the course of their work. Violence perpetrated by one employee upon another, whilst totally unacceptable, is not addressed in this document. Such matters may be dealt with using the Harassment, Discipline and Grievance Procedures. Damage to personal property and/or loss of possessions arising from violence against staff is dealt with separately in Section 12. Personal Injury/Employer Liability Issues are covered in Section 13.

### 4. Legal framework and context

The Management of Health and Safety at Work Regulations 1999 and the accompanying Code of Practice give clear and detailed guidance:-

*"Every employer shall make a suitable and sufficient assessment of the risks to the health and safety of his employees to which they are exposed whilst they are at work".*

The Health and Safety at Work etc. Act 1974 further requires an employer, "**so far as is reasonably practicable**", to provide a safe and healthy workplace, in particular:-

*"the provision of such information, training and supervision as is necessary to ensure .. the health and safety of employees. (Section 2(2)(c)"and  
"the provision and maintenance of a working environment for ... employees that is ... safe, without risk to health, and adequate as regards facilities and arrangements for their welfare at work" (Section 2(2)(e).*

Heads of Service and Head Teachers have a duty to take initiatives and develop safe practices; and with all staff to familiarise themselves with the relevant policies, procedures and instructions; to comply with agreed measures and to take all reasonable precautions for the safety of themselves and others.

### 5. Statement of policy and contents

The Moray Council is opposed to violence and aggression in any form. We will establish and promote practices that seek to minimise the potential risks of violence and aggression towards employees.

We aim to:

- ◆ ensure that incidents of violence or aggression are reported in order that high risk areas are identified and tackled
- ◆ achieve a level of understanding and awareness among managers and employees of the effects of violence and aggression
- ◆ offer appropriate support to employees who are involved in violent or aggressive incidents and recognise that employees who are victims of a violent or aggressive act may suffer from emotional and psychological trauma in addition to physical injuries

We are committed to reducing the number and severity of violent and aggressive incidents to employees.

### 6. Employee Support

The initial debriefing and support from their Head Teacher/DHT will be available to all employees who have been victims of a violent or aggressive act.

Members of staff harmed physically or psychologically by violence, need support. Individual Head Teachers/DHTs should understand and accept their role in providing support to employees and should be sufficiently trained to do so. Experience has shown that the immediate care and concern of colleagues and managers is much appreciated and may limit or even prevent altogether any serious long term effects. It is the duty of all staff and especially the immediate line manager to give, both in the short and medium term, whatever support appears necessary to a colleague who has experienced violence.

Such measures might include:-

- ◆ encouraging the person to seek medical attention or attend hospital;
- ◆ contacting relatives or friends where necessary;
- ◆ allowing the person to talk about the incident as often and as long as they wish;
- ◆ acknowledging and respecting the person's feelings whether there be anger, fear, resentment or guilt;
- ◆ affording the person a private meeting to recount events from a personal perspective;
- ◆ reminding the person of the availability of the Moray Council counselling service;
- ◆ demonstrating a team/shared concern for the person's welfare;
- ◆ being aware for any need for 'time out' either away from the scene of the incident or the perpetrator involved;
- ◆ maintaining supportive contact if the person is away from work for a while;
- ◆ taking a lead from the person concerned as to how they can best be helped to recover and return to normal functioning;
- ◆ advising the person to contact their appropriate trade union representative;
- ◆ AVOIDING ANY SUGGESTIONS OF BLAME.

Further support, if required, will be made available from an Occupational Health Professional. This would involve referral to the Council's Occupational Health Adviser. The employee shall be granted reasonable time off work to attend such appointments.

Where absence from work arises from, or is relevant to a reported violent incident, then any such absence should be treated as special leave on full pay rather than sickness absence.

The provision of support for teaching staff returning to work who have been subject to a violent incident include the following:

- ◆ The availability of a phased return to work, on an agreed part time basis, in the first instance;
- ◆ The possibility of restrictions or alterations to the normal range of duties in the initial return to work period;
- ◆ The possibility of a return to work (either permanently or temporarily) to a different location or workplace following an occupational health recommendation;
- ◆ Request a referral to the council's normal Occupational Health Service provider;
- ◆ The provision of additional direct support from another individual during working hours (including appropriate debriefing);
- ◆ A return to work interview with an appropriate manager to consider/agree the support mechanisms required;

- ◆ The availability of suitable refresher training or appropriate CPD programmes;
- ◆ The introduction of an agreed “settling-in period followed by a further review/agreement in relation to other support measures;
- ◆ Consideration be given to avoidance of future contact between victim and perpetrator
- ◆ Agreement on a “formal plan” to deliver the necessary support needs of staff returning to work following an incidence of violence.

## **7. Post Incident Procedures**

It is important to support a colleague first and foremost. Later, but as soon as possible, the worker should be encouraged to begin the post-incident procedures.

These should include:-

- ◆ deciding whether or not to involve the Police. (In most cases of assault and injury, the involvement of the police is a minimum prerequisite of any eligibility for Criminal Injuries Compensation.) Any employee who has been subject to violence in the workplace has an absolute entitlement to raise a complaint with the police.
- ◆ completion of the Incident Report Form.
- ◆ completion of the RIDDOR Report Form where the employee is absent for more than three days.
- ◆ a debriefing meeting to contribute to understanding and organisational learning rather than a meeting aimed primarily at giving support.

## **8. The Incident Report Form**

The Moray Council's Violence/Aggression/Harassment Incident Report Form is reproduced in Appendix 1. The purpose of the form is threefold:-

- ◆ to record the number and type of incidents in order to monitor and evaluate procedures and practice.
- ◆ to learn from experience and practice, and be able to make the necessary changes.
- ◆ to establish a record of the facts as a document of evidence which will inform and substantiate evidence at any subsequent criminal or civil proceedings.

The completion of the Incident Report Form should be done as soon as possible in order to achieve maximum accuracy. The process of completing the form combines the issues of support and enquiry and, as such, needs to be handled sensitively.

The appropriate manager should complete the Incident Report Form (Form VA/PI(1)) together with the staff member concerned, an informal debriefing will then take place, but the proper process of enquiry is best postponed whilst the staff member remains in any way distressed. The completed form should be returned to the Business Support Manager, The Moray Council. The manager should explain the dual purpose of the Incident Report and emphasise its importance as a tool for prevention, learning and change. This is a critical moment for staff who have been a victim of violence. The school and employee should retain a copy of the Incident Report Form.

**IT IS VITALLY IMPORTANT THAT ALL INCIDENTS OF VIOLENCE ARE REPORTED:**

- ◆ one experience might be minor and insignificant - the next one might be fatal.
- ◆ violence must be taken seriously and managed objectively.
- ◆ to report violence is not an emotive reaction - it should be seen as a professional preventative strategy.

The Incident Report Form is a report by a Line Manager who has thoroughly investigated the incident and should be sent to the Health and Safety Section, via the relevant Departmental Co-ordinator. This process is a key ingredient in the monitoring of violence against staff from a health and safety perspective. Should any civil proceedings, criminal injuries compensation or rights to sick-pay/benefits arising from a violent incident subsequently be contested, the Incident Form is a crucial document and forms part of the legal audit trail.

Managers and teams must examine the culture in their workplace and ask whether their group is one that inhibits or enables the open expression of feelings and concerns following a violent incident.

## 9. The RIDDOR Report

Under the Regulations for Reporting of Injuries, Diseases and Dangerous Occurrences 1995 (RIDDOR), employers and their representatives (i.e. senior officers and managers) are required to inform the Health and Safety Executive whenever an accident (including violent incidents) results in three or more days absence from work due to injury or stress-related illness. Note that serious injuries must also be reported immediately by phone to the Health and Safety Executive. Reports under RIDDOR are easily made by the web at: [www.riddor.gov.uk](http://www.riddor.gov.uk) or over the phone on 0845 300 9923.

## 10. Debriefing Meetings

The purpose of a debriefing meeting is to inquire into the facts of a violent incident and to determine what, if any, actions need to be taken. Post incident debriefings or meetings will inevitably require the key witness to be present and should, therefore, be conducted in a manner which acknowledges any enduring distress experienced by the worker concerned. It may be the case that the staff member who has been threatened or assaulted is not in a fit state to help with an early debriefing. Care and sensitivity will be needed. **The meeting should enquire into:-**

- ◆ the decisions made and events occurring prior to the incident;
- ◆ what happened and who did what to whom;
- ◆ what explanations, causes and triggers can be identified;
- ◆ what measures or events led to the end incident;
- ◆ what helped and what hindered;
- ◆ what needs to be done to prevent a recurrence – a risk assessment needs to be completed

The notions of responsibility, blame and guilt could easily surface in a debriefing meeting. The purpose of such a meeting is not to apportion blame. The full and accurate account of the worker concerned, together with their evaluations or suggestions cannot be obtained if they feel that they are on trial. If there have been any mistakes, negligence or misconduct, then that is a matter for the Manager, and best dealt with in a later and differently constituted meeting.

## 11. Risk Assessment

The Health and Safety Executive (HSE) provides a general definition of what a risk assessment is:

“A risk assessment is simply a careful examination of what, in your work, could cause harm to people, so that you can weigh up whether you have taken enough precautions or should do more to prevent harm”

A risk assessment can also look at a specific hazard or risk in a particular situation. Within schools the risk from violence and abusive behaviours is a significant problem and it is im-

portant that such risks are properly assessed. It may not be possible or appropriate to exclude a pupil at the first signs of violent or abusive behaviours, therefore, it is essential that the extent of the risk is properly assessed and suitable control measures, precautions, procedures and training are provided.

The risk is assessed by consideration of the likelihood that the potential harm will occur and the severity of the possible consequences. The success of the risk assessment is judged on whether or not the risks, following assessment and implementation of measures for prevention, are adequately controlled. To undertake this requirement it is important that the process of risk assessment is rigorous and that staff are consulted at all stages.

The Safety Representatives and Safety Committees Regulations 1977 require employers to consult with trade union safety representatives on matters concerning the health and safety of their members. This requirement includes consultation on the risk assessment process and the outcomes of risk assessments. Safety representatives are entitled to access to risk assessment documents. This applies to risk assessments dealing with violent and abusive behaviours.

Risk assessments should be carried out by a 'competent person', who is trained in the risk assessment process and has sufficient experience of the work and knowledge of health and safety requirements. It would be good practice to also include experts and practitioners.

### The Risk Assessment Process

There are 5 steps to risk assessment as outlined in the HSE guidance. These steps apply equally to specific risk assessments on violence and abusive behaviours.

Identify the hazards.

Violent and abusive behaviours which may cause injury are hazards. Such hazards can be identified by incident reports where violent or abusive behaviours have been reported and where there has been no injury or following a violent incident where injury has occurred. Following an incident a risk assessment should be carried out before the pupil is returned to class.

Identification of who might be harmed and how this may happen

In schools the employer must consider employees, pupils and employees of other employers. In this type of risk assessment it will also be important to identify the causes of and triggers for behaviours.

Evaluate the risks and decide on the precautions required

This is about looking at what is already in place and attempting to reduce risks to an acceptable level.

Findings recorded and implemented

Good practices is for implementation to be allocated to individuals/departments and realistic timescales set. Such timescales will be dependent on the level of risk. There may be measures that need to be put in place before the pupil can return to school.

Review the risk assessment

It is essential to review any measures taken to reduce risk at an early stage, to assess the impact of the additional measures and to assess whether or not the risk is being adequate-



ly controlled. If there is a further violent incident the risk assessment should be reviewed. Where there is a behavioural risk assessment for a pupil and that pupil moves school, the existing risk assessment must be reviewed in the light of the new circumstances.

## **12. Loss or Damage to Personal Property**

Staff members who suffer loss or damage to their personal property whilst carrying out their duties, can make an insurance claim through the Council's insurers, for compensation in respect of damage to personal clothing or property, resulting from an assault occurring whilst at work.

## **13. Personal - Employer's Liability**

The Moray Council maintains an "all duty" personal accident insurance policy to cover employees who may be injured whilst employed on Council business. The Council is also insured against findings of default and negligence arising from court proceedings under various employment and health and safety law, which may lead to a plaintiff being awarded compensation.



# Education and Social Care Incident Report Form VA/PI (1)

**PART 1**

## Physical Contact and Intervention

**1 EMPLOYEE/CARER DETAILS**

<b>Name:</b>	<b>Job Title:</b>
<b>Place of Work:</b>	

**2 DETAILS OF YOUNG PERSON**

<b>Name:</b>	<b>Address:</b>
<b>Age:</b>	
<b>Gender:</b>	

**3 DETAIL OF INCIDENT**

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
--------------	--------------	------------------

**Type of Incident: \* If more than one category type is applicable please indicate, from your own point of view, the rank order, in terms of impact to yourself, of the category types which you wish to note i.e. 1, 2, 3, 4 etc**

Physical assault ( <i>no weapon</i> ) <input type="checkbox"/>	Verbal abuse <input type="checkbox"/>
Physical assault ( <i>with weapon or improvised weapon</i> ) <input type="checkbox"/>	Verbal threats <input type="checkbox"/>
Threat of physical assault ( <i>no weapon</i> ) <input type="checkbox"/>	Malicious communications / Slander <input type="checkbox"/>
Threat of physical assault ( <i>with weapon or improvised weapon</i> ) <input type="checkbox"/>	Vandalism / Damage to personal property <input type="checkbox"/>
Threatening / Menacing behaviour <input type="checkbox"/>	Anti-social / Disruptive behaviour <input type="checkbox"/>
Breach of security <input type="checkbox"/>	Other (please specify below) <input type="checkbox"/>

**Was the incident related to?:**    **Gender**     **Religion**     **Disability**     **Race**     **LGBT**

If yes complete Equalities Incident Monitoring Form

**4 OUTCOME FOR STAFF MEMBER/CARER**

Distress <input type="checkbox"/>	Counselling/debriefing offered?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Physical injury <input type="checkbox"/>	Please define injury:		
Time off work <input type="checkbox"/>	Number of days off (if known):		
Damage <input type="checkbox"/>	Please specify:		

**5 OUTCOME FOR CHILD/YOUNG PERSON**

Distress <input type="checkbox"/>	Counselling/debriefing offered?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Physical injury <input type="checkbox"/>	Please define injury:		
Damage <input type="checkbox"/>	Please specify:		

**6 OUTCOME FOR OTHERS**

Distress <input type="checkbox"/>	Counselling/debriefing offered?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Physical injury <input type="checkbox"/>	Please define injury:		
Damage <input type="checkbox"/>	Please specify:		

**7 DESCRIBE THE LEAD UP TO THE INCIDENT**

<b>8 DESCRIBE DETAILS OF THE INCIDENT</b>

<b>9 IMMEDIATE ACTION TAKEN (including how the situation was immediately resolved)</b>

<b>10 WITNESSES (if any)</b>	
<b>Name:</b>	<b>Name:</b>
<b>Address:</b>	<b>Address:</b>

<b>11 STAFF/CARER SIGNATURE (please sign if the above is an accurate record)</b>	
<b>Signature:</b>	<b>Date:</b>

**FOR LINE MANAGER / PLACEMENT SERVICES SOCIAL WORKERS USE ONLY:**

<b>12 DETAILS OF YOUNG PERSON</b>		
Has the young person a history of similar behaviour?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
How frequently do these behaviours present:		
Does the young person have Additional Support Needs?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Does the young person have Exceptional Support Funding?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Does the young person have a risk assessment and behavioural support plan?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

<b>13 AGENCIES / SERVICES CONTACTED</b>							
Social Work <input type="checkbox"/>	Parents / Carers <input type="checkbox"/>	Education Psychology <input type="checkbox"/>	Police <input type="checkbox"/>	Health & Safety <input type="checkbox"/>	School <input type="checkbox"/>	Named Person/Lead Professional <input type="checkbox"/>	
Care Inspectorate <input type="checkbox"/>							
HQ Officer(s) <i>(please specify name)</i>							
Other <i>(please specify)</i>							

<b>14 FURTHER SUPPORT / ACTION PLANNED / REQUIRED</b>	
<input type="checkbox"/> Complete / renew risk assessment <input type="checkbox"/> Complete / update support plan <input type="checkbox"/> Initiate / call Child Planning meeting <input type="checkbox"/> Advice / guidance from Training Team	<input type="checkbox"/> Advice / guidance from Health and Safety Advisor <input type="checkbox"/> Support from Senior Management Team Who is responsible for action the above? _____

<b>15 ACKNOWLEDGEMENT SIGNATURES</b>	
<b>Line Manager/ Placement Services Social worker</b>	<b>Date:</b>
<b>Form received by Business Support Team Manager (BSTM)</b>	<b>Date:</b>
<b>Acknowledgement from BSTM and copied to Line Manager/ Placement Services Social Worker, if applicable</b>	<b>Date:</b>



# Education and Social Care Child Debrief Record VA/PI (2)

## PART 2

This must be filled in as soon as possible, but at the latest within one week.  
(If you need a separate sheet/s, please attach and state number attached)

### 1 DETAILS OF YOUNG PERSON

Name of Young Person:	
Date of Discussion:	
Staff Involved:	

### 2 YOUNG PERSON'S POINT OF VIEW

How are you feeling now, why do you think the staff member responded as they did, and what is your view of any physical intervention?:	
--	--

### 3 OTHER MAIN POINTS OF DISCUSSION

Young person's view - What could have been done differently by you and by staff, how has your relationship been affected? Share staff member's view of what is going on for the young person, and consider has this kind of situation arisen before?:	
--	--

### 4 OUTCOME OF DISCUSSION

What other behaviour could you use in future? What further steps can be taken? Agree what action is planned for the young person and what is the plan of action for staff/carers:	
---	--

### 5 OPTIONS EXPLORED AND OUTCOME *(If the situation is still not fully resolved)*

This should involve discussions with other staff, managers, social workers or advocates, offered other communication and expression tried and the offer to complain:	
--	--

### 6 SIGNATURES *(please sign if the above is an accurate record)*

Young Person:	Date:
Person carrying out de-brief:	Date:



## Education and Social Care Staff / Carer Debrief Record VA/PI (3)

### PART 3

This must be filled in as soon as possible, but at the latest within one week.  
(If you need a separate sheet, please attach it and state number attached)

1 DETAILS OF STAFF MEMBER / CARER	
Name of Staff Member / Carer:	
Name of Debriefer:	
Date of Discussion:	
2 DISCUSSION OF FEELINGS ABOUT THE INCIDENT	
How are you feeling now? What did you think the young person's motivation was, and what was your view of any physical intervention?:	
3 OTHER MAIN POINTS OF DISCUSSION	
Staff Member's / Carers view - What could have been done differently by you or the young person, how has your relationship been affected? What is your view of what is going on for the young person, and consider has this kind of situation arisen before?:	
4 OUTCOME OF DISCUSSION	
What further steps can be taken? What action is planned for the young person and what is the plan of action for staff/carers (updating of Child's Plan / Behaviour Support Plan/ CRISP as necessary):	
5 OPTIONS EXPLORED AND OUTCOME <i>(If the situation is still not fully resolved)</i>	
This should involve discussions with other staff, managers, social workers or advocates offered, other communication and expression tried and the offer to complain:	
6 SIGNATURES <i>(please sign if the above is an accurate record)</i>	
Staff Member / Carer:	Date:
Person carrying out de-brief:	Date: