



THE CONSORTIUM
ACADEMY TRUST

Violence and Harassment Towards Staff Policy

The Consortium Academy Trust (TCAT)
An Exempt Charity Limited by Guarantee
Company Number 07665828

Status:	Live
Policy Owner (position)	CEO
Statutory / Recommended	Recommended
Date Adopted	December 2020
Revision	0
Review Period	24 months
Review Date	December 2022
JCNC Consultation Date	19 November 2020
Advisory Committee	Trust Board
Linked Documents and Policies	Accident and Incident Recording and Reporting Policy and Procedure Behaviour Policy CCTV Policy External Complaints Policy Health and Safety Policy Physical Restraint and Reasonable Force Policy Staff Code of Conduct Staff Disciplinary Policy

**NB – This document can only be considered valid when viewed on The Consortium Academy Trust website. If the copy is printed or downloaded and saved elsewhere the Policy date should be cross referenced to ensure the current document is referenced*

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Statement of Intent

The Consortium Academy Trust is committed to preventing violent behaviour directed towards our staff by parents, members of the public or learners. No member of staff will be expected to accept exposure to violence as part of their job role.

The Trust recognises that violence, abusive or threatening behaviour on staff at work is wholly unacceptable and will not be tolerated. Violence can cause long term mental issues, pain and distress. Serious or persistent verbal abuse may also damage mental health. The Trust will support any employees assaulted, abused or threatened with assault in the course of their work.

This policy relates to violence and aggression directed at staff, in connection with their duties. Any violence or harassment between staff members will be dealt with under the staff Code of Conduct and the Disciplinary Policy. The Trust's Physical Restraint and Reasonable Force Policy deals with issues regarding staff using reasonable force to restrain learners.

In all cases the first consideration of any member of staff should be to remove themselves from potential risk and ensure they are in a safe place before any aspect of this policy is enacted. We would always encourage our staff to support each other in challenging circumstances but, they must always ensure they keep themselves safe when doing so. The safety of our workforce **must** be the priority over and above any other consideration under this policy.

If any member of staff feels they have been the subject of violence or harassment against them they are actively encouraged to contact their Trade Union or Professional Association who will be able to offer further support and guidance.

1.0 Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Health and Safety at Work etc. Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Education Act 1996
- Safety Representatives and Safety Committees Regulations 1977
- Local Government (Miscellaneous Provisions) Act 1982
- HSE et al (2009) Preventing workplace harassment and violence
- DfE (2018) Controlling access to school premises
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This policy operates in conjunction with the following Trust policies which can be found on the Trust website (www.consortiumtrust.co.uk):

- Accident and Incident Recording and Reporting Policy and Procedure
- Academy Behaviour Policy (on each individual Academy website)
- CCTV Policy

- External Complaints Policy
- Health and Safety Policy
- Physical Restraint and Reasonable Force Policy
- Staff Code of Conduct
- Staff Disciplinary Policy

2.0 Definitions

For the purpose of this policy “**harassment**” refers to when someone is repeatedly and deliberately abused, threatened and/or humiliated in circumstances related to work.

For the purpose of this policy “**violence**” refers to when someone is assaulted in circumstances related to work.

Types of violence, threatening behaviour and abuse understood in this policy include:

- **Physical abuse** – attempted assault which did not result in physical harm
- **Verbal abuse** – abusive and aggressive language, oral or written which causes an individual to feel threatened, intimidated or anxious
- **Assault** – encompasses any intentional and violent physical conduct and includes verbal abuse as well as threats of and attempted assault
- **Physical assault** – assault causing injury, such as a graze, minor bruising, reddening of the skin, minor cuts/lacerations, being spat at or a more serious injury. Common assault (section 39 of the Criminal Justice Act 1988) is an unlawful force to another person which falls short of actual bodily harm – e.g. a push in the chest. An assault occasioning actual bodily harm (AOBH) (section 47 of the Offences Against the Person Act 1961) means the injury is more than trivial but may not be permanent e.g. a punch in the face causing a black eye.
- **Sexual assault** – when a person is coerced or physically forced to engage against their will, or when a person, male or female, touches another person sexually without their consent.
- **Sexual abuse** – inappropriate sexual behaviour not resulting in physical harm.
- **Sexual harassment** – unwanted conduct that violates an individual’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This may take the form of unwanted verbal or physical conduct of a sexual nature and is unlawful under the Equality Act 2010
- **Property damage or theft** – damage to, or theft of, the employee’s personal property.
- **Other** – any form of physical assault or psychological abuse not defined above, which the employee considers sufficient to warrant concern.

3.0 Roles and Responsibilities

The Trust Board and Local Governing Boards will:

- Acknowledge the legal duty of care towards staff and learners and its responsibility to ensure both staff and learners are safe from violence or aggression.

- Use statutory powers (section 547 Education Act 1996) to seek to prevent any person entering the premises without lawful authority who causes nuisance or disturbance. Where the name of the intruder is known, warning letters will be sent making it clear that if the intruder trespasses again and causes a nuisance they risk prosecution.
- Ensure the health, safety and welfare of all staff.
- Oversee the implementation of this policy.
- Authorise appropriate members of staff to exclude persons behaving inappropriately from the academy premises, under Section 40 of the Local Government (Miscellaneous Provisions) Act 1982.

The Headteacher / CEO will:

- Ensure that all staff have read and understood this policy.
- Implement and maintain a Staff Code of Conduct and ensure all staff adhere to the Code.
- Consult with staff and their representatives about risk assessments and actions arising from them, such as providing training for staff or implementing new procedures
- Maintain close liaison with the police
- May request advice concerning security from the police Crime Prevention service
- Consider all reported incidents.
- Organise in-house training on preventing and dealing with the risks of harassment
- Ensure all relevant staff receive TeamTeach training.
- Ensure that staff have access to training.
- Support victims and alleged perpetrators where necessary.
- Take a zero-tolerance stance towards violence in the workplace and make clear what support is available to victims of violence or harassment.

*In the current pandemic any activity which violates the mitigations in place could cause harm to a member of staff and will therefore be dealt with seriously in all cases.

All members of staff will:

- Follow the procedures for preventing, dealing with, and recording and reporting incidents.
- Report every instance of probable violence and aggression, and any hazards, risks or problems, to the Headteacher /CEO.
- Assess the risk to themselves in each situation and do their utmost to ensure their own safety.

4.0 Dealing with incidents

If a member of staff has been subject to an incident then the following action should be taken:

- The member of staff will be allowed access to a private area where he / she can sit with a friend or colleague for as long as necessary
- The member of staff will be permitted to go home if he / she wishes and the appropriate arrangements will be made including arranging transport if required and contacting a 'home' support in agreement with the member of staff
- Where a learner has assaulted an employee the member of staff will not be required to teach or supervise that learner if they do not feel comfortable doing so.
- The member of staff will be supported with coping strategies to ensure that any 'communal' space interactions are reduced and a method of reporting such interactions if they feel it necessary for their own well-being
- A medical assessment of any injury will be made as soon as practicable - either at hospital or by a GP. In cases of visible injuries, it is helpful to obtain photographs.
- If the member of staff needs to attend hospital then they must be offered support from a friend or colleague.
- He/ she may also wish to seek an appointment with the Occupational Health Provider.
- The staff member will also be made aware of any other support including internal mental health support or formal counselling.
- The staff member will be permitted to take reasonable paid time off to consult his / her trade union/professional association, police, legal advisor, attend court or a prosecution is initiated or for the purposes of any other form of litigation.
- In all cases of physical assault, the police will be notified without delay – any delay could lead to evidence being lost or weakened.

4.1 Dealing with assaults or verbal threats from visitors

The senior member of staff dealing with the incident will call the police. If abusing, aggressive or insulting behaviour / language from a visitor presents a risk to staff or learners then academies have the common law powers to bar the visitor from the premises. If this is deemed necessary then this will be put in writing, giving the visitor a formal opportunity to put forward their views. Following any representations from the visitor then the length of the bar will be confirmed or removed.

It is a criminal offence under section 547 of the education Act 1996 for a person who is on the premises without lawful authority to cause or permit a nuisance or disturbance. It also allows for the removal of the person believed to have committed the offence. Therefore, in cases where the assailant is known, a letter will be sent stating that their behaviour is unacceptable and they are no longer permitted to come onto the premises without an appointment. If they persist in entering the premises without an appointment they will be treated as a trespasser and will be liable to prosecution.

4.2 Dealing with assaults from learners

When a member of staff is assaulted by a learner the learner's conduct will be dealt with via

the applicable Academy Behaviour Policy. There will be an investigation into the circumstances around the assault, which will include a learner behaviour risk assessment, the outcome will be shared with all staff that have contact with the learner in question. The victim of the assault will be empowered in the resolution of the case. The Designated Safeguarding Lead (or their Deputy) will also be consulted as there may be child protection issues to consider.

4.3 Dealing with sexual assaults and sexual harassment

The definition of sexual abuse /harassment can be seen on page 3. If a member of staff is sexually assaulted or verbally abused (including offensive language) they must be given the opportunity to be temporarily relieved of their duties. The Headteacher /CEO must be informed immediately and the actions listed in 4.0 taken.

4.4 Dealing with harassment

If a staff member becomes subject to harassment from individual parents or learners, this may constitute an offence under the Protection from Harassment Act 1997. This could include verbal or written harassment in any media.

In cases of harassment, staff should make records of all incidents in writing, taking note of the date, location, and means of communication.

Staff should inform the Headteacher /CEO, who may contact the Trust HR team for advice and support.

4.5 Dealing with Weapons

As soon as a member of staff has reasonable grounds for suspecting that a learner/ parent / visitor (the offender) is in possession of a weapon, or that there has been an incident involving a weapon, he / she should immediately inform a senior member of staff and not deal with the situation alone. The senior member of staff may consider using CCTV to confirm the events. The senior member of staff will decide whether or not the offender and items in his / her possession or control should be searched. If the offender refuses to cooperate or in the rare case a weapon has been used the police will be called. The weapon, if found and safe to do so, should be confiscated, secured in a locked area and given to the police on their arrival. Where the weapon has been used or there is obvious intent then no interview of the learner should take place by school staff. The academy will follow the advice of the police. Where there is immediate threat to an individual the academy will call 999.

In the event that the offender has been found in possession of a weapon then the appropriate Disciplinary / Behaviour Policy will be considered for the appropriate sanction.

Where the seriousness of the assault is such that the senior member of staff decides to involve the police, it will be necessary to balance the duty to the member of staff concerned against the duties attached to acting in loco parentis. Every effort should be made to contact the learner's parents before the police are involved.

Where the police interview a learner, they should only do so in the presence of a parent /carer and whenever possible off the Trust premises. Where this is not possible a person who is not a police officer and is the same sex as the learner should sit in the interview. This

should be the Headteacher or Deputy, or CEO or Director of Education (provided they are not the victim or a witness) or social services member. No other member of school staff should sit in on the interview.

4.6 Self Defence

All employees should be aware that they take all necessary steps to ensure that neither they nor others are at risk of harm and should act to avoid confrontation. At all times employees must keep themselves safe prior to them being able to support anyone else.

However, an employee might be placed in a position of having no choice but to defend themselves or to act to defend others. Under common law in this situation, they are entitled to use such force "as is reasonable in the circumstances in the prevention of crime" (section 3, Criminal Justice Act 1967). Just like any other citizen members of staff are therefore entitled to use, or threaten to use, force to protect themselves or others against an unjustifiable attack, provided the force used (or threatened) is reasonable and proportionate.

A member of staff may also take pre-emptive action if they think harm is about to be inflicted on them or others. In either situation, if force is used that is excessive and therefore not reasonable, there is a risk of being charged with assault and facing trial.

The Trust's Physical Restraint and Reasonable Force Policy deals with issues regarding staff using reasonable force to restrain learners.

5.0 Reporting and Recording of Incidents

All incidents (verbal or physical) will be logged and recorded on Appendix 2 of the Accident and Incident, Recording and Reporting Policy and Procedure (AIRRPP). The recording form should then be passed to the Headteacher / CEO.

The police should be called via 999, in cases of emergency, where:

- there is danger to life
- there is a likelihood of violence
- an assault is in progress
- the offender is on the academy premises or
- a serious offence has just occurred

Where police involvement is required, but the incident is not considered to be an emergency, the local police should be contacted on the local police non-emergency phone number (101).

Any member of staff has the right to report an incident whereby they were the victim to the Police regardless of the action taken to resolve the matter by the academy or by the Trust.

Any accusations found to be malicious will not be tolerated and disciplinary action will be carried out. Any false accusations may lead to disciplinary action.

As soon as practicable after an assault the member of staff must prepare a written statement and will be given the opportunity to consult with their trade union/professional association if he / she wishes before submitting it.

The senior member of staff should obtain written statements as soon as practical from all witnesses, including learners if applicable (outlined in para 4.5). Care should be taken to avoid any collusion between witnesses to the incident to ensure that any investigation is not prejudiced. The senior member of staff may consider using CCTV to confirm the accuracy of events.

Statements should include: an account of what happened: details of the victim, the assailant and any witnesses, the outcome including working time lost to the individual and the organisation, location of the incident. Any weapon or implement used should be retained by the senior member of staff being mindful not to destroy any forensic evidence.

All records relating to the incident should be kept securely.

Incidents that meet the criteria for formal reporting to the Health and Safety Executive by virtue of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) must be notified within the statutory period.

It is a matter for the police and Crown Prosecution Service (CPS) to determine whether or not to prosecute. The Trust's legal adviser, on request, will provide legal advice to assist and prepare the member of staff for any appearance in court, if the matter were to lead to a criminal prosecution.

Where the police decline to prosecute, an individual may determine to bring private prosecution for assault. The Trust cannot bring a prosecution on behalf of an individual. The Trust's legal adviser may offer a view but the individual would need to appoint their own legal representation. This may be done privately or via a trade union /professional association. If the assailant is prosecuted, the employee and other employees who are witnesses may be required to give evidence in court. Paid leave of absence will be granted for this purpose and appropriate cover provided.

Where a member of staff is obliged to take sick leave as a result of an injury or incident, the Trust will advise him / her of their sick pay rights, including any additional entitlements to sick pay for those suffering injuries, particularly in accordance with the Burgundy book for teachers.

Staff should be reminded of the need to let the incident be investigated through the correct channels and never publicise the offender's name or discuss aspects of the event through any forum, other than those specifically identified to support them through the situation.

6.0 Supporting Victims of Violence or Harassment

It is important to recognise that in any assault, the key individual(s) are the victims. After any assault the primary concern should be to support the victim. As well as physical issues it is important that mental health wellbeing is considered. Counselling and support from other agencies should be recommended if appropriate.

A senior leader should take responsibility for the victim and make sure that a follow up meeting takes place immediately after the assault and a further meeting(s) a few days later in case of delayed shock or on-going issues that might have arisen. The character of these

meetings will vary depending on the seriousness of the assault and the response of the victim.

It is important that the victim feels empowered after any assault. The victim should be kept informed of any actions taken against the perpetrator and when an assault is by a student, the victim should be involved in deciding how to respond to the perpetrator. (NB the victim should not decide a consequence but should be consulted on an appropriate response).

In some cases, where a student is involved, it might be appropriate to hold a restorative meeting, but this should not be automatic and should be agreed by the victim. In other circumstances, it might be appropriate to agree that the member of staff should not come into contact with perpetrator.

7.0 Dealing with the Media

If staff are approached by the media in relation to any Trust issue, this must be escalated to a senior member of staff immediately. Staff must not provide statements or comments to the media without authorisation from a senior member of staff. This includes the use of social media (both personal and public).