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# Zero Tolerance Procedure

## Dealing with Abuse Towards Staff

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Date : Autumn 1 2017- 2018  
Review Date: Summer 1 2018-2019

**Chair of Governors Initial**

## **1. INTRODUCTION**

- 1.1** This procedure sets out the framework for tackling incidents of violence against federation staff, including threats and inappropriate behaviour and language, in support of its staff.
- 1.2** The federation is committed to ensuring that staff are able to carry out their duties in a safe and secure environment and without fear and will take all reasonable steps to protect and support its staff. The federation will operate a procedure of 'zero' tolerance concerning violence and inappropriate behaviour against its employees. Individuals who threaten, use inappropriate behaviour or are violent towards staff may be banned from the premises and/or reported to the police.

## **2. SCOPE OF THE PROCEDURE**

- 2.1** This procedure covers all staff working for the Opossum Federation. The use of this procedure applies to all parents, relatives and visitors to the School.
- 2.2** Related Policies and procedures include:
- Complaints Procedure
  - Health & Safety Policy
  - Risk Assessments
  - Safeguarding Policy
- 2.3 Exclusions**  
There will be occasions where a decision to withhold access to the school may be inappropriate and for this purpose exceptions to this procedure may include:
- Parents who, in the expert judgement of relevant professionals are not competent to take responsibility for their actions eg an individual who becomes violent and aggressive as a result of an illness or injury;
  - Parents who are mentally ill and may be under the influence of drugs and/or alcohol;
  - Parents who, in the expert judgement of a relevant professional, require urgent emergency treatment.
- 2.4** Incidents involving young persons under 18 years of age should be investigated and recorded by the Head of School or their delegated deputy.
- 2.5** The Head of School should explain to the parent/guardian of the young person that their conduct is not acceptable and describe the expected standards that must be observed in the future.

### **3. DEFINITIONS**

#### **3.1 VIOLENCE**

The definition of violence within the federation is:

*‘Any incident where staff are abused, threatened or assaulted in circumstances related to their work, involving an explicit or implicit challenge to their safety, wellbeing or health’.*

#### **3.2 UNACCEPTABLE BEHAVIOUR**

The following are examples of unacceptable behaviour. Although not exhaustive, this indicates the type of behaviour that staff should not be exposed to:

- Derogatory, racial, sexual, ageist remarks;
- Malicious allegations relating to members of staff, other parents or visitors;
- Offensive remarks, gestures or behaviours, related to age, gender reassignment, disability, religion or belief, sexual orientation, marriage or civil partnership, pregnancy and maternity;
- Abusing alcohol or drugs on school premises;
- Wilful damage to school property;
- Theft;
- Threats or threatening behaviour;
- Physical violence of any type;
- Excessive noise, eg loud or intrusive conversation or shouting;
- Threatening or abusive language that may include excessive swearing or offensive remarks;
- Comments or abusive language that infringes equality eg religious taunts or homophobic language;
- Refusal of contact with staff or parent on grounds such as gender, religion or racial appearance;
- Other unlawful acts outlined in equality legislation eg direct or indirect discrimination, harassment or victimisation.

#### **3.3 HARASSMENT**

Harassment – as applied to age, disability, sex, sexual orientation, religion or belief, race and ethnic and national origin is:

*‘Unwanted conduct that has the purpose or effect of violating people’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment’ (ACAS).*

### **3.4 BULLYING**

Bullying may be characterised as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient (ACAS).

## **4 LEGAL FRAMEWORK**

Harassment and bullying as well as violence is unlawful in many circumstances. The following statutes apply:

- Health & Safety at Work Act (1974)
- The Sex Discrimination Act (1975)
- The Race Relations Act (1976)
- The Disability Discrimination Act (1995)
- The Criminal Justice & Public Order Act (1994)
- The Protection from Harassment Act (1997)
- The Race Relations (Amendment) Act (2000)
- Employment Equality (Sexual Orientation) Regulations (2003)
- Employment Equality (Religion or Belief) Regulations 2003
- The Employment Equality (Age) Regulations 2006
- The Equality Act (2010).

## **5 ROLES AND RESPONSIBILITIES**

- 5.1.1** A positive approach to the prevention of violence and unacceptable behaviour must be encouraged at all levels of the School to create a culture that minimises the risk of incidents. This section sets out the relevant responsibilities for School management.

### **5.2 Opossum Federation Governing Body**

The overall responsibility for the development of procedure proposals to reduce the incidence of violence and unacceptable behaviour against staff and the implementation of school decisions concerning the management of incidents against staff rests with the Governing Body.

### **5.3 Senior Management Team – HT, Deputy Heads, Assistant Heads**

The Senior Leadership Team will be individually responsible for the implementation of this procedure. The Senior Leadership Team must promote a culture amongst staff which recognises that violence and unacceptable behaviour should not be accepted or tolerated. Incidents should be reported and dealt with effectively to minimise further risks and create a more pleasant and safe working environment. Where incidents are reported, the Senior Leader must support and protect staff by ensuring issues are dealt with promptly. Senior Leaders must ensure that this procedure and the arrangements for the reporting of incidents are clearly published and understood by their staff. They must ensure that incidents are reported and investigated using the incident reporting system and that appropriate follow up action is taken including relevant support for staff.

Further, it is the manager's responsibility to ensure that once a member of staff has reported an incident an Accident or Incident Report Form (AIRF) is completed and filed appropriately. In the event that the incident needs to be escalated to the police, the Local Authority Legal Department will require a chronology of events prior to entering into correspondence with the police i.e. phone calls made including the nature of the unacceptable behaviour and therefore the AIRF will constitute such chronology.

#### **5.4 Risk Assessments**

When an incident has occurred, or a risk is known or modifications are being undertaken within the work environment, a risk assessment should take place immediately. The environment and circumstances in which staff work and within which parents and members of the public have access can have a significant influence on behaviour, and it is important that managers undertake a regular review of the risk factors within their area of responsibility.

Senior Leaders should be aware of the extent to which staff feel safe in relation to their general working arrangements and any concerns raised by staff regarding this.

Senior Leaders should ensure that staff dealing directly with parents and visitors attend training to deal with incidents of violence or aggression, based on an assessment of risk.

#### **5.5 Employee Responsibilities**

All staff have a general duty of care under Health and Safety legislation to take responsibility for the safety of themselves and others, and should take all reasonable steps possible to prevent incidents of violence or inappropriate behaviour in the workplace.

To ensure effective implementation of this procedure all employees have a responsibility to:

- Be aware of and abide by this procedure, and undertake training as necessary to assist with its implementation;
- Ensure that they do not place themselves in a position where they are exposed to unnecessary risks;
- Report all incidents of violence or unacceptable behaviour to the relevant Senior Leader and complete an incident form and Contact Record Sheet in line with the incident reporting procedure;
- Co-operate with risk assessments undertaken by their manager. Attend training sessions as required on matters relating to the management and reduction of violence against staff;
- Seek medical assistance where physical violence has occurred
- Provide support to any colleague who is the victim of a violent or other incident at the time and act as necessary as a witness in any proceedings that may follow.

## **5.6 The Health & Safety Lead**

The Director of Business / School Business Manager (SBM) will be responsible for the co-ordination of action in conjunction with Senior Leadership relating to or arising from violent incidents including liaising with the local police as necessary.

The DoB/SBM will monitor the incidence of violence against staff and provide reports to the Local Authority as required.

## **6 SUPPORT FOR STAFF WHO ARE VICTIMS OF VIOLENCE AND ABUSIVE BEHAVIOUR**

**6.1** Following an incident of unacceptable behaviour, employees should report the incident to their Senior Leader and complete the AIRF as soon as possible. The Senior Leader must inform the DoB/SBM, Local Authority or the police, as appropriate.

**6.2** The school will ensure that there is a debriefing interview with the member of staff concerned following an incident of unacceptable behaviour. The purpose of the debriefing meeting will be to discuss the incident in order to assess how it arose, ensure an appropriate course of action has been taken, offer support to staff involved and establish whether measures can be taken to prevent incidents in the future.

**6.3** Staff will be encouraged to contact their Union, the Local Authority free counselling service or other relevant bodies as necessary depending on the nature of any abuse.

**6.4** Staff will be encouraged to contact Victim Support where appropriate.

### **6.5 Support with procedure investigations or prosecutions**

The school will support staff in reporting incidents to the police and in taking forward prosecutions wherever possible. This would include providing evidence and access to information to support investigations and prosecutions, providing practical support and advice to staff going through such a process, including e.g. reasonable time off to prepare and attend, help with relevant paperwork, arranging for staff to be accompanied at court appearances etc.

## **7 DEALING WITH ABUSIVE BEHAVIOUR AND/OR HARASSMENT**

**7.1** An employee who is subject to harassment from a member of the school community should consider an informal approach in the first instance. The individual may not appreciate the distress his/her actions are causing as detailed by paragraph 2.2 of Appendix 1 on procedure. If witnesses are present, they should support their colleagues in dealing with the incident. If the harassment continues after the informal approach, a more formal approach should be adopted.

**7.2** As an intermediate step, a letter may be issued by the school in liaison with the Local Authority Legal Department to the individual making it clear that their behaviour is unacceptable, that any further incidents will not be tolerated and that access to the School site may be withdrawn (if appropriate)

and following the red and yellow card system described in Appendix 1 – Procedure for dealing with violence/abusive behaviour against staff.

## **8 PROMOTING THE PROCEDURE**

The School will ensure that the procedure is circulated to all relevant staff and promoted via the staff induction programme.

## **APPENDIX 1**

### **PROCEDURE FOR DEALING WITH VIOLENCE/ABUSIVE BEHAVIOUR AGAINST STAFF**

#### **1 INTRODUCTION**

In the event of a member of the school community displaying violent or inappropriate behaviour, the Senior Leader may decide to adopt an informal approach. Where this has been tried and failed, or where an incident is considered by those involved to be serious or severe enough to warrant it, a formal approach (applying a 'yellow and red card system') will be appropriate.

#### **2 INFORMAL APPROACH**

- 2.1** The Senior Leader must advise the violent or abusive person of this procedure and inform them verbally that their actions or behaviour are unacceptable. S/he should be advised clearly of behaviour that is acceptable, in order that s/he understands the standards required and has the opportunity to comply, and that a repeat of the behaviour could lead to the application of sanctions.
- 2.2** In many cases this leads to an improvement without further need to develop a more formal approach. Although the approach used is informal, the incident must be formally reported on the AIRF. It is the Senior Leader's responsibility to maintain and retain notes of all conversations for future reference.

#### **3 FORMAL STAGE**

##### **Stage 1 – The 'Yellow Card'**

- 3.1** Where the informal approach has already been tried or where it can be justified that this is deemed inappropriate due to a severe or serious incident or threat/act of violence and abusive behaviour and a genuine belief that this will not result in a modification in behaviour, a more formal approach is required. This will entail a formal written warning as described below.
- 3.2** A letter must be sent to the individual concerned from the Senior Leader which must refer to this procedure and clarify the behaviour demonstrated that is deemed to have been unacceptable and in breach of it. The letter must state that a repeat of such behaviour cannot be tolerated, and clarify any sanctions that may be applied at this stage with regard to future access to school staff and premises.



## **Stage 2 – The ‘Red Card’**

- 3.3** In cases where there is a threat of serious and imminent danger or due to the serious nature of an actual incident, access to the school site and staff may be withheld even where the earlier stages of the procedure have not been applied.
- 3.4** Where a decision is taken to withhold access, this decision must be made initially by the relevant Senior Leader, in conjunction with Senior Leadership Team as appropriate. When withholding access, the relevant Senior Leader must ensure that the following stages are applied:
- 3.5** Confirmation must be sought that the violent and abusive incident(s) have been fully documented and signed by the staff member involved and any witnesses, and that it has been fully reported to the Senior Leadership Team.
- 3.6** The person being banned must be made fully aware and understand that because of their unacceptable behaviour, access is being withheld.

## **4 RESPONDING TO VIOLENT INCIDENTS**

- 4.1** When a violent incident or incident involving inappropriate behaviour has occurred, the Senior Leader must first consider the needs of the person involved, and in cases involving injury, should ensure that the employee receives appropriate treatment, including attending Accident and Emergency services if necessary. All incidents where an employee receives an injury requiring medical treatment must be reported immediately to their Senior Leader.
- 4.2** In all cases of violent or potentially violent incidents being reported to a Senior Leader they must ensure that a full investigation is undertaken immediately and inform Senior Leadership Team.
- 4.3** An Accident or Incident Report Form(AIRF) must be completed as soon as possible and passed to the Director of Business/School Business Manager for forwarding to the relevant bodies and the need for revising risk assessments and procedures considered.