



## **VIOLENCE TO EMPLOYEES: A CODE OF PRACTICE**

### **1. Statement of Intent**

- 1.1 Serious acts of violence by clients towards employees within this Authority are relatively infrequent. Nevertheless, they do occur and the purpose of this guidance is to assist employees who come into contact with violent or potentially violent clients.
- 1.2 The School has resolved to make it clear that they will give all necessary support and advice to employees assaulted in the course of their duties. The following statement of Policy is adopted by this Authority:-

The School is not prepared to tolerate:

- verbal or physical harassment of its employees, including racial and or sexual harassment
- physical assault upon employees by client or other members of the public, either during or outside working hours, which are as a result of their employment by the school
- attacks on, or damage to, the property of employees of the school which result from their employment

### **2. Introduction**

- 2.1 The Health and Safety Executive has indicated that where an employer has employees who could be exposed to the risk of assault a systematic approach should be adopted to identify and as far as possible control the problem. The degree of risk attached to each category of employee must be assessed and the appropriate preventive measures identified.
- 2.2 This code of practice has been produced to provide a broad-based systematic approach to the problem and to ensure that as far as possible the procedures adopted are standard throughout the authority. However, it is accepted that some departments require more detailed information regarding the management of violence by clients.

### **3. Legal Assistant and Advice**

- 3.1 Legal Services via HR officers are available to give advice and assistance to officers in connection with incidents of violence in the course of their employment.
- 3.2 Where the Governors of the employee's school approves, and Legal Services consider it appropriate, prosecutions may be commenced on behalf of the local authority.

#### **4. Sick Pay Scheme**

- 4.1 Sickness absence resulting from an assault will be registered as industrial injury absence for the purpose of the National Conditions of Service. Periods of absence attributable to an assault will not, therefore, count against the employee's entitlement to sick pay. However, details of the assault must be properly recorded in accordance with this procedure. Employees covered by a bonus scheme will receive sick pay calculated on average bonus earnings during the period of absence.
- 4.2 The scale of allowances to which the employee will be entitled will be the same as for normal sickness absence, details of which are in the Local Conditions of Service.
- 4.3 To qualify for the above benefits the incident reporting procedure must be followed. Appendix 1 is a specimen copy of the relevant documentation which must be completed as soon as possible after the incident, the immediate supervisor of the employee involved must complete the injury investigation report (Appendix 1) within 24 hours of the incident.

#### **5. Procedure in case of assault by another employee**

- 5.1 Fighting at work will be dealt with within the disciplinary procedure.

#### **6. Procedure in case of assault by a member of the public**

- 6.1 The employee assaulted should notify his/her Principal/line manager immediately after the assault.
- 6.2 At the discretion of the employee, the Principal/line manager should notify the Police of the attack.
- 6.3 Where the assaulted employee required medical attention, arrangements must be made by the Principal/line manager for the employee to be seen by a qualified first aider and/or taken to hospital as necessary. Arrangements should also be made for the individual to be taken home if required.
- 6.4 The injury investigation report form should be completed as soon as possible after the incident, particular attention being paid to the details of the incident and the names of any witnesses. A copy must be forwarded to the Children's Services HR Section. A central register should be kept via the Chair of Governors. The individual concerned should also retain a copy.
- 6.5 If the employee has to attend a police station to give a written statement he/she may be accompanied by the Principal/line manager and/or Trade Union representative and/or friend.
- 6.6 The Principal/Chair of Governor will undertake an immediate investigation of the incident and determine the course of action to be taken, in consultation with the employee concerned and his/her Trade Union representative.
- 6.7 In cases of assault or intimidation, the Principal/Chair of Governors in consultation with the Children's Services HR Officer, may in appropriate cases decide that an employee be transferred temporarily or offered alternative work, with the agreement of the Trade Union representatives and the employee concerned.

6.8 Whilst a reasonable amount of physical restraint may be necessary, retaliation by way of physical assault is unacceptable and will not be tolerated by this school.

## **7. Compensation for Damage to Clothing or Property**

7.1 Where personal clothing or property is damaged as a result of an assault on an employee the appropriate section of the personal assault form (Appendix 2) should be completed as soon as possible after the incident. The Chair of Governors is authorised at the request of the Principal to consider granting ex-gratia payments for damage to or loss of personal property of employees occurring whilst on duty.

## **PREVENTION OF VIOLENCE TO EMPLOYEES**

### **1. INTRODUCTION**

1.1 The problem of violence has received growing attention in recent years in all areas of work which involve contact with the public. The Health and Safety Executive and the TUC are just two of the bodies which have expressed concern about the apparent increase in the danger to employees.

1.2 There is some uncertainty about what is seen to constitute violence to employees, but it is commonly acknowledged that as well as an actual physical attack, other attacks involving threats and fear do cause employees concern. For the purpose of this document the following is used to define violence:-

“Any behaviour which *produces* damaging or harmful effects, physically or emotionally, including abuse of a racial or sexual motive.”

1.3 The Health and Safety at Work Act (1974) imposes duties on employees and employers concerning the safety of the work place and although violence from the public is not specifically mentioned in the Act there is a general agreement that the duties of reasonable care do apply to such situations.

1.4 This document aims to contribute to the lessening of the potential for violence and damage to employees by making recommendations concerning the responsibilities of management and guidelines to employees concerning working practices which reduce the risk of violence; the use of physical measures such as the design of buildings and the provision of alarms and the provision of training for all employees.

## **PRACTICAL GUIDELINES**

### **2. PREVENTATIVE ACTION**

2.1 The purpose of this guide is to inform employees of the school’s policy and procedure relating to violence towards employees. The school recognises that it has responsibilities with regard to ensuring the safety of all employees as much as possible and in providing support and back up to employees when a violent or potentially violent incident has occurred.

2.2 Where clients are known or suspected to be violent, employees working with them should ensure that all other employees, likely to be in contact with them, are aware of this. Files should contain a clear indication if a client is potentially violent and all violent/potentially violent incidents should be clearly recorded.

- 2.3 Where a client is known/suspected to be violent proper consideration by the Principal/Line Manager should be given to structuring contact with that client. Possible measures which can be taken include having office interviews only, sending two or more employees on home visits, having two or more employees on duty at a time. Where these measures are considered to be insufficient consideration by the Governor should be given to the withdrawal of all services to that client. In all cases restrictions imposed should be reviewed after no more than six months.
- 2.4 Employees going out on visits to potentially dangerous clients should inform the Principal/Line Manager. Where employees are visiting known dangerous areas at night they should be accompanied by another employee on that visit.
- 2.5 Dogs (other than guide dogs) should not be allowed into school and home visits may not be appropriate where a dangerous dog is kept either by the client (or a member of the client's household) or nearby. Where an employee is bitten by a dog this must be recorded and appropriate medical treatment sought.
- 2.6 Employees handling cash should be particularly aware of the danger of assault. Money for clients should normally be handed over at an office interview. Where this is not possible two employees should make the necessary home visit.
- 2.7 Managers should ensure that money is collected in the proper manner bearing in mind the following principles:
- vary times and days of collection
  - vary collection routes
  - two persons should collect except at the Principal's discretion
  - if attacked, release the money and do not resist.
- 2.8 There are times when employees have to take clients in their cars. Care should be taken in these situations. Employees must not travel alone with a client who is not known or who has been identified as a possible risk.

### **3. AVOIDING VIOLENT BEHAVIOUR**

#### **3.1 Warning Signals**

Employees need to be aware of warning signals shown by clients who are about to become violent, and of ways of responding which reduces the likelihood of violence occurring. The points are important factors in the practice guidelines, but they are also difficult to deal with in a written report. In response to the client, the employee has a range of possible reactions which are helpful depending on the situation. A firm, confident approach which allows the client to express his/her frustrations verbally seems to stand most chance of managing the potential violence. However, the situation is more complex and employees are better helped in training courses than by over-simplified statements.

#### **3.2 Obtaining Help**

Not all violence can be managed in ways touched upon in the previous section. If there is doubt about whether the violence can be controlled, employees should obtain help from others in the office, and get out of the situation. If it is not appropriate and possible to get out, then employees may be able to use the telephone, or an alarm if this is available.

### **3.3 Police**

The Police should be called when an employee is in danger and this should not be seen necessarily as the last resort. The call would normally be made by an employee not immediately involved in the incident, using the 999 emergency procedure. It is recommended that discussions take place with the Police to ensure that such calls are dealt with as a serious emergency.

### **3.4 Physical Action**

There may come a point where an attack is taking place when there is no alternative but for the employee to protect himself or herself physically. The law allows for reasonable force to be used. Help should be obtained at the first possible opportunity.

### **3.5 Client to Client Violence**

Much of the violence encountered by employees is directed from one client to another. Employees feel some responsibility in this situation. It is recommended that employees do not intervene physically, but either attempt to control the situation verbally with firmness and confidence, or get out of the situation and obtain help.

## **4. DEALING WITH EMPLOYEES AFTER AN INCIDENT**

- 4.1 Any action after an incident of violence should be such that it supports the employee involved, and enables the school to learn from it so that a recurrence of a similar incident is less likely.
- 4.2 Following a violent incident the immediate concern of Principal/line managers and employees must be the well-being of the person(s) involved. Where an incident has occurred which has, or may have, caused physical damage, it is important that first aid is sought immediately.
- 4.3 It is recognised that employees may require further help following the immediate aftermath of the incident. The employee involved need to take part in a debriefing session which will enable the Principal/line manager to produce a report regarding further action re: police involvement, changes in working practices etc. It is at this stage that forms should be completed.
- 4.4 All incidents which appear to constitute an offence against an employee must be reported to the police, with an expectation that a prosecution should follow. However, in some situations public prosecutions may not take place and consideration should be given to the school supporting the employee in a private prosecution.
- 4.5 Any absence taken as a result of an act of violence towards an employee shall be treated as an industrial injury. Appendix 1, injury investigation report must be completed.
- 4.6 Employees who suffer permanent injury as the result of an attack can claim against the school's Accident Insurance Policy. Employees who are injured may be eligible to compensation from the Criminal Injuries Compensation Board. The Principal/line managers should make employees aware of this.

4.7 Counselling should be made available to employees who have been involved in a situation of violence. This service should be made available automatically by Principal/line manager, and as with any counselling the employee should be free to reject the offer.

## **5. DEALING WITH THE ASSAILANT**

5.1 All employees are entitled to protection from violent attacks, therefore, there is no alternative but to report the incident to the Police.

5.2 If the assailant is a client of the school it should be considered as to the necessity of transferring the client from the work schedule of the employee and/or to another establishment.

5.3 Clients may be in need of support and the school should seek to provide this. The client may wish to make a complaint or allegation. All complaints must be noted in writing and passed to the Chair of Governors.

## **6. REPORTING AND MONITORING VIOLENT INCIDENTS**

6.1 Appendices 1 and 2 show the Personal Assault forms to be completed as soon as possible after the assault and certainly within two days.

6.2 The Chair of Governors/Principal will undertake all immediate investigation of the incident and determine the course of action to be taken in consultation with the employee concerned.

6.3 Annual returns should be submitted to Children's Services HR Unit to allow the HR Officer to monitor the incidents of violence within each department and to compile a central register with a view to updating the procedure and guidelines to ensure that employees are offered the best advice available to avoid violent incidents.

**Reviewed: September 2019**

**Next Review: September 2020**

**APPENDIX 1**

**INJURY INVESTIGATION REPORT**

**Reference No. ....**

Date of Investigation .....

Day and Time of Incident .....

Investigating Officer .....

Name of Person Injured .....

Address .....

Date of Birth.....

Date Entered Employment .....

Occupation .....

Department.....

Place Where Incident Occurred.....

Nature of Injury .....

Was Injured Person Seen by Medical Staff.....(Name)

Date and Time of Treatment.....

If Injured Person Was Sent To Hospital (which).....

Name and Address of Witness .....

Date and Time Ceased Work .....

Was The Injured Person Able To Resume Work?                      YES/NO

If no, why? .....

Date of Return to Work and Capacity.....

Date and Time Given Alternative Work .....

Action Taken by the Authority.....

**PERSONAL ASSAULT**

To be completed by the individual assaulted, or on behalf of, as soon as possible after the incident.

**What activity were you engaged in at the time of the incident?**

**Details of Assailant(s)**

Name(s) .....  
.....

Name(s) .....  
.....

Address(es) .....  
.....

Address(es).....  
.....

Brief Description .....  
.....  
.....

Brief Description.....  
.....  
.....

**What happened?**

**Details of Location of Incident**

**Provide sketch if possible**

**Outcome**

Injury? Verbal Abuse?

Anti-social Behaviour? Damage to Personal/Other Property?

Any other relevant information

Investigating Officer

.....Date



Employee Signature

.....Date

**Reviewed: September 2019**

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