**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 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
* Education Act 1996
* Local Government (Miscellaneous Provisions) Act 1982
* HSE et al (2009) ‘Preventing workplace harassment and violence’
* DfE (2018) ‘Controlling access to school premises’

This policy operates in conjunction with the following school policies:

- Behaviour Management and Anti-Bullying Policy

- Staff Code of Conduct Guidance

- Health and Safety Policy

- Grievance at Work Policy

**Definitions**

The Tutorial Foundation accepts the Health and Safety Executive’s definition of violence at work 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.”

In terms of this policy, ‘public’ could be taken to mean parents, pupils, visitors, or other staff members.

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

* verbal abuse – abusive and aggressive language, oral or written.
* physical assault – assault causing minor injury, such as a graze, minor bruising, reddening of the skin, minor cuts/lacerations, or a more serious injury.
* physical abuse – attempted assault which did not result in physical harm.
* sexual assault – sexual assault resulting in physical harm such as bruising, cuts/lacerations, or more serious injury.
* sexual abuse – inappropriate sexual behaviour not resulting in physical harm.
* 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.

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.

**Roles and responsibilities**

The advisory board will:

* acknowledge its legal duty of care towards school staff and pupils and its responsibility to ensure the school is a place where both staff and pupils are safe from violence or aggression
* oversee the implementation of this policy
* advise all members of staff of this policy
* ensure all staff likely to be affected are informed, through the headteacher, of any circumstances which are likely to carry a risk of violent or aggressive behaviour
* authorise appropriate members of staff to exclude persons behaving inappropriately from the school premises, under Section 40 of the Local Government (Miscellaneous Provisions) Act 1982
* maintain a continuing programme of risk assessments of violence towards staff, in close consultation with the headteacher, and ensure identified risks are mitigated where possible
* consult with staff and their representatives about risk assessments and actions arising from them

The headteacher will:

* ensure that all staff have read and understood this policy
* consider all reported incidents
* 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

All members of staff should:

* follow the procedures for preventing incidents, dealing with incidents, and recording and reporting incidents on My Concern.
* report every instance of probable violence and/or aggression, and any hazards, risks or problems, to the headteacher
* assess the risk to themselves in each situation and do their utmost to ensure their own safety
* keep evidence of any harassment or violence directed towards them and report incidents without hesitation to the headteacher, or (if the report is against the headteacher) to the chair of the advisory board.

**Preventing incidents**

The Tutorial Foundation will carry out an annual risk assessment of violence towards staff.

Staff will receive appropriate training as part of their new-starter induction, and follow-up training as required.

**Dealing with incidents**

When dealing with an incident, staff are advised to employ the following strategies:

* seek first to de-escalate any incident of verbal or physical aggression
* maintain physical distance from the student
* speak calmly without raising their voice, or stop talking altogether
* stop challenging the behaviour and seek to understand the unmet need (boredom, anger, hunger, insecurity, humiliation, depression …)
* seek assistance from another staff member
* maintain a safe distance from the aggressor
* allow the aggressor space and opportunity to walk away for cooling off.
* think of an escape route, should the need arise
* be mindful of body language and stances to physically defend themselves
* walk away, where possible
* reflect that this is not personal but a communication of unmet needs

All incidents are to be logged and recorded on My Concern or, for expediency, on an Incident Report Form, which is kept in the school office.

The headteacher, or a member of SLT, should be immediately informed of any incidents, and should liaise with the local authority and the police where necessary.

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 school premises
* an offence has just occurred and an early arrest is likely

In the event of an emergency, staff should also acquire assistance from a member of the senior leadership team, if available, or the nearest member of staff.

Where police involvement is required, but the incident is not considered to be an emergency, the local police should be contacted on 101.

The Tutorial Foundation will ensure that help, support and counselling are made available to victims of violence at the time of the incident and in the long-term.

Any member of staff or pupil who engages in an act of violence towards a member of staff will be subject to the appropriate disciplinary procedures.

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

**Harassment**

If a staff member becomes subject to harassment from individual parents/carers or pupils, this may constitute an offence under the Protection from Harassment Act 1997.

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, who will contact the LA for advice and support.

**Restricting Contact with the School**

The Tutorial Foundation has procedures in place for withdrawing permission for any parent/carer, who behaves unreasonably, to be in contact with staff. This may mean that a restriction is put in place on contact by telephone or email.

Any incident(s) which could warrant withdrawal of contact should be reported to the headteacher.

**Banning from the school premises**

The Tutorial Foundation has procedures in place for withdrawing permission for any parent/carer or student, who behaves unreasonably, to be on school premises.

Throughout the process, full records should be made of each incident, including witness details, should evidence need to be provided in court.

Any incident which could warrant banning from the school premises should be reported to the headteacher.

If a person who has been banned subsequently trespasses on the premises and causes nuisance or disturbance, this may be considered a criminal offence under Section 547 of the Education Act 1996.

**Recording and reporting incidents**

All incidents should be recorded on My Concern or, for expediency in an emergency, on an Incident Report Form, copies of which may be obtained from the school office.

All incidents should be reported to the headteacher.

Evidence collected may be used later if court proceedings are brought against an alleged assailant.

The Tutorial Foundation will carry out risk assessments on individual pupils whose behaviour constitutes cause for concern.

**Monitoring and review**

This policy will be reviewed on an annual basis by the headteacher in agreement with the advisory board.

Any changes made to this policy will be communicated to all members of staff.

Policy Sign off and review

|  |  |  |
| --- | --- | --- |
|  | By whom | Date |
| Policy signed off by | Julia Low | 30.09.2021 |
| Reviewed by | Sharon Oakes | 14.11.2021 |
| Next Review By | Julia Low | 31.10.2022 |