

A Guide to Risk Assessment of Violent and Abusive Behaviour

A guide for NASUWT Representatives in Scotland

Introduction

The purpose of this guide is to:

- explain the legal duties on education employers in relation to violence and abusive behaviour against staff;
- outline the procedures that should be used by schools and colleges to tackle the problem; and
- advise on actions that NASUWT Representatives should take.

Although most schools and colleges remain relatively safe and secure, the working lives of teachers, headteachers/principals and other members of the education workforce are adversely affected by a minority of pupils who challenge authority and behave disruptively, using threatening behaviour, abusive language and sometimes physical violence. Both employer and employees have an interest in ensuring that their school/college is a safe space.

The Impact of Poor Pupil Behaviour

Too many teachers have had their careers ended prematurely and their lives ruined as a result of violent incidents at work, causing significant long-term physical and psychological injuries, including stress, anxiety, depression, post-traumatic stress disorder and agoraphobia. Disruptive or violent pupils take up a considerable amount of staff and management time, increasing stress and workload and distracting teachers from focusing on other pupils. Violent incidents can have a detrimental impact on the school/college working environment for both staff and pupils, and can cause reputational damage, leading to falling pupil numbers and staff recruitment and retention difficulties. Additional costs may also be incurred as a result of increased sickness absence, higher insurance premiums and compensation payments.

The Importance of Effective Risk Assessment

Adequate risk assessments should be undertaken of pupils who persistently display high levels of aggression and violence in school/college, and the details of those risk assessments should be shared with relevant staff, particularly when pupils move school/college. Pupils and school/college staff are being put at risk where the employer fails to undertake an appropriate risk assessment, implement suitable control measures, share adequate information with staff about violent and disruptive pupils, and use the sanctions available when necessary.

The Scottish Government advises that:

'Risk and health and safety assessments should be carried out to determine any potential concerns arising from the child or young person's behaviour, and should identify any steps deemed necessary to support the child or young person in preventing harm to themselves or others. The risk and health and safety assessments should be informed by the information gathered using the National Practice Model and should be shared with the child or young person, their parents, and all staff who are involved with the child or young person'.¹

Schools and colleges should consider the full range of sanctions available to tackle unacceptable pupil behaviour, including dealing with low-level disruption or verbal abuse. Behaviour policies which include effective risk assessment procedures will help create conditions in which teachers can teach and pupils can learn effectively.

Research Evidence and Data

The NASUWT's extensive research, including annual surveys of teachers, consistently shows that violence towards and verbal abuse of teachers is all too common and that pupil behaviour is a major cause of excessive workload and stress.

In 2018, the Union's Big Question survey of over 7,000 teachers throughout the UK found that in the past 12 months: more than one in ten teachers (11%) had been physically assaulted by a pupil, one in seven (14%) had been threatened with physical assault by a pupil, and more than half (51%) had been verbally abused by a pupil.

Almost a quarter of teachers (24%) reported having been verbally abused by a parent or carer in the past 12 months.

The NASUWT Position

The NASUWT recognises that pupils cannot learn and teachers cannot teach in an atmosphere of violence and disruption. The Union works to protect the safety and wellbeing of its members.

With the support of members, the NASUWT does not hesitate to ballot to 'refuse to teach' certain pupils in circumstances where schools/colleges and

¹ Scottish Government (2017) 'Included, Engaged and Involved – Part 2: A Positive Approach to Preventing and Managing School Exclusions' (pg. 22) www.gov.scot/publications/included-engaged-involved-part-2-positive-approach-preventing-managing-school/

Appeals Committees fail to have due regard for the health and safety of members. No teacher should be expected to put up with violence at work.

All teachers are entitled to a healthy and safe working environment.

The Responsibilities of Employers and Governing Bodies

Under the Health and Safety at Work Act 1974, employers have a legal duty 'to ensure, as far as is reasonably practicable, the health, safety and welfare of their employees and others'.

The Management of Health and Safety Regulations (1999) also places a legal duty on employers, through the **risk assessment** processes, to **examine workplace hazards, identify those at risk and take measures to control those risks.**

Education employers are required under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (2013) (RIDDOR) to record all incidents of violence. This means that all schools and colleges must have a reporting procedure, for which the headteacher or principal will have day-to-day responsibility. **School/College leaders and education managers should take appropriate steps to ensure that staff report all incidents of violence and abuse.** Incident reports provide essential details to inform the risk assessment process. Acts of non-consensual violence to a person at work that result in death, a major injury or being incapacitated for over seven days are reportable to the Health and Safety Executive (HSE). Reportable specified injuries include:

- fractures, other than to fingers, thumbs and toes;
- amputations;
- any injury likely to lead to permanent loss of sight or reduction in sight;
- any crush injury to the head or torso causing damage to the brain or internal organs;
- serious burns (including scalding), which:
 - cover more than 10% of the body; or
 - cause significant damage to the eyes, respiratory system or other vital organs;
- any scalping requiring hospital treatment; and
- any loss of consciousness caused by head injury or asphyxia.

For further detail on what incidents are reportable under RIDDOR, visit: www.hse.gov.uk/riddor.

Health and safety legislation² also requires that employers **consult and co-operate with Health and Safety Representatives**, including in the management of health and safety risks in the workplace.

Representatives should seek regular **reviews of relevant school policies and statistical reports** (not naming individuals) **showing any patterns of violence or abusive behaviour**. Workplace safety committees, convened during the working day, are an effective forum for consultation with trade union representatives.

The Responsibilities of Headteachers/College Principals

Those who ‘have to any extent control of premises’ – i.e. the headteacher/college principal – also have the responsibility of managing health and safety on a daily basis. The headteacher/principal may delegate the lead role on day-to-day health and safety implementation and management of the policy to a nominated senior manager, but they will retain overall responsibility. It is crucial that the headteacher/principal and local authority/employer liaise closely on all issues that relate to health, safety and welfare.

The headteacher/college principal is also responsible for the following:

- a. ensuring that suitable and sufficient risk assessments are carried out of employees’ risk of exposure to violence and aggression and that appropriate control measures are implemented;
- b. making appropriate arrangements for incidents to be reported, recorded and investigated;
- c. regular monitoring of the level and general nature of any incidents of violence and abuse and the school/college response to them;
- d. reviewing the effectiveness of the behaviour management procedures and health and safety policy, including risk assessment, control measures and responses to incidents;
- e. provision of appropriate training for employees and volunteers;
- f. producing an annual monitoring and evaluation report to the local authority/employer;
- g. consulting with workers and the workplace trade unions.

² *Safety Representatives and Safety Committees Regulations 1977 and The Health and Safety (Consultation with Employees) Regulations 1996.*

Definition of 'Violence'

The HSE defines work-related violence as:

'any situation where a person is abused, threatened or assaulted in circumstances relating to their work'.

Such circumstances include any work-related activity, whether on school/college premises or off-site (such as educational visits). A pupil, colleague or member of the public could be responsible. Physical force, verbal abuse or threats, including prejudice-related incidents, and damage to property are all forms of violence.

Schools and colleges should have strategies to address, prevent and deal with work-related violence, including verbal and physical abuse of staff.

Risk Assessment

Employers have a legal duty, through the risk assessment processes, to examine workplace hazards, identify those at risk and take measures to control those risks.

Headteachers/principles have a duty to control and reduce risks to a level 'as low as is reasonably practicable' (ALARP).

Risk assessment can be applied to individual pupils or adults, and is a necessary process to follow in situations where application of the school/college behaviour management policy has not resulted in improved behaviour and a pupil's conduct continues to pose an ongoing and demonstrable risk to staff and other pupils. Pupils with a history of violent and abusive behaviour represent a demonstrable and foreseeable risk.

The conduct of risk assessment is fundamental to the management of risks in the workplace. A risk assessment identifies the hazards, for example, features of a pupil's violent or aggressive behaviour such as kicking or biting and the people who might be harmed, and sets out actions to be taken to prevent such harm.

The five-step approach to risk assessment recommended by the HSE as a generic tool is essential to the control of all risk situations. It can be applied to behavioural problems in all educational settings, including specialist establishments, where extremely violent young persons may be taught.

Those undertaking risk assessments should have received suitable and sufficient training and be competent to do so. Staff undertaking pupil risk assessments should:

- be aware of the relevant regulatory frameworks and school/college policies, including those relating to child protection, health and safety, equality and discrimination, site security, pupil restraint and data protection;
- during the risk assessment process, consult union safety representatives and staff involved in providing education and care for the pupil;
- consider any parenting contracts/orders and liaise with parent(s)/carer(s), as appropriate (whilst there is no requirement to secure the permission of a parent/carers to conduct a pupil risk assessment, it may be helpful to discuss common ‘triggers’ of behavioural problems and successful strategies in preventing and dealing with inappropriate behaviours);
- liaise with relevant external agencies, as appropriate, including behaviour support services, children and adolescent mental health services (CAMHS), Mentors in Violence Prevention Scotland programme (MVPS), drug counselling agencies, education welfare officers, educational psychologists, social services/child protection and local police (Youth Justice Teams, campus police officer).

The HSE risk assessment process should be followed when undertaking a risk assessment. It includes the following steps:

1. identify the hazards;
2. decide who might be harmed and how;
3. evaluate the risks and decide on precautions;
4. record your findings and implement them;
5. review your risk assessment and update if necessary.

Further details about each of these steps can be found in the NASUWT guidance for school and college leaders.

Employers have the ultimate responsibility for health and safety. Headteachers, college principals and heads of centres are responsible for the day-to-day discharge of the employers’ health and safety functions and should reach agreement with NASUWT Health and Safety Representatives on simple-to-use risk assessment procedures.

The NASUWT recommends that the pro-forma **Risk assessment form for completion by person responsible for pupil discipline/welfare** included in this advice document be used in schools and colleges. It is intended for

use by managers, but Representatives will find them informative. It has been designed to minimise bureaucratic burdens and workload associated with the conduct of risk assessments.

A systematic approach to tackling a problem should involve:

- an analysis of the **problem**;
- gathering of **information**;
- a **plan** of action.

The NASUWT publication *A Guide to Risk Assessment of Violent and Abusive Behaviour – A guide for leaders and managers*, provides detailed guidance for school/college leaders and managers, concerning the risk assessment process of violent and abusive behaviour for particular pupils who have been identified as presenting a potential risk.

Industrial Action

Where schools/colleges fail to take appropriate action in response to violence and disruption, the NASUWT will consider the use of industrial action to protect the interests of members.

Supporting an Individual Member

The NASUWT will support members who have been subjected to, or threatened by, violence or abuse. Representatives should ask members to make careful notes of incidents. Further detailed advice is available at www.nasuwat.org.uk/pupilindiscipline/.

Implications for NASUWT Health and Safety Representatives

Health and Safety Representatives should raise the matter of violent behaviour via the regular meetings of safety committees. Violent or threatening behaviour should also be the subject of the Health and Safety Representative's safety inspection report. Reports of specific incidents should be taken up separately. There are a number of areas that should be the focus of discussions between Health and Safety Representatives and the employer, including the employer's safety policy, reporting arrangements and the mechanisms for risk assessment.

Safety Policy

It is a fundamental legal requirement for the employer to have a health and safety policy. In most maintained schools, the local authority will have

agreed a policy which can be customised to suit the particular school/college. It is a legal requirement for staff or their representatives to be consulted on the policy, ideally through a safety committee. The policy should commence with a statement of intent in which the employer acknowledges their responsibility for providing a safe and healthy working environment. It should also make reference to relevant health and safety legislation and be the subject of regular review, in consultation with the recognised trade unions.

Schools and colleges may include within their general safety policy a section about violence, or have a separate policy appended to it. NASUWT representatives should check that this contains its own statement of intent, including:

- commitment to introduce measures, reducing the risks of violence;
- declaration of support for victims of assault and abuse;
- encouragement of use of reporting systems;
- confirmation that all reports will be investigated and followed through, with reference to the police as necessary;
- offers of support following incidents, including legal advice and representation;
- commitment to advise perpetrators of abuse of the legal actions that might be taken against them. In addition, there should be a protocol for monitoring incidents, including taking account of equality and anti-discrimination implications.

Behaviour Management Policy

The Behaviour Management Policy should be clear that the school/college will always treat seriously any violent, aggressive and abusive behaviour and incidents, including cyber-bullying and behaviour that undermines the dignity of staff or pupils such as 'up-skirting'. NASUWT Representatives should ensure that the behaviour management procedures make it clear that the school/college will impose appropriate sanctions on those pupils who behave in this way towards staff or pupils.

Staff should also be provided with regular and appropriate behaviour management training and development which should cover: implementing the school's behaviour policy; logging and recording of incidents; leadership of behaviour; strategies for managing behaviour in the classroom; pupil

behaviour and educational visits; legislation affecting behaviour management (for example, detention, exclusion, child protection, pupil restraint and pupil searches); pupil support; equal opportunities; anti-discrimination and techniques for promoting positive behaviour.

NASUWT Behaviour Management guidance is available on the Union's website: <https://www.nasuwt.org.uk/advice/in-the-classroom/behaviour-management.html>.

Further Information

The NASUWT has a wide range of information and materials related to behaviour management issues, as well as training courses.

For details of other NASUWT publications and behaviour management courses, contact NASUWT Scotland, Headquarters or visit the Union's website: www.nasuwt.org.uk.

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Pupil Behaviour

The '*Health and wellbeing in schools*' section of the Scottish Government website: www.gov.scot/policies/schools/wellbeing-in-schools/, contains useful guidance for schools in Scotland, including the latest *Behaviour in Scottish Schools* research survey.

Risk Assessment

The HSE website, www.hse.gov.uk, includes guidance on the risk assessment of work-related violence.

Both the NASUWT Representatives' Handbook and the NASUWT Health and Safety Representatives' Handbook contain further information and guidance.

Risk assessment form for completion by person responsible for pupil discipline/welfare

Pupil name:	Year Group:	Teacher(s): Support staff:	Date:
Step 1: Identify the hazards			
Is there a history of violent or abusive behaviour?	Provide a list of previous incidents.		
Describe the foreseeable hazard and risk factors			
Step 2: Decide who might be harmed and how			
If the risk arises, who is likely to be injured or hurt?	Provide a list of persons at risk.		
What kind of injuries or harm is likely to occur?			
How likely is it that the risk will arise?			
How serious are the potential adverse outcomes?			
Step 3: Evaluate the risks and decide on precautions			
Proactive interventions/ control measures to prevent risk			

Early interventions/ control measures to manage risk	
Reactive interventions/ control measures to respond to adverse outcomes	

Step 4: Record your findings and implement them

Measures implemented		Date:
Proactive interventions/ control measures to prevent risk		
Early interventions/ control measures to manage risk		
Reactive interventions/ control measures to respond to adverse outcomes		
Measures not implemented		Risk:
Provide details of interventions/ control measures not implemented and state the reasons why		

Step 5: Review your risk assessment and update if necessary

Review date:	Reviewed by:
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to us**

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