

A Guide to Risk Assessment of Violent and Abusive Behaviour

A guide for NASUWT members 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 members on the actions that they should take.

Although most schools and colleges remain relatively safe and secure, the working lives of teachers, headteachers/college 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 staff are being put at risk where a school/college 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 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 the 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' violent 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 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.**

Legislation requires that education employers record all incidents of violence. Schools and colleges must have a reporting procedure and **school/college leaders should take appropriate steps to ensure staff report all incidents of violence and abuse.**

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

Definition of 'Violence'

The Health and Safety Executive (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. 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/principals have a duty to control and reduce risks to a level ‘as low as is reasonably practicable’ (ALARP). Whilst heads of department and class teachers have statutory and contractual obligations to co-operate with their employers with regard to health and safety matters, no teacher should undertake a pupil risk assessment if they believe it to be beyond the limit of their competence and expertise. It is essential that staff undertaking risk assessments have been provided with suitable and sufficient training and be competent to do so. Teachers should assist with any pupil risk assessment if they come into contact with the pupil in question during the school day. Teachers can discharge a contractual obligation to carry out a risk assessment by identifying and bringing to the attention of the employer those areas where they do not believe themselves to be competent to carry out the assessment.

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 for other pupils. Pupils with a history of violent and abusive behaviour should also be deemed to 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 is essential to the control of all risk situations. It can be applied to behavioural problems in all educational settings, including specialist establishments.

A systematic approach to tackling a problem should involve:

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

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;

- 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 (MVPS), drug counselling agencies, education welfare officers, educational psychologists, social services/child protection and local police (Youth Justice Teams, campus police officers).

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.

Employers have ultimate responsibility for health and safety. Headteachers, college principals and heads of centres are usually 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 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.

Help for Individual Members

An individual member who has been subjected to, or threatened by, violence or abuse should contact the NASUWT immediately.

Reporting

Members should report all instances of threatening or violent behaviour, using the school or college procedure. They should also make their own careful notes while events are still fresh. Where a member has been subjected to violent behaviour, they should seek medical advice as soon as possible. This may involve requesting immediate leave of absence in order to see a GP or attend hospital.

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. Acts of violence to a person at work that result in death, a major injury or being incapacitated for over seven days are reportable to the HSE. For detail on what incidents are reportable under RIDDOR, visit www.hse.gov.uk/riddor.

Where the local authority is the employer, its safety committee should regularly review the statistical reports (not naming individuals) and examine and respond to any patterns of violence. Where the employer is an independent school or college governing body/board, the same review process should be undertaken by the governing body or school/employer/college safety committee. **Therefore, it is important that members report all such incidents.**

All cases of criminal violence must also be reported by the school/college to the police. If the school/college is reluctant to do this, the NASUWT Representative should seek advice from the NASUWT Local Association Secretary or NASUWT Scotland.

Further Information

35 Young Street North Lane, Edinburgh EH2 4JD.



0131 226 8480
rc-scotland@mail.nasuwt.org.uk
www.nasuwt.org.uk



Telephone: 0131 226 8480

E-mail: rc-scotland@mail.nasuwt.org.uk

Website: www.nasuwt.org.uk