



Education & Cultural Services

Policy: Safe Environment at School

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1. INTRODUCTORY PRINCIPLES

West Lothian Council is committed to the establishment of an inclusive non-violent school community where all members have the right to be valued and treated with respect. This is matched by the responsibility to value and respect others. This commitment will be delivered by creating a culture where violence is not tolerated.

All young people have **RIGHTS** and **RESPONSIBILITIES**. They have the **RIGHT** to:-

- **INCLUSION** - West Lothian Schools are committed to inclusion where the presumption is that all young people will be supported in local schools as appropriate to their needs.
- **LEARNING** - West Lothian Schools are committed to creating an environment where all young people can maximise their learning and achievement, and where learning can take place free from disruption.
- **RESPECT** - West Lothian Schools are committed to creating an atmosphere of respect and good order, in which pupils and staff feel safe and secure, with zero tolerance of violence to staff and fellow pupils.

In return all young people have the **RESPONSIBILITY** to contribute to an atmosphere of inclusion, learning and respect that others can benefit from.

This policy will be applied in relation to staff, pupils, parents and carers, volunteers and visitors to school.

2. VIOLENCE IN SCHOOLS

West Lothian Council has a statutory duty to safeguard the health, personal safety and welfare of its employees whilst at work. The Council also has a duty to safeguard the health, personal safety and welfare of others, for example pupils, parents and carers, volunteers and visitors to schools.

The Personal Safety at Work Policy sets the framework for ensuring the safety of staff, and all Head Teachers should be familiar with its content. A guide for employees is available, and all staff should be informed of how to access it.

This policy statement sets out the more specific measures appropriate to schools. It will cover:-

- violence to school staff,
- self defence,
- reasonable intervention in violence between pupils,
- support to staff,
- support and sanctions for pupils,
- sanctions for parents/carers
- violence to pupils by staff.

This policy will apply to all school staff, teaching and non-teaching, and in all establishments, and to others including pupils, parents and carers, volunteers and visitors to schools.

3. VIOLENCE TO STAFF

Violence is regarded as any behaviour towards an employee in the course of their work that has an adverse physical or psychological effect on them. It can be physical or non-physical. Examples of such behaviour are:-

NON PHYSICAL VIOLENCE	PHYSICAL VIOLENCE
Threatening gestures Verbal abuse Harassment in all forms Racial or sexual abuse Swearing/shouting Bullying Abusive telephone calls	Use of physical force, including:- Spitting Biting Kicking Pushing Punching Throwing objects Use of weapons and imitation weapons Sexual assault

Where there is a possibility that employees may be at risk of violence, a risk assessment must be conducted to determine whether the risk can be eliminated or at least reduced to a minimal level. Informal risk assessments are inherent in many of the processes of the school, including admission to school and allocation of support staff, when the known needs of individual pupils are taken account of. A more detailed risk assessment may be necessary when more specific information on risk is received, for example where it is known that a pupil has a history of violent incidents.

Practical steps to control or manage risk may include:-

- Training in Better Behaviour Strategies
- Training in handling and defusing situations of confrontation, threat, aggression and violence.

- Allocation of additional support
- Access to multi-agency supports eg Social Policy input
- Access to specialist services eg therapeutic interventions
- Adaptation of the curriculum
- Changing/limiting the pupil's physical environment
- Managing breaks, intervals and movements throughout the school building
- Re-locating classes
- Adaptations to the school building
- Placement in another provision where the controls are already in place or can be provided

Where school staff are meeting members of the public or pupils in situations where a risk may arise (for example situations of stress or conflict) they should arrange to be accompanied. The meeting should take place in a suitable environment.

4. POLICY ON SELF DEFENCE

Employees threatened with violence should in the first instance take all reasonable measures to defuse the situation (e.g. withdrawal from the situation, or if possible, try to reason with the potential assailant.)

Where employees have not been trained in restraint techniques, or such techniques have been ineffective, they are entitled to take reasonable measures to defend themselves. The law of self defence entitles any individual who is subject to violence to apply 'reasonable force.' There is a fine line between self-defence and physical assault, however. Consequently, employees must be aware that excessive force could constitute physical assault and have legal repercussions. It is not possible to define reasonable or excessive force, as both will depend on the circumstances of the incident.

In some specialist establishments, the use of physical intervention is implemented in a planned way through formal training. Further guidance about the use of physical intervention can be found in the policy paper entitled Crisis and Aggression Limitation Management (CALM) November 2003. Should a specialist establishment wish to adopt and fund an independent training package for their staff rather than engage with the training currently provided by West Lothian Council, this must be discussed with the school's Education Officer prior to any agreement being made.

5. VIOLENCE BETWEEN PUPILS – REASONABLE PHYSICAL INTERVENTION

The Health and Safety at Work etc. Act 1974 requires employees to take care of themselves and others who may be affected by their acts or omissions.

This includes reasonable physical intervention to prevent pupils from injuring themselves or others, for example when two pupils are fighting. Such reasonable physical intervention will require all staff to make quick decisions, and exercise their professional judgement and common sense.

The Education Child Protection Guidelines state that “use of physical restraint on a child or young person should involve the absolute minimum force necessary and is only permissible when a member of staff is certain that a child or young person is at imminent risk of endangering themselves or others or property. Where possible a colleague should be summoned to witness the situation and give support. Any incident should be recorded.”

6. REPORTING AND MONITORING OF VIOLENT INCIDENTS

THE PROCEDURE FOR REPORTING VIOLENT INCIDENTS IS SET OUT IN THE PERSONAL SAFETY AT WORK POLICY.

The incident report form, the violent incident report form, and the Education violent incident report form should be submitted to Business Support, with a copy to the school's Education Officer. Business Support and Education Officers will monitor violent incidents. Work is underway to rationalise reporting and to introduce electronic reporting.

The Head Teacher will provide support to their staff and where appropriate request additional support from the Education Officer or Head of Service.

7. SUPPORT TO STAFF

West Lothian Education Services will support schools and their staff in creating an atmosphere of respect and good order, in which pupils and staff feel safe and secure, with zero tolerance of violence to staff pupils by:-

- Providing sufficient in-school behaviour bases and off-site behaviour facilities, staffed by appropriately trained teaching and non-teaching and support staff, for children for whom other provision is inappropriate.
- Providing training opportunities in Better Behaviour Strategies for all teachers.
- Providing training opportunities in handling (and defusing) situations of confrontation and in dealing with threats, aggression and violence.
- Involving parents, pupils and staff in developing and implementing agreed behaviour policies in all schools.
- Involving parents and staff in developing and implementing early intervention strategies for the authority.

West Lothian Education Services expects the highest professional standards and behaviour from all staff. In return for this professionalism, staff will be supported by the authority in all instances where they are subject to violence,

and can be confident that the reporting of violent incidents will not reflect on their competence.

Following an incident of violence or aggression, and dependant on the perceived severity of the incident, the Head Teacher or senior manager will consider:-

- Offering the member of staff relief from duties with the opportunity to leave the school for treatment or to go home.
- Advising the member of staff to seek first aid or medical assistance if appropriate.
- Advising the member of staff to consult a doctor in order to secure a medical statement about any injuries.
- Offering post incident support from a senior member of staff, and access to counselling where appropriate.
- Encouraging and supporting the member of staff to report the violent incident to the police, and where appropriate to make a claim to the Criminal Injuries Compensation Authority (www.cica.gov.uk).
- Asking the Education Officer to review other incidents at the same school or involving the same pupil.

In every case, the Personal Safety at Work Policy and Guidance will be followed, including the requirement to report incidents.

West Lothian Education Services will not consider that appropriate action taken in self defence, appropriate use of restraint techniques or reasonable physical intervention to prevent injury or damage to property will give rise to application of disciplinary or child protection procedures but the guidance on record keeping contained in paragraph 5.2.2 of the Protection of Children – Managers' Guide will be applied as required by the Protection of Children (Scotland) Act 2003.

8. PUPILS/STUDENTS - SUPPORT AND SANCTIONS

Schools require all pupils to conform to the standards of behaviour and conduct set out in the school's discipline policy.

West Lothian Education Services and all schools will ensure that all parents/carers and pupils receive a clear message to that no violent conduct – physical or verbal – will be tolerated or condoned.

Posters reinforcing this message will be displayed prominently in every school, and the implications of the policy will be explained clearly to all pupils, parents and carers.

Pupils will receive support to manage behaviour as set out in the Behaviour Strategy. This support may include:-

- Access to multi-agency supports e.g. Social Policy input

- Access to specialist services e.g. therapeutic interventions
- Adaptation of the curriculum
- Changing/limiting the pupil's physical environment
- Managing breaks, intervals and movements throughout the school building
- Re-locating classes
- Adaptations to the school building
- Placement in another provision where the controls are already in place or can be provided

Sometimes the perpetrators of violence at school are themselves victims of violence. Consideration will be given in all cases to appropriate multi-agency support for perpetrators of violence.

Notwithstanding the need to support pupils, the discipline policy will be applied in every case of violence perpetrated by a pupil on school staff or another pupil. The sanctions available to schools are set out in each school's discipline policy.

The use of exclusion to avoid detriment to order and discipline and the educational well-being of the pupils, or in cases where the parent/carer refuses to comply, or allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school, is set out in the Exclusion Guidelines. West Lothian Education Services will support the right of the Head Teacher to exclude any pupil whose behaviour is seriously disruptive and threatens the welfare or safety of any member of the school community.

9. PARENTS/CARERS/MEMBERS OF THE PUBLIC – SANCTIONS

West Lothian Education Services will not accept violence towards its staff by parents/carers or members of the public.

The normal response to violent incidents towards school staff will be to encourage and support the member of staff to report the violent incident to the police. Any parent or carer who has committed a violent act may lose some or all rights to visit a school as set out in the Council's Unacceptable Actions Policy.

10. VIOLENCE TO PUPILS BY STAFF

West Lothian Education Services will not tolerate violence towards its pupils by staff.

Where there are grounds to suspect that an employee has harmed a child or put a child at risk, the matter must be immediately notified to the relevant Director and Head of Service. The matter will be investigated in terms of the Council's Disciplinary Procedure and the guidance contained in the Protection of Children – Managers' Guide will be applied.

Child Protection Procedures will be followed when any member of staff is involved with a case of suspected or alleged child abuse.

Staff who commit a violent incident can face severe penalties. Due to the severity of the consequences, West Lothian Education Services will consider the making of a false allegation of violence against a member of its staff as a serious disciplinary matter, to be addressed in terms of the school's disciplinary code and the Exclusion Guidelines.

11. CYBERBULLYING OF STAFF

Staff who are the subject of illegal, offensive, harassing or bullying comment on social networking sites or any other online environment, or receive illegal, offensive, harassing or bullying texts or e-mails should report the matter to the senior management of the school. Disciplinary sanctions, up to and including exclusion, can be used in relation to pupils. The Council's Unacceptable Actions Policy can be used in relation to parents, although it must be recognised that the Council has limited powers to influence the conduct of parents and other adults.

Advice to staff who are victims of offensive or malicious comment on social networking sites or other on-line environments, or offensive or malicious texts or e-mails can be found at:-

www.respectme.org.uk/cyberbullying
www.digizen.org/cyberbullying

Both sites give advice on reporting illegal, offensive, harassing or bullying comment to social networking sites. In general social networking sites will advise that unpleasant comments should be deleted from the site and ignored.

Illegal or threatening comments should always be reported to the site administrator and the police. Copies of the comments giving rise to concern should be kept.

Breach of the peace is Scottish common law. This common law offence covers all behaviour which causes, or is likely to cause fear, alarm, upset or annoyance, when one or more persons conduct themselves in a riotous, or disorderly manner, anywhere, which alarms, annoys or disturbs other people. The Criminal Justice and Licensing (Scotland) Act 2010 covers threatening and abusive behaviour and stalking. Offensive, harassing or bullying content on social networking sites, or texts and e-mails may constitute a breach of the peace or give rise to an offence under the Criminal Justice and Licensing (Scotland) Act 2010. A more detailed explanation of cyberbullying and the law can be found at Appendix 1.

Defamation occurs when an untrue and damaging allegation is communicated to others. Truth is a defence against accusations of defamation. For a Council or an individual to attempt to defend a teacher's professional reputation using a court action is unlikely to be effective due to the publicity that the action would give to the original allegation.

Any parent or carer who has sent offensive or malicious comment on social networking sites or other on-line environments, or offensive or malicious texts or e-mails, may lose some or all rights to visit a school as set out in the Council's Unacceptable Actions Policy.

The Council will apply this section of the policy to instances of cyberbullying of volunteers in school.

FURTHER INFORMATION

This policy is consistent with, and should be read in conjunction with the following documents:-

Personal Safety at Work Policy and Guidance
Child Protection Procedures
Exclusion Guidelines
Protection of Children – Manager's Guide
Disciplinary Procedures (Teaching and Non-Teaching Staff)
Unreasonable Actions Policy
Managing Behaviour Policy

Customers with Special Requirements

Information is available in Braille, on tape, in large print and community languages.

Please contact the Interpretation and Translation Service on 0131 242 8181.

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Appendix 1

Cyberbullying and the Law

(Extract from Respect Me website)

In most cases children and young people use mobile phones and the internet appropriately - texting or e-mailing friends to swap gossip, make plans for the weekend, discuss outfits or debate the latest results in the SPL. However, when this technology is abused, or used to harass or threaten others, there may be legal consequences. There are four UK statute laws and one Scottish common law that are relevant to the use of IT in relation to bullying. These are:

- The Protection from Harassment Act 1997
- The Criminal Justice and Public Order Act 1994
- The Malicious Communications Act 1998
- The Communications Act 2003
- Breach of the Peace (common law)

How these Acts can be related to bullying, and specifically to cyberbullying, is outlined below. If the bullying is based on sexual, racial or religious grounds, prosecution could be sought through anti-discriminatory laws.

Protection from Harassment Act 1997

This Act was passed following concerns that stalking was not dealt with effectively under the existing legislation. The Act does not refer solely to stalking but also covers harassment in a wider sense. The Act states that it is unlawful to cause harassment, alarm or distress by a course of conduct and states that 'A person must not pursue a course of conduct, which:

- amounts to harassment of another
- he knows, or ought to know, amounts to harassment of the other'.

There is some anecdotal evidence that the police are more comfortable in bringing forward this law when dealing with issues of cyber-bullying. The police have successfully used the Protection from Harassment Act to prosecute for the sending of offensive e-mails through the internet. Such messages will also constitute an offence under the Malicious Communications Act.

Criminal Justice and Public Order Act 1994

This Act defines a criminal offence of intentional harassment, which covers all forms, including sexual harassment. A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress, he/she

- uses threatening, abusive or insulting words or behaviour or disorderly behaviour; or
- displays any writing, sign or other visible representation which is threatening, abusive or insulting, thereby causing that or another person harassment, alarm or distress.

Malicious Communications Act 1998/Telecommunications Act 1984

Under this Act it is an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person. Under section 43 of the Telecommunications Act 1984 it is a similar offence to send a telephone message which is indecent, offensive or threatening.

Both offences are punishable with up to six months imprisonment and/or a fine. The Malicious Communications offences are wider ranging, but under the Telecommunications offences, it is likely that the Police will use the former Act to bring a charge.

The Communications Act 2003

The Communications Act 2003 is by far the most recent Act to be passed. Section 127 states that a person is guilty of an offence if s/he

- sends by means of a public electronic communications network a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; or
- causes any such message or matter to be so
- A person is guilty of an offence if, for the purpose of causing annoyance, inconvenience or needless anxiety to another, he
- by means of a public electronic communications network, a message that he knows to be false,
- causes such a message to be sent; or
- persistently makes use of a public electronic communications network

Breach of the Peace

Breach of the Peace is Scottish common law. At present behaviour in Scotland which might be described as harassment or stalking is usually prosecuted as a breach of the peace. This common law offence covers all behaviour (including single incidents) which causes, or is likely to cause:

- Fear, alarm, upset or annoyance
- When one or more persons conduct themselves in a riotous, or disorderly manner, anywhere, which alarms, annoys or disturbs other people
- The offence can take place anywhere (a house, an office, a school or a public street)
- The element of disturbance would be the most relevant to Cyberbullying as the behaviour does not have to be noisy but still of a nature that would cause concern to other people – harassment or stalking and bullying

The Courts recognise that breach of the peace can be serious and a life sentence is theoretically possible. A sentence of eight years was recently imposed for the crime of Breach of the Peace.

It proves difficult to source evidence of charges being successfully brought against people who use new technology to bully.

It is worth noting that the age of criminal responsibility in Scotland is eight. All organisations, including schools are covered by the laws stated above. If an offence takes place in school it is still an offence.