

KEEPING STAFF SAFE FROM ABUSE, THREATS AND VIOLENCE



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Contents

- 1. INTRODUCTION..... 2
- 2. RISK ASSESSMENT 2
- 3. OPTIONS FOR THE EXECUTIVE PRINCIPAL..... 3
- 4. LEGAL PROCEEDINGS 4
- 5. SUPPORT FOR EMPLOYEES..... 6
- 6. ABUSE/BULLYING USING ELECTRONIC COMMUNICATION..... 6
- 7. MODEL LETTERS..... 7
- 8. FLOWCHART FOR PROCESS TO BAN A STAKHOLDER FROM FEDERATION PREMISES . 8
- 9. DEALING WITH ABUSIVE TELEPHONE CALLS..... 9
- 10. RESPONDING TO INCIDENTS..... 10

1. INTRODUCTION

- 1.1 This policy aims to assist the Executive Principal and the governing bodies in cases where the behaviour of visitors contacting or visiting settings within the Rutland and District Schools' Federation is deemed unacceptable.
- 1.2 In particular, it deals with situations where visitors are being threatening, abusive or aggressive towards members of the Federation community. Such behaviour clearly cannot be tolerated. Staff as well as students have a right to expect their environment to be a safe place in which to work and learn. This document includes advice on a range of possible measures that can be taken to ensure appropriate protection for our staff.
- 1.3 In this guidance, the definition in the Education Act 1996 of the word parent is extended and includes an individual who has care of the child whether or not they are the natural parent or has parental responsibility for the child. This includes step-parents. Where an individual does not fall within this broad definition, the principles of this guidance should still be applied (but the wording of the model letters should be amended accordingly).
- 1.4 We welcome visitors to our settings. We will act to ensure they remain safe places for students, staff and all other members of our community. If a stakeholder has concerns, we will always listen to them and seek to address them. The Federation Complaints Policy outlines our approach to addressing any concerns.
- 1.5 However, abusive, threatening or violent behaviour will not be tolerated. If such behaviour occurs, we will follow this policy.

2. RISK ASSESSMENT

- 2.1 In the event of a stakeholder behaving in an inappropriate way, each situation will need to be considered individually by the Executive Principal or a designated member of senior staff. The following factors should be taken into account as a risk assessment, before deciding on the most appropriate course of action:
 - Has the stakeholder been either verbally or physically aggressive, threatening or intimidating?
 - What evidence is there? What do witnesses say happened?
 - Does the stakeholder have a known previous history of aggression/violence?
 - (Information can only be sought from the police when an official complaint has been made).
 - Do members of the Federation staff/community feel intimidated by the stakeholder's behaviour?
 - Have students witnessed aggressive/threatening/intimidating behaviour from the stakeholder?
 - Have students been approached inappropriately by the stakeholder?
 - Has the stakeholder been abusive or persistently abusive to Federation staff, students or visitors?
 - Was the stakeholder provoked in any way prior to their behaviour and/or does the stakeholder claim to have been provoked? Is there evidence of provocation?
 - How frequently have the behaviours occurred?

- Is there a risk (low, medium or high) that the behaviour may be repeated?

3. OPTIONS FOR THE EXECUTIVE PRINCIPAL

3.1 After evaluating all available information, and any other relevant factors, there are several actions the Executive Principal may wish to take. These can include:

3.2 Inviting the stakeholder to a meeting to discuss events.

3.2.1 This could be helpful where a planned and structured meeting has either not been held before, or has previously been productive. A full restorative meeting may be considered, but if it is not safe to bring all the parties together at a meeting, a restorative process can still take place through the exchange of information. The safety and wellbeing of those attending such a meeting must be carefully considered. It is strongly recommended that members of Federation staff should be accompanied by at least one other colleague at any such meeting. Consideration should be given to the seating arrangements, and care taken to ensure exits cannot be blocked by someone who could potentially become aggressive. The main points of discussion and any agreed actions should be noted, and a follow-up letter sent to confirm the Federation's expectations and any agreed actions. Some stakeholders may covertly record meetings and then seek to use the information obtained to support their case, and therefore it should state explicitly that information obtained without permission will not be permissible.

3.3 Clarifying to the stakeholder what is considered acceptable behaviour by the Federation.

3.3.1 In some instances, it may be appropriate simply to ensure the stakeholder is clear about behaviour standards expected by the Federation. This could be explained at a meeting, or by letter, however, any verbal explanation should be followed by a written confirmation of the discussion and the standards of behaviour outlined.

3.4 Forming strategies to manage future situations of potential conflict.

3.4.1 It is sometimes possible to identify situations of potential conflict and to plan for these in a way that minimises potential risks. For example, where a stakeholder persistently engages in arguments with staff at the beginning or end of the working day, they will be informed that any discussions with Federation staff must be held by prior appointment. Alternatively, the stakeholder may be asked not to approach the class teacher, but should instead arrange to meet the Executive Principal (or other member of the senior leadership team), who will deal with their concerns. In more serious cases, a further option may be to advise that in future their concerns should be dealt with by written communication. Any such arrangements should be confirmed in writing.

- 3.5 Withdrawing permission for the stakeholder to enter a Federation site and/or buildings.
- 3.5.1 In more serious cases of actual or threatened aggression/violence, or persistent abuse/intimidation, the Executive Principal may need to consider whether it is safe for the stakeholder to continue to come onto Federation site/s or enter the building/s. Model letters are attached as Appendix 1 to this document, and are provided for the Executive Principal and governors to adapt as necessary.
- 3.6 Calling for police assistance.
- 3.6.1 In an emergency, police assistance should be sought. In cases where a ban is in place but is ignored and the person comes onto Federation sites, the police should be notified immediately. (Staff will need to be aware of the ban and have agreed procedures in place should the person come onto Federation sites).
- 3.7 In situations where there is no immediate threat to staff, students, other members of the Federation community or the Federation's property, the Executive Principal may still wish to make their local community police officer aware of the situation.
- 3.8 The police could give consideration to warning the offender of formal action, which may include legal proceedings.

4. LEGAL PROCEEDINGS

- 4.1 Where individuals persist in coming onto the Federation's site/s even when permission to do so has been withdrawn, it is possible for legal proceedings to be pursued. The options include:
- 4.2 Prosecution under Section 547 of The Education Act 1996
- 4.2.1 This requires substantial evidence to be gathered and presented by the police. Clearly it is not a quick process, and whilst in most cases the threat may prove to be a sufficient deterrent, prosecution can only be seen in the last resort as a punitive measure.
- 4.3 Appropriate behaviour contracts
- 4.3.1 These are voluntary agreements made between people involved in anti-social behaviour, and the academy concerned. They are flexible in terms of content and format, and can be an effective means of encouraging young adults, children and parents to take responsibility for unacceptable behaviour. The person named does not always agree with the contract, but it can be used as evidence at a later stage. Conditions can be put on the contract, e.g., not to enter Federation grounds.

- 4.4 Restraining orders (Protection from Harassment Act 1997).
 - 4.4.1 Section 2 of the Protection from Harassment Act 1997 provides for criminal or civil prosecution, for cases where someone causes alarm or distress to another person on more than two occasions. Section four provides for criminal or civil prosecution where people have been put in fear of violence on at least two occasions. In each case the sanctions include both criminal penalties (fines, imprisonment or community sentences) and a restraining order. These orders are generally quicker and easier to obtain, but are part of a criminal conviction.
- 4.5 Prosecution for criminal damage/assault.
 - 4.5.1 Prosecutions for causing deliberate damage or injury may occasionally be the most appropriate course of action. If the police are called, the option to make criminal allegations is readily available, and they may arrest suspected offenders there and then. Official allegations should only be made if there is no intention of later withdrawing the complaint. Criminal proceedings can be initiated at a later date. All possible steps should be taken to prevent the loss of evidence. In particular, witnesses should be asked to make a record of exactly what they saw and heard at the earliest opportunity.
- 4.6 Record keeping.
 - 4.6.1 There should be clear and detailed records of all events which must be kept up to date. Any witness statements (where appropriate) and notes of any subsequent meetings held to discuss the events should also be retained. Notes should be signed and dated.
- 4.7 Any physical evidence should be bagged and labelled, and witnesses should be asked to make a record of exactly what they saw and heard at the earliest opportunity.
- 4.8 It is also advisable to ensure that in every case, even where a formal letter is not required, stakeholders receive a written confirmation of the events and the Executive Principal's response.
- 4.9 If the police are asked to deal with an incident as a criminal investigation, there are a number of actions that may thwart this process. Witness details should not be made known to suspected offenders or their families. Groups of witnesses or suspects should not be left together, or allowed to discuss what happened, before the police interview them. If in doubt always seek the advice of the police officer first.

5. SUPPORT FOR EMPLOYEES

- 5.1 If a member of staff is unfortunate enough to be one of the very small minority of staff subjected to serious physical and/or verbal abuse there are a variety of sources of potential support available to them.
- 5.2 In such circumstances the immediate and ongoing support of colleagues will be invaluable.
- 5.3 The Federation is also able to offer a counselling service to colleagues. The staff associations/trade unions are also likely to be a source of assistance.

6. ABUSE/BULLYING USING ELECTRONIC COMMUNICATION

- 6.1 Staff may become a target of cyber abuse/bullying and, like other forms of bullying, it can have a significant impact on their health, wellbeing and self-confidence.
- 6.2 Cyber abuse/bullying may consist of threats, harassment, embarrassment, humiliation, defamation or impersonation. It may take the form of general insults, or prejudice-based abuse, e.g., homophobic, sexist, racist or other forms of discrimination. It may involve email, virtual learning environments, chat rooms, websites, social networking sites, mobile and fixed-point phones, digital cameras, games and virtual world sites.
- 6.3 Abuse using cyber technology can occur at any time and incidents can intrude into the victim's private life. The audience for such messages can be very large and can be reached rapidly. The content of electronically forwarded messages is hard to control and the worry of content resurfacing can make it difficult for the victim to move on.
- 6.4 The Federation operates a zero-tolerance policy towards direct or indirect harassment or assault against any member of staff, volunteers and governors. This includes the use of social media and other forms of electronic communications to facilitate the act.
- 6.5 Cyberbullying and the law - while there is not a specific criminal offence called cyberbullying, activities can be criminal offences under a range of different laws, including:
- The Protection from Harassment Act 1997
 - The Malicious Communications Act 1988
 - Section 127 of the Communications Act 2003
 - Public Order Act 1986
 - The Defamation Acts 1952 and 1996
- 6.6 Incidents that are related to employment, even those taking place outside the hours or place of work may also be acted upon by the Federation. The Federation will take reasonable steps to protect the reputation and health and safety of its staff.

7. MODEL LETTERS

Model letter 1:

This is an initial warning letter which can be sent by the Executive Principal when it is felt that further serious incidents will warrant a ban.

Model letter 2:

It is suggested that this letter is sent by the chair of governors when, after full consideration, it is felt a ban is necessary. Normally this would follow from a warning (letter 1).

At this point, consideration should also be given to any practical issues, in particular to ensure that the student(s) concerned can be properly accompanied to and collected from the academy concerned, and to ensure there can be an effective exchange of necessary information between the Federation and the stakeholder.

At this stage, the ban takes effect immediately, but as the letter indicates, the stakeholder must be enabled to make representations. A period of a week is recommended to allow for this, at the end of which the chair of governors should consider any representations made, then make a decision to either confirm the ban or discontinue it (see model letters 3a and 3b).

Model letters 3a/b:

These letters confirm the outcome of the review of the ban by the chair of governors. In the event that the decision is made to confirm the ban, a date should be included for a further review. This should be for a reasonable period, possibly extending up to three months, but preferably not longer than six months.

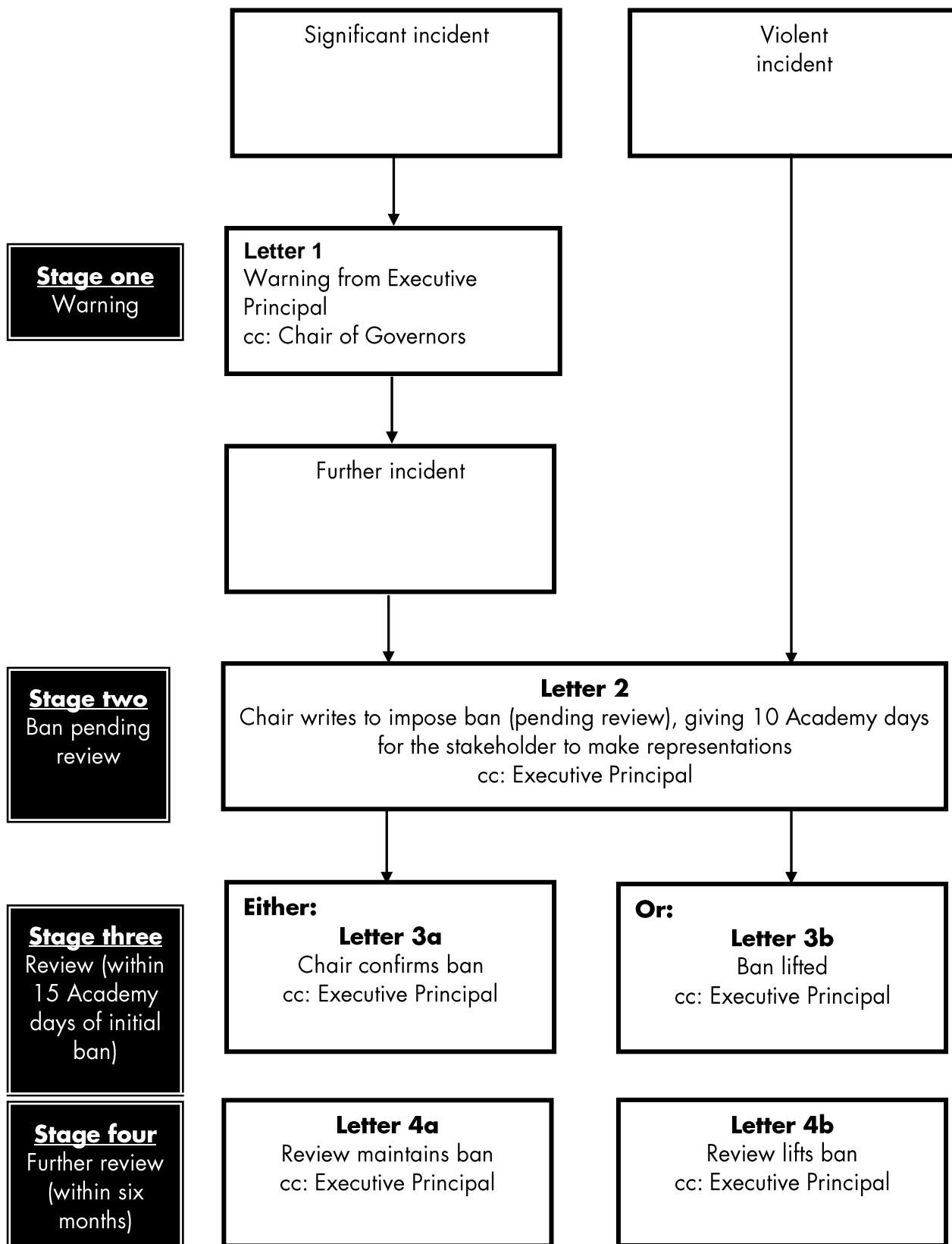
If the stakeholder is dissatisfied with this decision, it is suggested in the model letter that the matter is then appropriately considered by a panel of academy governors.

Model letter 4a/b:

These letters can be used to confirm the outcome of further reviews of decisions where the ban has been extended. When a review is due to take place, it is advisable to notify the stakeholder in advance and invite them to make any representations.

A flowchart showing the process to be followed for a ban is shown overleaf.

8. FLOWCHART FOR PROCESS TO BAN A STAKHOLDER FROM FEDERATION PREMISES



9. DEALING WITH ABUSIVE TELEPHONE CALLS

- 9.1 Sometimes staff may have to deal with challenging, abusive, aggressive or threatening telephone calls. It is unacceptable for any member of staff to be subjected to such abuse but staff may not know how to handle such a telephone call. This guidance has been produced to assist staff if they are faced with such a situation.

To reduce the likelihood of callers becoming abusive, staff should conduct themselves in a courteous and professional manner and make every attempt to meet the needs of the caller. Staff should also have the confidence that it is acceptable to end an abusive telephone call.

Always:

- remain calm and polite
- stay in control of the situation
- actively listen – repeat information back to the caller to test understanding of the issue and gain their agreement
- inform the caller they are trying to help them
- be positive and say what you can do
- be clear and avoid using jargon
- if necessary, apologise for an error and take action to put it right
- if you have to go and get some information, let the caller know why you are putting them on hold and do not leave them on hold for a long time. Update them as necessary
- make notes of the conversation
- refer the caller to the Executive Principal or senior leader.

Never:

- respond in the same manner as an abusive caller
- take it personally
- allow yourself to be bullied
- slam the phone down.

- 9.2 Script for abusive telephone calls

When the caller starts to raise their voice/be abusive:

Mr/Mrs/Ms... please don't raise your voice/swear at me, I am not raising my voice/being rude to you. If you continue to raise your voice/be rude to me then I will be forced to terminate the call.

When the caller continues to raise their voice/be abusive:

Mr/Mrs/Ms..... I understand you are upset/frustrated however I am not prepared to continue to be shouted/sworn at so you can either call back when you have calmed down or if you prefer you can put your views in writing.

If, despite the two warnings above, the caller continues to raise their voice/be abusive:

Mr/Mrs/Ms.... I advised you earlier during this call about raising your voice/swearing and you have continued to do this, so I am afraid I am going to have to terminate this call. Hang up.

Further actions:

Make a written note of the telephone call and report the incident to your line manager.

10. RESPONDING TO INCIDENTS

10.1 Federation staff should:

- Not retaliate i.e., personally engage with cyberbullying incidents.
- Keep any records of abuse – texts, emails, voicemails, or instant messages. Take screen prints of messages or web pages. Record the time, date and address of the site.
- Inform the appropriate person e.g., Executive Principal, or their line manager at the earliest opportunity.
- Must ensure monitoring and confiscation is appropriate and proportionate.

10.2 A designated member of the senior leadership team should contact the police where it appears that a law has been broken – for example, where death threats, assault, or racially motivated criminal offences are involved. Where a potential criminal offence has been identified, the Academy should ensure that any internal investigation does not interfere with police inquiries. Federation staff are of course able to report incidents directly to the police.

10.3 If a potential criminal offence has been committed and the Academy is not able to identify the perpetrator, the police may issue a Regulation of Investigatory Powers Act 2000 (RIPA) request to a service provider, enabling them to disclose the data about a message or the person sending it.

10.4 Where the perpetrator is known to be a current student or co-worker, this should be dealt with through the Academy's own behaviour management or disciplinary procedures.

10.5 Getting offensive content taken down:

10.5.1 Where online content is upsetting / inappropriate and the person(s) responsible for posting is known, the quickest way to get material taken down is likely to be to ensure that the person who posted it understands why the material is unacceptable and to request that they remove it.

10.5.2 If the person responsible has not been identified, or will not take the material down, the Academy will need to contact the host (i.e., the social networking site) to make a request to get the content taken down. The material posted may breach the service provider's terms and conditions of use and can then be removed.

- 10.5.3 It is important to be clear about where the content is – for example, by taking a screen capture of the material that includes the URL or web address. If you are requesting they take down material that is not illegal, be clear how it contravenes the site’s terms and conditions.
- 10.5.4 In cases of actual/suspected illegal content, the Academy should contact the police.
- 10.5.5 If inappropriate or abusive content is posted to one of the Federation’s social media channels, an administrator will take a screenshot and hide the post. If the matter is serious or repeated, the individual will be blocked.