

## Responding to Assaults on Education Employees

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### Introduction

1. This guidance has been developed in consultation with all the recognised Trade Unions and Associations: ASCL, ATL, NAHT, NASUWT, NUT and Unison. The word “assault” for the purposes of this guidance includes an incident where an employee is verbally abused, threatened or attacked by a pupil or member of the public in circumstances arising out of, or in the course of, employment with the school.
2. The procedures set out in this document should be followed where an assault has taken place either against a school employee or volunteer.
3. Assaults must be reported to the Headteacher or the line manager as soon as is practicable. Employees may also wish to contact their union or professional association.
4. A record of the incident must be made using the school’s procedure and Oxfordshire County Council’s on-line reporting system <http://mycases.oxfordshire.gov.uk/hscm/DB7ARWF9.nsf> either by the individual themselves or their line manager. Depending on the age of the assailant, the Headteacher or manager should also inform the police if it is believed that a criminal offence has taken place.
5. If an implement is used in an attack, it should be retained by the establishment, provided this can be done without difficulty or risk.
6. An employee who suffers shock or physical injury must be released from their immediate duties to consult a doctor, as soon as practicable and ask for a medical statement. In cases where no physical injury has been suffered, the Headteacher or other senior manager should talk to the individual and consider releasing them from their duties, for a suitable period, to recover from the incident.
7. Wherever possible, written statements should be obtained from the victim and any witnesses on the day of the incident or as soon as reasonably practicable afterwards, along with their names and addresses. Statements should clearly set out the facts of what took place.

8. If the police decide not to initiate criminal proceedings, the Director for Children, Education & Families, following consultation with all parties will, where appropriate, contact the Solicitor to the Council, inform her/him of the circumstances and s/he will consider initiating a private prosecution on behalf of the County Council. If the Solicitor to the Council does initiate proceedings, cases will be conducted by solicitors employed or engaged by the County Council and on the Council's behalf. The Solicitor to the Council will not initiate civil proceedings on behalf of the individual(s) involved, but may, on behalf of the County Council, initiate proceedings for trespass or an injunction if this seems appropriate.
9. If a prosecution does result, the Governing Body will grant leave of absence with pay to any employee required to attend court, in order to give evidence.
10. Oxfordshire County Council maintains a policy of insurance cover for the benefit of employees/volunteers working in schools (apart from Academies) who are assaulted in the course of their duties. Details of the cover provided is attached in Annex 1
11. Without prejudice to the above, an employee who is assaulted retains the right to report the assault to the police directly, to inform his or her union or professional association of the assault and to initiate private prosecutions or litigation.
12. In accordance with the Violence to Employees at Work Policy and as part of their duty to provide a safe and healthy work environment for employees, Governing Bodies and Headteachers will make every effort to reduce any risk of assault and violence, take prompt action to address any risks identified and respond to any incidents that occur.
13. Training and support is available from Oxfordshire County Council to look at risk and conflict reduction. It is suitable for whole school settings or smaller groups of staff. This uses the Team-teach approach in line with the Local Authority Positive Handling Policy. Click on the link for details [Model Positive Handling Policy](#)
14. Details of courses and their costs can be obtained by emailing [Karen.farr@oxfordshire.gov.uk](mailto:Karen.farr@oxfordshire.gov.uk) or the Inclusive Practices Development Officer, [peter.wild@oxfordshire.gov.uk](mailto:peter.wild@oxfordshire.gov.uk)

Support is available for employees who have been subject to an assault from the Employee Assistance Programme. Phone 0800 882 4102.

## Key Contacts:

- [HR Contacts for Schools](#)
  
- Health, Safety and Wellbeing – Tel: 01865 797222  
[healthandsafetyhelp@oxfordshire.gov.uk](mailto:healthandsafetyhelp@oxfordshire.gov.uk)
  
- Employee Assistance Programme - Tel: 0800 882 4102
  
- Occupational Health Service - Tel: 01865 815421  
E-mail: [occupational.health@oxfordshire.gov.uk](mailto:occupational.health@oxfordshire.gov.uk)

## Related Policies & Procedures

- [Violence to Employees at Work Policy](#)
- [Procedure for Managing Sickness Absence of School Employees](#)
- [Stress at Work Policy](#)
- [Model Positive Handling Policy](#)

January 2013 (amended September 2015)

## ANNEX 1

### Summary of Insurance (not applicable for Academies)

#### A. Employees

##### Employers Liability

15. The Council holds Employers Liability Insurance which covers the Council against claims made by employees suffering injury during the course of their employment for which the Council can be held legally liable (for example, through breach of statutory duty or negligence).

##### Personal Accident “On Duty” Insurance

16. Since July 1987, the Council has held a personal accident policy to cover employees who are injured during the course of their employment or whilst travelling to and from their work place. Negligence does not have to be proved in order for a claim to be made. The policy provides a sliding scale of benefits for permanent disablement and a weekly benefit for up to 104 weeks following the accident in respect of earnings lost from the Council.
17. The Council holds a similar policy for employees who suffer an assault during their employment which results in injury and a period of absence from work.
18. Employees undertaking voluntary activities, complementary to their duties are also insured for personal accident cover.

#### B. Volunteers

##### Public Liability Insurance

19. If a volunteer suffers injury or damage due to the Council’s negligence, the volunteer may claim against the Council’s Public Liability Insurance. This covers the Council against claims made by third parties for which the Council can be held legally liable.

##### Personal Accident “On Duty” Insurance

20. The Council’s personal accident “on duty” policy is extended to cover volunteers of the Council. Negligence does not have to be proven. Benefits are the same as for employees (see above).
21. These insurances will only operate if the volunteer is acting within his/her authority and under the direct control and supervision of an appropriate member of staff.