

Renfrewshire Joint Negotiating Committee for Teachers

To: Renfrewshire Joint Negotiating Committee for Teachers

On: 26 March 2024

**Report by
Interim Head of Education**

Violence and Aggression Policy - DRAFT

1. Summary

- 1.1. The purpose of this paper is to update the members on the revised Violence and Aggression Policy prior to the Education and Children's Services Policy Board on 23 May 2024.

2. Background

- 2.1. Employees have the right to work in a safe and secure environment. Renfrewshire Council has a duty of care under the Health and Safety at Work Act 1974 to ensure the health, safety, and welfare of employees at work. This policy provides clear structures to ensure that employees are protected from violence and aggression and relates to the prevention, management and reporting of violent incidents in establishments.

3. Recommendation

- 3.1. It is recommended that JNC approves the attached revised policy.

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Please note that this policy is for use by all staff and is the guidance for managing and recording incidents of violence and aggression in any educational establishment including, early years establishments/nursery classes and flexible learning resources – from here on in the term “establishment” will be used to describe all.

This document replaces the “Managing Violence and Aggression in Education Establishments”.

This agreement should be read in conjunction with Renfrewshire Council’s [Violence and Aggression Policy 2001](#)

1.0 Introduction

The Council's definition of violence or aggression at work is:

“Any incident in which an employee is abused, threatened or assaulted in circumstances relating to their work, involving an implicit or explicit challenge to their safety, wellbeing or health.”

Renfrewshire Council

As with the Health and Safety Executive's definition, the Council definition of violence and aggression at work covers a wide-ranging set of behaviours including verbal abuse, threats, intimidation and harassment, cyber bullying and stalking and, of course, physical attacks.

- Physical assault is the intentional application of force by one person on another, without lawful justification, resulting in injury or personal discomfort for example damage to glasses, dental work etc.
- Non-physical assault is the use of inappropriate language or behaviour causing distress and/or constituting harassment.
- Unacceptable behaviour including for example - loud or intrusive conversations or shouting, offensive sexualised behaviour or gestures, physical posturing and unwanted email, telephone or from other electronic devices and from social media communication. (Online Abuse Guidance - Appendix 7)

These descriptors are not exhaustive or ordered according to importance. The term 'incident' will be used throughout the remainder of this policy to encompass either physical and non- physical assault, abuse, or harassment.

Employees have the right to work in a safe and secure environment. Renfrewshire Council has a duty of care under the Health and Safety at Work Act 1974 to ensure the health, safety, and welfare of employees at work.

[The Health and Safety at Work Act 1974](#)

[The Management of Health and Safety at Work Regulations](#)

[The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations](#)

[Safety Representatives and Safety Committees Regulations 1977 \(a\)](#)

[Health and Safety \(Consultation with Employees\) Regulations 1966 \(b\).](#)

2.0 Scope

Violence or aggression at work by one employee against another is not discussed in this policy. The procedures within Renfrewshire Council's, [Violence and Aggression Policy 2001](#) should be followed where acts of violence and aggression against employees are carried out by other employees. Where this situation arises, employees also have access to the Council's [Equality and Diversity at Work Policy](#). Further advice on grievance or equality procedures can be sought from either trade union representatives or the Human Resource Team.

Certain employees can be identified as being particularly vulnerable to risks that are associated with violence or aggression from children or young people presenting with distressed/dysregulated behaviours which could arise due to the nature of their disability. These could include, for example where employees work:

- in Additional Support Needs establishments;
- with children or young people who present with social, emotional, behavioural difficulties;
- on a one-to-one basis with children or young people;
- alone; and or
- Where an individual child or young person has been identified as being predisposed to violence or aggression.

For these children and young people, risk assessments should have been carried out along with a challenging behaviour risk assessment as part of the child planning process – this information should be shared with staff.

Note:

For these children and young people there may be a requirement for establishment leadership teams to be supported in how to carry out risk assessments, as advised by the Health and Safety team, [Health-and-Safety-Inspections-in-Schools](#) in relation to child or young person behaviour which could result in harm. This should also be supported by Educational Psychology, with regards to approaches which reduce risk. Such risk assessments should be child centred.

3.0 Responsibilities

Corporate Directors, Heads of Service and Education Managers along with head teachers/heads of centres are responsible for the safety of all the establishment employees. They do this by ensuring arrangements are in place to implement, monitor and review this policy and make effective arrangements to minimise the risk of violence and aggression at work. Employees are also responsible for their own safety and should follow the Council's guidance and systems for the management of violence and aggression.

Employers have a duty, under Managing Health and Safety at Work Regulations (1999), to assess risks of injury and ill health to which employees and others are exposed. The duties cover the reasonably foreseeable risks of violence and aggression. The assessment of risk should be

ongoing for children and young people as they access all areas of education. For most this will consist of discussions and decisions between employees, parents/carers and the child or young person and may not require any formal recording or may be recorded on pastoral notes which link to the child's establishment record. For children and young people who demonstrate behaviours that are challenging and concerning, formal risk assessment procedures must be actioned from the earliest realisation and recorded on the single and multiagency child's plan, in accordance with Health and Safety Executive Recommendations.

[Risk Assessment Templates](#)

[Challenging Behaviour Risk Assessment](#)

The aim is to safeguard the health, safety, and welfare of employees at all times by:

- reducing the risk of violence and aggression against employees;
- making sure that arrangements are in place to assess the risk of violence and aggression against employees;
- providing appropriate training and information for employees for example, as part of the annual update on the first In-service day establishment staff will receive an update covering relevant information and training opportunities.
- making sure management standards are applied consistently;
- providing appropriate support to employees following a violent incident;
- maintaining robust recording and management systems for all violent incidents including those that fall within Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013; and
- making sure that employees who have experienced or witnessed incidents are confident to report them, have them taken seriously and dealt with effectively.

This policy provides clear structures to ensure that employees are protected from violence and aggression and relates to the prevention, management and reporting of violent incidents in establishments. Appendix 1 provides details of what an employee can do if they do not feel the policy is being followed in their establishment.

This policy should be read in conjunction with other related Renfrewshire Council policy documents.

4.0 Strategies to Minimise the Risk of Violence & Aggression Against Employees

These core guiding principles (appendix 2) sit within the context of a staged intervention framework on promoting positive relationships. They have a sound research base and are central to the work we are undertaking within Children's Services Getting It Right for Every Child (GIRFEC) policy refresh.

5.0 Physical Interventions

Duty of care

Education providers owe a duty of care to their pupils⁶ and staff in relation to their physical emotional and mental wellbeing. They have a duty to take reasonable care to prevent any harm that can be foreseen. Similar duties are placed on education providers under Health and Safety legislation.

Appendix 1 highlights the preventative approaches that can be taken to meet the needs of children and young people and lower the risk of harm to themselves or others arising from distressed behaviour. It also highlights the de-escalation and co-regulation strategies that should be considered ahead of physical interventions if an unexpected risk of harm arises. Examples of what constitutes physical interventions can be found in Appendix 3 Training is available for this. Nevertheless, it is accepted that there are situations when the use of restraint may be the only viable option available to staff to prevent a greater injury or harm for example when a child is running into a busy road it is reasonable to physically intervene to stop them being hit by a vehicle.

A person entrusted with the care of a young child may be required to restrict the child's actions to ensure their welfare and safety or the welfare and safety of others. If the restraint is consistent with ordinary acceptable parental restrictions upon the movements of a child of that age and understanding this will generally be lawful.

Physical intervention therefore should only be used as a last resort, to prevent harm, with the minimum necessary force, and for the minimum necessary time and when other strategies have been tried and found to be unsuccessful or when the risks of not employing an intervention outweigh the risks of using reasonable force. In practice, the principle of last resort means that physical intervention should only be considered where no less restrictive options are viable.

Appendix 3 provides examples of physical intervention and restraint.

There is no legal definition of 'reasonable force' so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may be reasonably used. It will always depend on all circumstances of the case. There are two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant such use.
- The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. The degree of force and the duration of its application should always be the minimum needed to achieve the desired result.

It is a criminal offence to use physical force, or to act in a way that leads another person to fear the use of force, unless the circumstances give rise to a 'lawful excuse' or justification for the use of that force. Such justification may be to prevent an injury to oneself or to others or to prevent serious damage to property. In these circumstances, a reasonable amount of force may be used.

All instances of physical intervention must be recorded in accordance with policies.

Employees in mainstream establishments are not permitted to access training in restraint. The training calendar provides details of promoting positive behaviour training, de-escalation training and this will continue to be updated.

Employees should be aware that in certain circumstances, even in the face of physical assault, the use of force to protect oneself could result in criminal charges being made.

6.0 Management of Incidents

IMMEDIATELY Following an incident, the overriding concern should be for the wellbeing of the employee and any others involved.

Establishments should have a process in place to ensure that employees can access support in the event of an incident. Suitable arrangements should be put in place in the event of senior management being out of the building so that there is a clear and consistent approach which all employees are made aware of. The details of this should be displayed on a staff notice board.

Police Involvement

Depending on the gravity of the incident, Police assistance or notification may be required. Such contact should in normal circumstances be made by the supervisor/line manager or equivalent on duty. However, in some emergency situations, where this is not possible and Police assistance is required to defuse a situation, any employee on duty should contact the Police immediately direct to summon assistance. The supervisor/line manager or equivalent should be advised of any such incident as soon as possible in order that the appropriate reporting mechanism can be put in place.

Any employee involved in an incident relating to an act of violence and aggression has the right to refer the matter to Police for investigation to ensure their rights and interests are protected, irrespective of any other procedures. The employee's complaint or allegation should be taken seriously. As Council employees however, they are also entitled to expect the positive support and backing of their department where the incident occurred in connection with their activities as a council employee, which may involve the employee's supervisor/line manager or equivalent reporting the incident to the Police on the employee's behalf at the employee's request.

This support will include an employee who has experienced an act of violence and aggression being assisted in reporting the matter to police on their behalf at the staff member's request.

Employees should feel comfortable in contacting the Police for incidents involving non-physical acts of violence and aggression as the Police will consider any incident where fear and alarm has been raised. They will assess the situation and determine the appropriate course of action to be taken.

In the event that an employee is required to attend a Police Station to give a statement, the line manager/supervisor and/or employee representative may accompany the employee at the employee's discretion.

Victims of physical assault have the opportunity to apply for compensation to the Criminal Injuries Compensation Board. This provides statutory compensation to victims of violent crime whether or not the identity of the assailant is known or whether there have been criminal proceedings. Completion of a detailed violent incident report form and Police report on a violent incident is necessary to conform with the requirements of the Criminal Injuries Compensation Board, where an employee applies for such assistance.

Managing Incident Flow chart

Throughout the process - Support for Staff (appendix 7)

Renfrewshire Council offer a range of support to employees who have been subject to violence and aggression arising from their workplace. A debrief must be held as soon as possible after the incident to determine how best to support the employee's wellbeing. This could include being made aware of the Employee Assistance Programme (EAP) and how to access legal support.

Immediately following an incident – Are you okay?

Senior Managers in collaboration with the employee must decide on appropriate immediate actions to support the employee. Thus, ensuring that the employee is reassured, supported and confident that their needs will be met.

Debrief

Within 48 hours or sooner, if possible, the Head Teacher or representative should arrange a debrief with the employee to consider the incident and any matters arising from it: the employee has the right to be accompanied at any such meeting. A companion may be a fellow worker or a trade union official. A representative acting in a legal capacity will not be considered an appropriate companion.

Likelihood of Further Incidents

During the debrief, the Head Teacher or representative will agree appropriate actions with employee and will consider the likelihood of further incidents.

Low

If it is agreed that the likelihood of a further incident is low, then the reporting procedures through Business World will be followed through.

High

There should be mitigations in place in short term to support the staff member see below. Business World should be completed. In addition to this where appropriate, the Team Around the Child (TAC)/parent meeting could be convened to discuss the Risk Assessment/Child's Plan and make any appropriate adjustments. The section of the action plan referring to strategies to prevent further incidents **should be shared with all staff**. The issue of pupil confidentiality must be respected and as such the sharing of the full action plan will be proportionate.:

Reporting

The Health and Safety (H&S) Team will send a Violence and Aggression (V&A) Incident Report to the Head of Education each week. This will then be sent to the Education Manager (EM) Team to analyse their link school's V&A data. If repeated patterns or trends are identified the EM will contact the Senior Leadership Team from their link school to discuss possible supports required. The Locality Education Officer (EO) can be involved at this stage, if required. Any actions introduced at this stage will be shared with the H&S team by the EO and Plans/Risk Assessments will be updated in line with GIRFEC policy and Staged Intervention Framework with all staff involved in the plans. This should be recorded on [Single and Multi-agency Child's Plan](#)

Examples of immediate actions following an incident

Immediate actions which could be considered by head of establishment or designated line manager include:

- first aid
- secure the environment e.g., remove dangerous objects/glass.
- discuss with member of staff if they are in a fit state to remain/or do they need to go home or spend some time on their own.
- ensure all staff have their allocated breaks.
- temporary move of child/young person from class/area
- contact child parent/carer to inform them of incident.
- use of cooperative teaching
- support from a key adult/staff member to support the child/young person.
- following [Standard-Circular-08 - Included Engaged and Involved - A-positive approach-to preventing and managing school exclusions](#)

This list is for illustration purposes only and not exhaustive.

7.0 Reporting and Recording Incidents

Employees should report all incidents and should not accept that violence or aggression is part of the job.

See Appendix 5 – Using Business World

Recording of incidents helps to build up a true picture of the risks and triggers for work related incidents and therefore helps in the monitoring and development of appropriate prevention strategies. It can contribute towards evidence which may be required should legal proceedings be initiated. Employees are encouraged to report and record incidents of violence and aggression and be aware of the process for doing so.

Note:

- It is the employee's responsibility to complete the Business World incident form correctly and **only if requested** by the employee should this be completed by a manager.
- Staff members can request support from management if required.
- It is not the responsibility of the manager to complete the form on behalf of the staff member unless explicitly asked to do by the employee.

It should be noted here that Business World does not allow the function to save as a PDF and so employees should take a note of the incident number for future reference. It is recommended that taking a screen shot of this would ensure access to a hard copy.

The employee experiencing violence or aggression can choose to contact their appropriate trade union representative for further advice and support.

Tips on accurate reporting

The following is the advice from the [Violence and Aggression i-learn module](#)

- Record what happened.
- **Keep to the facts.** Record what you saw, heard, thought, and felt at the time. Include any specific words, such as swear words, and actions, such as "grabs", "squaring up".
- **Be as detailed as possible.** Statements such as "she was verbally abusive" or "...and then he became more aggressive" are not descriptive enough to tell us exactly what happened.
- **Be as factual as possible.** Factual record of events means that we can learn from what happened, make things safer and improve the way we work. It can also help to reduce the risk of either the organisation or an individual being sued or prosecuted.

The Health & Safety team will pick up the incident from Business World and, depending on the nature of the incident, may investigate it further, this should be completed within 14 days

If an employee is hospitalised or has to go home following an incident of violence or aggression, the appropriate Head of Service should also be notified who may involve of other teams as appropriate such as HR Health & Safety should be notified immediately.

Where an employee is absent for more than seven consecutive days as the result of a violent incident (this seven-day period does not include the day of the incident but does include weekends and non-establishment days) Renfrewshire Council's reporting procedures should be followed in line with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.

RIDDOR reports are completed by the Health & Safety Team after the establishment has reported the incident, staff should be informed of this within 48 hours [.RIDDOR Reporting Flowchart Education](#) The Health and Safety Team will follow up the form if the employee has been absent since the violent or aggressive incident (in the case the form has been completed before the seven-day period is over).

8.0 Monitoring of Incidents

The Health and Safety (H&S) Team will send a Violence and Aggression (V&A) Incident Report to the Head of Education each week. This will then be sent to the Education Manager (EM) Team to analyse their link schools' V&A data. If repeated patterns or trends are identified the EM will contact the Senior Leadership Team from their link school to discuss possible supports required. The Locality Education Officer (EO) can be involved at this stage, if required. Any actions introduced at this stage will be shared with the H&S team by the EO and Plans/Risk Assessments will be updated in line with GIRFEC policy and Staged Intervention Framework with all staff involved in the plans. This should be recorded on [Single and Multi-agency Child's Plan](#)

Violence and aggression statistics will be reported to the appropriate Health & Safety Committee for consideration. Trade union representatives attend these meetings. This will include the presentation of the volume of accidents/incidents reported along with an analysis of trends to inform future action. They will also create statistical responses to recognised bodies and for Freedom of Information (FOI) requests.

Links to Policies

In developing this policy there was significant engagement with employees, management and union representation and it stands that approval at boards means that this policy will be adopted into practice and reviewed annually. If you have concerns about how this policy is being implemented, then please speak to your line manager in the first instance. If you cannot do this, then seek support from your union representative.

[AHDS Support for Members](#)

[EIS Member Support](#)

[Legal Advice Line | GMB Union](#)

[NASUWT Contact Us](#)

[SLS Support Services](#)

[SSTA Service to Members](#)

[Member support and services | Get help | UNISON National](#)

[Contact Us - Unite The Union](#)

[GMB Scotland | Contact](#)

The following policies may also be a support.

Whistleblowing Policy

What whistleblowing is, who can report it, information, and guidance on whistleblowing, how to report it, what to tell us, what happens next, if a colleague makes a whistleblowing report to you. What whistleblowing is - If you work for or with the Council, you can report certain types of wrongdoing (whistleblowing) if it is in the public interest. 'In the public interest' means if it affects other people, such as our service users or members of the public.

These are complaints that are considered whistleblowing:

- criminal offences like theft, fraud, bribery, corruption, or money laundering
- failure to comply with any legal or professional obligation or regulatory requirements.
- a miscarriage of justice
- danger to someone's health and safety, like workers or service users.
- damage to the environment
- you believe someone is covering up or withholding information about wrongdoing.

Personal grievances, for example bullying, harassment or discrimination, are not covered by whistleblowing law, unless they are in the public interest.

Grievance

Grievance Notification Form HR/GRV/2

JNC 15 (Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors)

Strategies to minimise distressed behaviours of children and young people.

Wellbeing of All

It is essential that the whole establishment community has a shared understanding of wellbeing and the dignity and worth of every individual. This promotes a culture and ethos of positive relationships. All of our establishments should be free from violence and aggression. Our establishments and centres are expected to be nurturing and inclusive and to foster a climate of mutual respect. This can only be achieved when pupils' needs are appropriately assessed and met. Renfrewshire Council's Education Staged Intervention Framework and assessment of needs should be fully implemented to promote a safe working environment for all employees and children.

Staff wellbeing should be recognised as a key factor in ensuring a nurturing, positive establishment environment. The quality of relationships within an education establishment can be seen to have a significant impact on employee wellbeing and their resilience along with their ability to manage and cope with the numerous challenges and stresses.

In line with the Council's Code of Conduct it is essential that there is meaningful recognition from managers at all levels of the demands of working within educational establishments. Effective leadership within establishments is crucial to ensuring that all employees are protected, and that staff wellbeing is high profile by embedding appropriate strategies and approaches within management systems and methods.

[Respect at Work Policy - Renfrewshire Website](#)

Senior leadership teams should create a culture where staff wellbeing is seen as a crucial aspect of the wellbeing of the wider establishment community and recognition is given to the importance of the link between work-life balance and positive mental health.

Inclusion

There must be clear values-driven leadership and shared communication to creating an inclusive and positive ethos in which positive relationships can thrive, which is endorsed by, and embedded across, the whole community. Inclusion entails children and young people being present, participating, achieving, and being supported. This is everyone's responsibility.

Being a Teacher in Scotland General Teaching Council Scotland (GTCS) Standards for Registration include "Demonstrating a commitment to motivating, and including all learners, understanding the influence of gender, social, cultural, racial, ethnic, religious and economic backgrounds on experiences of learning, taking account of specific learning needs and seeking to reduce barriers to learning."

The Scottish Social Services' Council (SSSC) Equality, Diversity and Inclusion Mainstreaming and Outcomes state "As a public body, we comply with the Equality Act 2010 and the Public Sector Equality Duty (PSED, or general equality duty). We pay due regard to the need to: • eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Equality Act 2010 • advance equality of opportunity between people who share a relevant protected characteristic and people who don't • foster good relations between people who share a relevant protected characteristic and people who don't."

Equity

Equity is at the heart of our approach to inclusion and promoting positive relationships. This ensures that each child and young person is given the right support, at the right time, in the right place from the right person when they need it.

Recognising and realising Children's Rights

All policies including this one should be underpinned by a rights-based approach. Getting it Right for Every Child and the Children and Young People (Scotland) Act requires every practitioner to familiarise themselves with and take account of the United Nations Convention of the Rights of the Child (UNCRC) in their day-to-day practice.

Relationships are at the heart of all we do.

Everyone within an establishment community is more likely to demonstrate positive behaviour where all relationships are respectful, rights based and where children are supported to develop positive behaviours.

Targeted approaches through Staged Intervention

There is a legislative requirement to support identified additional support needs through appropriate wellbeing assessment and planning, as set out in the refreshed Getting It Right for Every Child policy. Our strategy for embedding the Nurture Principles (Renfrewshire's Nurturing Relationships Approach) should also inform this approach, particularly 'All Behaviour is communication' and 'Children's Learning is understood developmentally.' Many children and young people will need specific targeted support to develop a repertoire of pro-social behaviours. Evidence demonstrates that it is important to teach appropriate social skills alongside managing behaviour.

Thorough assessment using the National Practice Model, particularly the Resilience Matrix, and more specific assessments such as the Boxall Profile can help establishments decide on what particular personalised support is required.

Training and Support

From time-to-time children and young people who present as distressed or dysregulated can be challenging to manage within classes and playrooms. This behaviour can occur on a continuum and be exacerbated by certain factors. It is therefore essential that the DHT Pupil Support/Support for Learning Coordinator ensures that employees are appropriately trained and supported to carry out their duties. This may also include working with specialist employees to construct appropriate risk assessments.

Where specialist staff, in conjunction with the DHT Pupil Support/Support for Learning Coordinator, establish the need for professional learning, this shall be arranged as a matter of urgency from amongst the specialist teams, including Educational Psychology to ensure that employees are fully equipped to fulfil their responsibilities. Where learning and development from external agencies is identified, this too shall be provided. It is the responsibility of senior leaders to disseminate specialist information such as Suicide and Self Harm guidelines; it is the responsibility of employees to become familiar with policies or ask for support where they identify a gap in their skills or knowledge.

Child's Plan

Where a pupil requires support in the form of a Child's Plan, this must be constructed with the Team around the Child (TAC) and clearly reflect the views of the pupil and family. As members of the TAC, employees must also be fully involved in the rationale behind decisions and understand their role to support. Other employees who come into contact with the pupil must also be advised about risk management strategies.

Physical Interventions Terminology as per Included, Engaged and Involved Part 3

Practice	Definition	Recording and Reporting Expectations
Physical Intervention	<p>A physical act carried out with the purpose of influencing, modifying, or preventing the actions of a child or young person.</p> <p>Physical intervention includes direct physical contact & actions affecting the movement of a child or young person.</p>	<p>Physical intervention that does not involve restraint or withdrawal does not need to be recorded or reported.</p> <p>Physical intervention that involves restraint must always be recorded and its use reported, as outlined below.</p>
Restraint	<p>An act carried out with the purpose of restricting a child or young person’s movement, liberty and/or freedom to act independently.</p> <p>The different forms of restraint appear below</p>	<p>Recorded by establishment within 2 working days.</p> <p>Reported by establishment to parents/carers ASAP during the working day and exceptionally within 24 hours of restraint being used.</p> <p>Reported by establishment to Education Authority, managers of grant-aided school or the proprietor of the independent school within 2 working days.</p> <p>Post incident support and learning review is required.</p>
Physical restraint	The use of direct physical force to restrict freedom of movement.	As per restraint recording and reporting.
Mechanical restraint	The use of equipment to restrict freedom of movement.	<p>The use of equipment with a restrictive element does not need to be recorded or reported if its use was in line with agreed plan.</p> <p>Any use out with the agreed plan should be recorded and reported in line with other restraints.</p> <p>Post incident support and learning review: where outwith agreed plan, on the same basis as other restraints.</p>

Practice	Definition	Recording and Reporting Expectations
Seclusion	An act carried out with the purpose of isolating a child or young person, away from other children and young people, in an area from which they are prevented from leaving.	As per restraint recording and reporting
Staff-led withdrawal	Leading a child or young person away from a situation which they are finding challenging to a place where they have a better chance of regulating their emotions and behaviour.	<p>If used without the child or young person's consent, staff-led withdrawal should be recorded and reported in line with other restraints.</p> <p>If consent is given, its use should be recorded in the child's plan. Onward reporting not a requirement</p> <p>Post incident support and learning review: yes</p>
Pupil – led withdrawal	Where a child or young person temporarily moves away, at their request, from a situation which they are finding challenging to a place where they have a better chance of regulating their emotions and behaviour	<p>The use of pupil-led withdrawal should be recorded, and the child's plan updated as appropriate.</p> <p>Onward reporting not a requirement.</p> <p>Post incident support and learning review: on a need's basis.</p>

Legal framework for restraint in establishments

It is important to note that there are absolute legal prohibitions that apply to the use of restraint. These are summarised in the Equality and Human Rights Commission's Framework for Restraint, which notes that it is never lawful to use:

- restraint with intent to torture, humiliate, distress, or degrade someone;
- a method of restraining someone that is inherently inhuman or degrading, or which amounts to torture;
- physical force (such as physical restraint) as a means of punishment; or
- restraint that humiliates or otherwise subjects a person to serious ill-treatment or conditions that are inhuman or degrading¹

Education authorities, the managers of grant-aided establishments and the proprietors of independent establishments should ensure that restraint is only used as a last resort, to prevent harm, with the minimum necessary force, and for the minimum necessary time. In practice, the principle of last resort means that restraint should only be considered where no less restrictive options are viable².

Equality Act 2010

Under the 2010 Act, education providers have a duty to make reasonable adjustments for disabled children and young people and must not discriminate against a child or young person in the provision of education, or by subjecting a child or young person to "any other detriment"². Discrimination can also arise when a child is treated unfavourably because of something that arises from their disability. The consequences of a disability include anything that is the result, effect or outcome of a child or young person's disability.³ This can include a child or young person's distressed behaviour if it arises from their disability.

Unfavourable treatment, such as physical restraint, will not amount to discrimination arising from disability if the establishment can show that the treatment is lawful and proportionate⁴.

However, the Equality and Human Rights Commission technical guidance (5.38⁵) states that, in a case involving disability, if an establishment has not complied with its duty to make relevant reasonable adjustments, it will be difficult for it to show that the treatment was proportionate. Reasonable adjustments for a child or young person's distressed behaviour arising from their disability would include the consideration and use of less restrictive or preventative approaches and de-escalation or co-regulation strategies, before a physical restraint is used.

¹ EHRC - Human rights framework for restraint (p.5)

² Technical Guidance for Establishments in Scotland (equalityhumanrights.com), 3.31 and 6.1

³ Technical Guidance for Establishments in Scotland (equalityhumanrights.com), 5.44-46

⁴ Technical Guidance for Establishments in Scotland (equalityhumanrights.com), 5.48

⁵ Technical Guidance for Establishments in Scotland (equalityhumanrights.com), 5.38

Education providers must therefore ensure that they comply with the provisions of the 2010 Act in relation to any use of physical restraint in establishments.

Duty of care

Education providers owe a duty of care to their pupils⁶ and staff in relation to their physical wellbeing. They have a duty to take reasonable care to prevent any harm that can be foreseen. Similar duties are placed on education providers under Health and Safety legislation. Appendix 1 highlights the preventative approaches that can be taken to meet the needs of children and young people and lower the risk of harm to themselves or others arising from distressed behaviour. It also highlights the de-escalation and co-regulation strategies that should be considered ahead of restraint if an unexpected risk of harm arises. Training is available for this. Nevertheless, it is accepted that there are situations when the use of restraint may be the only viable option available to staff to prevent a greater injury or harm.

A person entrusted with the care of a young child may be required to restrict the child's actions to ensure their welfare and safety. If the restraint is consistent with ordinary acceptable parental restrictions upon the movements of a child of that age and understanding this will generally be lawful.

Protection from assault

The criminal law of assault is relevant to the use of physical restraint in establishments. The common law crime of assault, in short, is a deliberate attack upon another person, whether or not actual injury is inflicted. No particular degree of force is required. What matters in the context of restraint is the question of intent. Restraint, if used inappropriately, excessively, or harmfully, could result in a charge of assault being brought.

Human Rights Act 1998

¹Under the Human Rights Act, public authorities can only interfere with a child or young person's Article 8 rights (the right to respect for private life, which includes respect for physical integrity), where it can demonstrate that its action is lawful, necessary, and proportionate in order to:

- protect national security;
- protect public safety;
- protect the economy;
- protect health or morals;
- prevent disorder or crime, or
- protect the rights and freedoms of other people⁷

Any physical restraint would have to meet this test.

Standards in Scotland's Establishments etc. Act 2000

Section 16 of the Standards in Scotland's Establishments etc. Act 2000 prohibits corporal punishment in establishments and subsection (4) is relevant to the use of a physical restraint:

- 16 No justification for corporal punishment (...)
- (4) Corporal punishment shall not be taken to be given to a pupil by virtue of anything done for reasons which include averting–

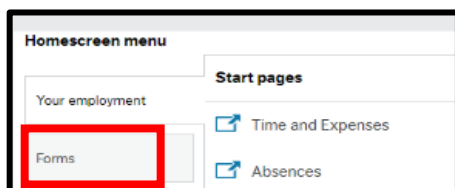
- an immediate danger of personal injury to; or
- an immediate danger to the property of,
- any person (including the pupil concerned).

⁶ At common law and under statute including The Establishments (Safety and Supervision of pupils) (Scotland)

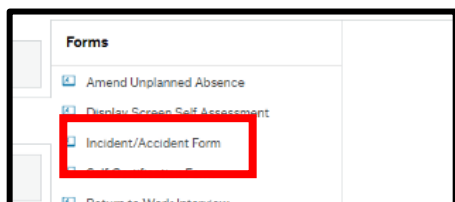
Regulations 1990 (legislation.gov.uk)

⁷ Article 8: Respect for your private and family life | Equality and Human Rights Commission (equalityhumanrights.com)

Using Business World



Log in and Select FORMS



Select – incident/accident form.

Incident/Accident Form

Incident/Accident Form

Forms ID*
[NEW]
[NEW]

Information | People Involved | Incident Details | Manager's Assessment

INFORMATION

INCIDENT POLICY & PROCEDURES

All accidents, incidents, or near misses that take place within the organisation, and its areas of responsibility, must be reported and investigated to determine what action may be required to prevent a recurrence.

[Employee & Line Manager Guidance](#)

WHO NEEDS A FORM?

- A separate form must be completed for each injured person.
- If nobody is injured, just complete one form for one of the employees or non-employees involved.

WHO COULD THE 'PERSON' INJURED or INVOLVED BE?

- An employee/resource (any type of employee, agency worker, apprentice, or trainee)
- A non-employee (school pupil, parent, customer, client, member of the public, contractor, or visitor and so on).

WHO CAN COMPLETE A FORM FOR THE 'PERSON'?

- Employees - all employees can complete a form for themselves or complete a form on behalf of any other person.
- Managers - any line manager can complete a form for one of their team.
- Non-employees - cannot complete a form.
- Please ensure you look out for emails or alerts in BW/ERP just in case the form you completed is returned for more information.**

ATTACHING ADDITIONAL DOCUMENTS

- You should not attach any additional documents to your form until you have completed all questions on the form first and have run out of space.
- You can attach any photos/drawings when required.

LINE MANAGER'S RESPONSIBILITIES

Before completing the Manager's Assessment tab, you must:

- Read the full guidance on reporting incidents and complete the iLearn Course.
- Notify Health & Safety immediately by phone or email if the incident is RIDDOR Reportable (Reporting of Injuries, Diseases & Dangerous Occurrences Regulations)
- Ensure ALL relevant tabs/sections/questions of the form are completed in full by the employee, where applicable.
- Chase-up any forms that are sent back to the employee for amendment.
- Discuss the incident with all parties, including any other managers/supervisors at the incident location, where appropriate.

After the above is carried out, you must:

- Complete the Manager's Assessment tab.
- List all actions you have taken, or intend to take, to prevent a recurrence and support the employee, where required.
- Ensure forms are submitted as quickly as possible to meet the timescales set out by RIDDOR.

FURTHER INFORMATION

FURTHER GUIDANCE & ADVICE

- Employees - should contact their line manager for advice in the first instance.
- Managers - should contact a member of the Health & Safety Team, or send an email to healthandsafetyenquiries@nrenf.wzshire.gov.uk

Answer questions and remember if reporting a violent or aggressive incident YOU MUST complete the V&A section on the form.

Wellbeing Support for Staff

Those who have experienced an incident will require empathetic support. Some may require support to rebuild their confidence. Where required, employees should seek medical advice and may wish to contact a relevant agency such as Victim Support Scotland. Managers and employees should also consult Renfrewshire Council's Policy for Managing Critical Incidents and Trauma through Human Resources. [For an up to date list of support services, click here to access Renfrewshire's Signposting Resource for Staff.](#)

An employee can also access guidance and support through their trade union representative.

The employee experiencing violence and/or aggression should be encouraged to contact their appropriate trade union representative for further advice and support if required.

[AHDS Support for Members](#)

[EIS Member Support](#)

[Legal Advice Line | GMB Union](#)

[NASUWT Contact Us](#)

[SLS Support Services](#)

[SSTA Service to Members](#)

[Member support and services | Get help | UNISON National](#)

[Contact Us - Unite The Union](#)

[GMB Scotland | Contact](#)

Occupational Health

Heads of establishments or their designated deputies are encouraged to seek occupational health advice if they have any concerns regarding an employee's health.

An employee may need particular physical or mental health support to recover from an incident.

The council's occupational health provider can advise managers on all matters regarding employee health and fitness. In addition, they are uniquely positioned to give advice regarding an employee's capability to work in relation to their health. Advice given by occupational health can assist in employment decisions and this, in turn, can assist in making suitable arrangements in the workplace or to the employees working pattern or where an employee is absent, to initiate a return to work, where possible.

Further guidance is available from the Occupational Health Service who can be contacted at:

Sir James Clark building Abbey Mill Business
Centre Paisley
PA1 1TJ

or by telephone:
General Enquiries: 0141 212 6970

Counselling Support

“Timefortalking” operate a confidential counselling service which is available to all employees. This includes access to a free, confidential 24-hour telephone help line.

The telephone number is: 0800 970 3980

There is a downloadable app and a portal for employees on the timefortalking website.

Online Abuse

Social media has made it very easy for us to communicate quickly and easily with family, friends, and colleagues, as well as sharing experiences and letting others know of our opinions and beliefs. These opinions and beliefs may be about world events or local affairs, politics or religion, interests, affiliations, organisations, products, people, and a wide variety of other topics. Our conversations and comments can be closely targeted or widely broadcast to the point that depending on the subject, they can go viral.

Unfortunately, social media is also widely used by abusers, for exactly the reasons listed above. Many perpetrators 'hide' behind the fact that they may not be able to be readily identified, saying things that they wouldn't consider saying face-to-face, which could be regarded as cowardly.

Online abuse takes several forms, and victims are not confined to public figures. They can do any job, be of any age, gender, sexual orientation or social or ethnic background, and live anywhere.

Examples of Online Abuse

- Cyberbullying
- Cyberstalking
- Trolling
- Creeping
- Doxing

[Visit Rensafe Online for more advice.](#)

If you are worried about a child, you can report concerns to the [CEOP Safety Centre](#) (run by the National Crime Agency).

[Report, Remove](#) can help you if you shared an image and want to remove it from the internet. This service is available for children and those over 18.