

The Educational Institute of Scotland

Pupils Displaying Serious Inappropriate Behaviour: Guidelines

Introduction

- 1.1 The following resolution was approved by the 2008 Annual General Meeting:

“This AGM instructs Council to produce clear guidelines to ensure that, when pupils are displaying serious inappropriate behaviour the care, welfare and right to a safe place of work for the teachers are considered.”
- 1.2 The 2007 Annual General Meeting approved a policy on Disruptive Pupils. Policies on Physical Restraint (AGM 2004 and AGM 2005) have also been developed.
- 1.3 The 2009 AGM is also being asked to approve a paper which provides guidance on risk assessment of violent and abusive behaviours.
- 1.4 This paper does not deal with school pupils placed in further education colleges arising from school–college partnerships. That issue may require consideration by EIS-FELA.

Legal Requirements

- 2.1 The Health and Safety at Work etc Act 1974 places employers under a duty to ensure, as far as is reasonably practicable, the health, safety and welfare of employees at work.
- 2.2 The Safety Committee and Safety Representatives Regulations 1977 require employers to inform Safety Representatives in good time on matters related to the health and safety of their members and to consult with them.

Guidelines

- 3.1 It is essential that each school has its own operating procedure to deal with pupil indiscipline. These procedures should be drawn up in full consultation with staff and should set out both a school definition of what constitutes seriously inappropriate behaviour and what steps can be taken by the class teacher and by others holding promoted posts. There should be consultation with the school’s EIS Representative(s) and the EIS Safety Representative(s).
- 3.2 Within the operating procedure the teacher should be given the right to exercise a professional judgement on the behaviour and the most appropriate means of dealing with the behaviour.
- 3.3 Operating procedures should be available for all teachers including those who are employed on temporary contracts, eg supply teachers, and students.

- 3.4 Seriously inappropriate behaviour is behaviour in which a teacher's instructions are challenged, the good order of the class is threatened or disrupted and/or where there is a threat of violence, or actual violence towards the teacher, support staff or pupils. Threats of violence or actual violence should normally lead to exclusion.
- 3.5 Each school should have a clear mechanism by which teachers can summon assistance from immediate colleagues and from management within the school.
- 3.6 In the event that order cannot be restored in a classroom and where there is a potential danger to the teacher and other pupils the teacher should consider withdrawing pupils not involved and herself or himself to a safe area.
- 3.7 The management of the incident requires input from the teacher and from school management. Where there has been a violent incident or a threat of violence, the provision of expert advice set out in Sections 5 and 6 of the Institute Policy Violent Incidents in Schools (AGM 2008) should be applied. These sections are appended to this paper.
- 3.8 In all circumstances in which seriously inappropriate behaviour occurs, consideration should be given to assessing the risk to the teacher and other pupils through a formal risk assessment. The advice provided by the EIS on violent and abusive behaviours should be followed.
- 3.9 Where a teacher believes that a Council is unable to provide a safe place of work and that there is a threat to the teacher's physical and psychological wellbeing, the matter should be raised with the Local Association Secretary in the first instance.

Conclusion

- 4.1 The guidelines set out in 3.1 to 3.9 should be issued to branch representatives.

Appendix A

Members Subject to Violence

- 5.1 There are a number of steps that a member subject to a violent act, or a threat of violence, should take.
- 5.2 At the time of the incident help should be sought from colleagues and management. The incident should be reported to management and the victim should ensure that the incident is recorded in the accident book, in a Violent Incident Recording form and reported to the Police. Management can assist by bringing police officers to the workplace to interview the victim and witnesses rather than putting the onus on the victim to report the matter to the Police at the end of the working day in their own time.
- 5.3 Where appropriate medical assistance should be sought at the time of the incident. It is also appropriate to provide time off with pay to allow the victim to recover from the immediate trauma of the incident.
- 5.4 Any absence arising from a violent incident should be treated as special leave with full pay. For teachers the absence should be covered by the provisions of the SNCT Handbook (SNCT Handbook, paragraphs 6.22 and 6.23). Where necessary the victim should also be advised of the opportunity to make a phased return to work, for example, reducing working hours or changing the work pattern.
- 5.5 In circumstances where the victim is absent from work any absence extending beyond three days should be notified to HSE under RIDDOR.
- 5.6 Decisions on a return to work should also allow consideration of restricting or altering the normal range of duties and the possibility of a return to a different location.
- 5.7 The victim should be offered counselling. This counselling should be arranged as close to the incident as practicable. As well as the employer's internal counselling services or access to external services advice can be sought from Victim Support Scotland or Teacher Support Scotland.
- 5.8 Following a violent incident a risk assessment should be conducted to determine whether the risk of future incidents can be avoided or reduced. Guidance should also be given on contact between the victim and assailant.

Pupils/Students as Assailants

- 6.1 Where a pupil or student commits an act of violence against a member of staff the pupil or student should be excluded.
- 6.2 During the period of exclusion there should be full consultation with the staff on the pupil or student's future in the establishment. The views of the victim should be taken into account. Risk assessments should also be carried out.

- 6.3 In circumstances where a pupil is being returned to the establishment against the wishes of EIS members advice should be sought from the Local Association Secretary or Branch Secretary. The Local Association Secretary or Branch Secretary must raise the matter with the Area Officer. The Local Association Secretary or Branch Secretary will then raise the matter with the employer. The member, or members in a branch, who would prefer to refuse to teach a pupil or student who has been violent may be advised to raise a grievance. If matters cannot be resolved, the Area Officer may seek authorisation from HQ to advise the member(s) to refuse to admit the pupil or student. In such circumstances there may be issues of breach of contract and it is important for members to be aware of the risks and to be clear of EIS support.
- 6.4 Key recommendations of the *ad hoc* Sub-Committee on Pupil Indiscipline are still relevant for dealing with violence or threats of violence as well as general indiscipline. *Inter alia*, the paper called on Scottish Government and local authorities to ensure sufficient funding for:
- additional support wherever this is needed
 - additional staffing for in-school behaviour bases and units
 - the provision of additional off site behaviour facilities.
- 6.5 It is a matter of regret that a sub-group of the Government's Working Group on Pupil Indiscipline looking at off-site provision did not reach a conclusion and the Discipline Stakeholder Group has still to set out its view on this matter. The EIS must continue to campaign for such provision.