



## **Individual Pupil Behaviour Risk Assessments NEU guidance for members, reps and local officers**

This briefing sets out ways in which violent or threatening pupil behaviour can successfully be tackled using standard risk management techniques.

### **What legal provisions exist to protect staff?**

The Health and Safety at Work etc Act 1974 places a duty on employers to ensure, so far as is reasonably practicable, the health and safety of their employees at work. This includes taking steps to make sure they do not suffer violence, abuse or stress-related illness as a result of their work. This statutory regime supplements the 'common law' obligations on employers to provide reasonably safe working environments for their employees. Employers also have a specific duty under the Management of Health and Safety at Work Regulations 1999 to undertake risk assessments that seek to identify and eliminate or reduce risks to their employees' health, safety and welfare.

Regrettably there is no Government advice on the use of individual pupil risk assessments. A specimen pro forma for pupil risk assessment is available on the [Department for Education \(DfE\) website](#) – although it is made clear that this guidance may not reflect existing Government policy.

Violence and assaults on teaching staff, in addition to the stress arising from working in environments where the fear of violence and assaults exists, are both examples of risks to teacher health, safety and welfare which must be assessed and controlled.

Local authorities, governing bodies, academy trusts and all other employers of teachers should therefore:

- consider the risk of violence and assault on members of their workforce
- consider the risk of stress which arises from working in fear of violence or assault
- take steps to remove these risks
- where removal of the risks is not possible, reduce the risks by any necessary changes in working practices or by introducing appropriate protective or supportive measures.

It is not the purpose of this briefing to consider the risk of violence towards school staff which may come from outside the school, eg from intruders to school premises. Our primary concern here is to examine ways of addressing violent behaviour which exists within the school community, whether this is directed towards staff, pupils or visitors.

### **How common is pupil violence towards members of staff**

The Health and Safety Executive (HSE) lists those that work in education as one of the occupational groups most at risk from workplace violence. The table below shows the risk of violence at work for employees, reproduced from the 2016-17 Crime Survey for



England and Wales (CSEW)<sup>1</sup>. The results show that teaching and education professionals have a higher than average rate of violence at work.

Across all groups, teachers have the eighth highest level of violence at work, out of 25 occupational areas. This indicates that the level of violence against teachers is higher than in a number of occupational groups, including sales and customer service occupations and skilled trades.

% of victims, once or more

2016/17 CSEW

	Assaults	Threats	All violence at work
Teaching and education professionals	0.9	0.7	1.4
All professional occupations	0.7	0.8	1.4
All occupations	0.6	0.8	1.3

A survey by the Association of Teachers and Lecturers (ATL) in 2016 found that 40 per cent of teachers had experienced violence from pupils in the past year. Of those who had been subjected to violence, nearly 80 per cent said they had been pushed and around half had been kicked or had an object thrown at them.

Freedom of Information (FOI) requests submitted to local authorities in Wales by NEU Cymru in January 2017 found that there was on average eight assaults a day on teachers in schools in Wales.

FOI requests submitted in 2013 found that there were more than 4,000 assaults on teachers working in schools in London in the five years previous.

DfE figures for 2014-15 show that there were 20,770 exclusions for violence against an adult and 52,710 exclusions for verbal abuse or threatening behaviour against an adult during that year.

### **When might a pupil behaviour risk assessment be required?**

A pupil behaviour risk assessment should be considered where a student's conduct poses a demonstrable and ongoing risk to the health, safety and wellbeing of other members of the school community, and where implementation of the school behaviour policy so far appears to have had little or no remedial effect.

One way in which this can be achieved is by the use of 'trigger points' within the behaviour policy. Possible triggers for the deployment of a behaviour risk assessment might be:

<sup>1</sup> See: [hse.gov.uk/Statistics/causinj/violence/index.htm](https://www.gov.uk/statistics/causinj/violence/index.htm)



- in the event of a pupil carrying out – or threatening to carry out – any form of physical assault, whether in or out of school
- where a pupil is found to be carrying a weapon, or threatens to bring a weapon into school – such as a knife, ball-bearing gun etc (see Appendix 1).

Such triggers would constitute indisputable grounds for further action. Evaluating the potential health and safety risks of other forms of pupil behaviour, however, might require a more detailed analysis of the situation before further action could be authorised.

For example, where members of staff attribute stress-related complaints – partly or wholly – to the accrued psychological harm arising from the behaviour of a particular pupil, it would be likely that objective evidence of the risks would be required in order to proceed any further.

One way in which such evidence can be compiled is via a behaviour risk audit, undertaken where possible by a safety representative. Where compelling evidence is thus gathered, the safety representative is in a strong position to persuade the head of the need for a formal risk assessment to be drawn up.

Behaviour risk audits have the maximum degree of success where there are established systems for the efficient collation of pupil behaviour data. An increasing number of schools are now incorporating such information as part of their computerised record-keeping arrangements, enabling the maintenance of up-to-date student profiles, while minimising the demands on staff workload <sup>2</sup>.

A model behaviour risk audit is set out at Appendix 1 of this document.

#### Relationship with other school or employer policies

To be effective, pupil behaviour risk assessments must be closely allied with existing school or local authority behaviour policies, and any related measures already in place, such as:

- school security policies
- special educational needs (SEN)/medical/pupil restraint policies
- child protection policies
- policies relating to school trips and visits
- parenting contracts/orders
- any initiatives involving liaison with other agencies, eg local authority behaviour strategies, youth offending teams and/or links with police through, for example, Safer School Partnerships.

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<sup>2</sup> Care should be taken to ensure that data on individual pupils is held in full compliance with data protection law.





### **Devising a pupil behaviour risk assessment for your school**

There is no such thing as a 'one size fits all' pupil behaviour risk assessment. Schools need to implement strategies which fit their own circumstances, and which have been developed in the light of many variable factors which will exist from one school to another. These might include:

- age/ability of pupils
- pastoral structure
- size of school
- number of pupils with SEN
- staffing ratio
- behaviour policy

Equally, different styles of pupil behaviour risk assessment may be appropriate for different pupils, depending on the circumstances in any individual case.

A model risk assessment form is attached at Appendix 2.

### **Is parental permission required to complete pupil risk assessments?**

While it is not necessary to secure parental permission in order to draw up a pupil risk assessment, it is most likely that parents would – and indeed should – have been involved early on in any situation where the behaviour of a pupil is causing the degree of concern likely to lead to a behaviour risk assessment being required. Behaviour policies, whether they incorporate pupil risk assessments or not, are in many schools the subject of a home-school agreement. Where pupil risk assessment policies – and their trigger points/action points – have been incorporated into the school behaviour policy, and therefore by extension the home-school agreement, the support and involvement of parents becomes a more easily achievable goal.

Staff involved in the drawing up of individual pupil risk assessments should be mindful of the Education (Pupil Information) (England) Regulations 2005 which place a duty on schools to disclose, with a few exceptions, the contents of pupil records to parents and pupils where they make such a request. Indeed, the involvement of parents in discussing and determining the management of their child's behaviour at school would in most cases be a desirable course of action.

### **Reporting incidents of violence and abuse**

All accidents and injuries should be reported, no matter how trivial they might appear. This is as true of verbal abuse as it is of physical assault, as the psychological harm which can follow such incidents can lead to very real illness and mental distress for those who are unfortunate enough to experience them.



Additionally, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) require that employers must inform the HSE of the following:

- all accidents to employees resulting in deaths or ‘major injuries’ and all accidents which result in an employee being off work due to injuries for more than seven days (referred to as ‘over-seven-day injuries’)
- all accidents to non-employees which result in them being killed or taken to hospital and which are connected with work.

The definition of accidents includes assaults so that injuries resulting from assaults are also reportable. The NEU is particularly concerned that these are reported to the HSE and recorded by the employer whenever necessary.

Following any incident involving violence or assault, risk assessments should also be reviewed in the light of the incident, to identify whether additional measures are necessary. Further advice on all these matters can be found in the NEU health and safety briefings Accidents and Injuries, and Risk Assessment – both of which are available from the NEU website.

The following HSE guidance might also be helpful:

[HSE guidance on Reporting School Accidents](#)

[HSE RIDDOR website](#)

[HSE guidance on risk assessments](#)

### **Industrial action: refusal to teach**

What rights do I have to refuse to teach a pupil who has been excluded?

Except in emergency situations, teachers are likely to be in breach of contract if they refuse to teach pupils. Industrial action to refuse to teach cannot be taken until relevant procedures, including an industrial action ballot, have been followed and union rules satisfied.

The NEU will protect members where exclusions have been overturned by governing bodies or appeals panels and pupils reinstated. Following appropriate procedures in compliance with legislation and in accordance with the rules of the union, the NEU will consider balloting for industrial action, up to and including strike action, where:

- “the retention of such pupils would disrupt education or threaten the welfare of pupils or staff”, and
- “the head teacher, governing body or appeal panel refuses to exclude a pupil”.
- In such circumstances, members in England should in the first instance, contact the NEU.



## **Appendices**

- 1 - model behaviour risk audit
- 2 - model risk assessment form
- 3 - pupil records: DfE guidance
- 4 - considerations for special schools/pupil referral units (PRUs).

