

ASSAULTS ON TEACHERS

GUIDELINES FOR MEMBERS

1. A member who considers that he/she has been subjected to a work-related assault or any other form of harassment should report the matter to his/her Principal and employing Authority (ELB, CCMS, BOG). This report should be copied to the INTO so that the appropriate legal advice may be made available to him/her without delay.
2. In the event of an assault by a pupil, consideration should be by the Employing Authority to the pupils' suspension pending consideration of appropriate disciplinary action. The question of the pupil's continuing enrolment in the school should be considered by management; Staff's reasonable feelings on such continuing enrolment should be taken into account by management in the light of any potential further risk to health and safety.
3. The case should be brought to the attention of the police by the Employing Authority when the member has had a reasonable time to make up his/her mind to seek advice about such a course of action.
4. A member who has been the victim of an assault should be given such leave of absence, with pay, as is necessary to take legal advice and to appear in court. The attention of the member should be drawn to the indemnity cover contained in Department Circular 1985/15.
5. The Employing Authority should give consideration in cases where legal proceedings have not been taken by either the police or the member, to take other appropriate action against the person concerned and also to the parents of any pupil who has assaulted the member.
6. Where the member's personal property is damaged in the course of an assault, or by reason of vandalism, full compensation for its replacement value to be paid by the Employing Authority/Board of Governors where no order is made by the Court.
7. In cases of serious injury, the member should be reminded to seek advice from the INTO on his/her entitlement to criminal injuries compensation and should be advised to register the injury as an industrial and the Employing Authority should consider, under the provision of the teacher's conditions of service, the appropriate compensation for any injury or loss caused by the assault.

IN THE EVENT OF AN ASSAULT

1. Try to remove yourself from immediate risk and if necessary seek appropriate assistance. If this is not possible, try to place a barrier between you and your assailant.
2. Do not threaten or use physical force other than to defend yourself and those in your charge.
3. If, in the last resort, it is necessary to use force to defend yourself against imminent injury, restrain your action to the minimum to protect your person or the persons in your charge.
4. Note details of the assailant and any witnesses.

5. As soon as it is practicable, report the incident to your principal, who shall inform the Employing Authority, Police, and if necessary, your family/friends.
6. Do not admit any liability. Do not make any formal statement until you have received advice from your INTO representative.
7. Consider whether it is appropriate to have photographic evidence of the injuries sustained in an assault.

THE LEGAL POSITION

Members in Northern Ireland have legal protection in the event of an assault in a school under the Offences Against the Person Act 1861 and the Magistrates' Court Order. Article 128, of this latter Order, provides that persons who commit an assault may be bound over by a Court Order.

LEGAL DEFINITION OF ASSAULT

"The act of putting another person in reasonable fear or apprehension of an immediate battery by means of an act amounting to an attempt or a threat to commit battery. Assault can be constituted if threatening acts are of such a nature as to put a person in fear of immediate violence".

THREATS AND ASSAULTS ON TEACHERS

The Employing Authorities, following negotiations with teachers' unions, have now issued guidance to assist managers of schools in relation to threats or assaults made on or against teachers in school. (ELB Circulars 1996; CCMS Circular 1996/19).

Where it is established that a pupil has threatened or assaulted a member of staff then the school should apply the school's disciplinary procedure to deal with the matter. In circumstances when it is considered that a teacher has been assaulted or threatened by a person from outside the school then the advice of the designated ELB Officer or Diocesan Administrator at the local CCMS Diocesan Education Office should be sought.

In addition each Employing Authority will investigate all reported incidents of violence on a special "Form A" circulated to all schools with the guidance "Health and Safety of Teachers". School Representatives should ensure that "Form A" is completed and returned to employing authorities, as agreed, in all cases of assault on teachers (note legal definition above).

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