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To: Headteachers of All Schools  
Schools Skills & Learning Heads of Service  
Chair of Governors of all Schools  
Teacher Associations

Your Ref.

My Ref. SSL/TW/MG/CM

18 January 2013

Dear Colleagues

**Re: (Health and Safety) Accidents and Work Related Violence**

It has come to our attention that some schools and services are failing to report accidents and incidents of work related violence and aggression.

Wolverhampton City Council (WCC) policy requires that **all** accidents to staff and accidents to the public; which includes pupils, visitors, clients etc. where the cause of the accident is related to the way we work, the level of supervision or the condition of our premises, etc. are reported to the Schools, Skills and Learning Health and Safety (SS&L H&S) Team. (Please note: accidents arising due to a medical condition, are not reportable.)

In addition, incidents of work related violence to staff must also be reported. The SS&L H&S Team is only required to record violent incidents to staff by the public or by other members of staff where the incident is in connection with their work. The following are not reportable;

- Staff on staff incidents (non work related) – these should be dealt with using the Discipline, Grievance and Capabilities Procedures.
- Staff on public incidents – these should be dealt with using the Complaints, Discipline, Grievance and Capabilities Procedures.
- Public on public (for example pupil on pupil) incidents – these should be recorded locally as they are outside the remit of health and safety and do not need to be reported to our health and safety team.

N.B. If a member of staff has physically intervened this will need to be recorded and reported under the new proposed Physical Intervention Policy which is currently under consultation. The draft physical intervention report form is available here.



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Physical Restraints\R

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Good practice requires that near miss events where under slightly different circumstances, may have resulted in injury or ill health: damage or loss to property, plant or materials; or disruption of service delivery should also be reported to the SS&L H&S Team.

WCC also has a number of statutory duties in relation to these topics and we therefore urge that employees are encouraged to report incidents of these nature and in turn headteachers and managers should report the incident to our health and safety team as soon as practicable (48 hours).

The following legislation is particularly relevant to accidents and work related violence:

- **The Health and Safety at Work etc Act 1974.**

We have a duty under the Act to ensure, so far as is reasonably practicable, the health, safety and welfare of our employees whilst at work.

- **The Management of Health and Safety at Work Regulations 1999**

The main requirement for carrying out risk assessments is set out in the Management of Health & Safety Regulations. These regulations require employers to assess risk and ensure that effective controls are in place to protect employees from harm. Risks covered should also include protecting employees from exposure to reasonably foreseeable violence.

- **Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 1995 (RIDDOR)**

The RIDDOR require employers to ensure that **all** health and safety incidents are recorded and where appropriate reported to their enforcing authority (which in our case is the Health & Safety Executive (HSE)).

The HSE must be notified of any accidents at work to any employee that result in death, major injury or incapacity to carry out normal work for seven or more consecutive days. The HSE must also be informed of any accident which results in a person not at work (member of public) suffering an injury which arise out of or in connection with a work activity and being taken from the scene of the incident directly to hospital for treatment. (Further guidance is available from the SS&L H&S Team).

In addition, all accidents should be investigated and reasonable measures put in place to prevent recurrence. It is principally the headteacher/manager's responsibility to investigate all incidents and implement suitable measures to prevent a recurrence. The extent of the investigation should be proportionate to the risk/outcome of the incident. For complex or serious incidents, the SS&L H&S Team will carry out the investigation in conjunction with the headteacher/manager.

The definition of accident includes any act of non-consensual physical violence against a person at work.

The Health & Safety Executive's definition of work related violence is: 'any incident in which a person is abused, threatened or assaulted in circumstances relating to their work'.

Wolverhampton City Council classes a wide range of behaviour as aggression and headteachers/managers must ensure that all relevant incidents of violence and aggression are reported using the combined 'Accident and Aggression Report' form (IR1).

Whilst staff will have differing tolerance levels to incidents of work related violence, they should not be encouraged to view violence and aggression as an inevitable part of the job. Headteachers/Managers need to stress the importance of reporting incidents and must also be seen to be taking appropriate action to prevent or minimise the risk of further incidents.

Any act an employee feels to be abusive must be reported. **A key factor is how the incidents affect the member of staff;** an experienced member of staff may react differently to a new or junior member of the team. However, that should not mean the incident is not treated seriously. In special schools employees may feel that only incidents outside of the normal behaviour of a young person are reported.

A copy of the IR1 form which should be made readily available for staff to complete following any accident or incident of work related violence is attached here.



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Incident Reporting\EI

(The IR1 form contains all the information we are legally required to keep and therefore the use of the 'Accident Book' is being phased out across the service.)

A completed copy of the form should be forwarded to the SS&L H&S Team via the email address below or by fax on ext. 4099.

If you require any further advice or support on these issues please contact Melanie Grychtol or a member of her team on extension 0825 or [cyphands@wolverhampton.gov.uk](mailto:cyphands@wolverhampton.gov.uk).

Yours sincerely



Councillor Phil Page  
**Cabinet Member**  
**Schools, Skills and Learning**



Tim Westwood  
**Assistant Director**  
**Schools, Skills and Learning**

cc: Teacher Associations

UNISON  
ASCL  
ATL  
NASUWT  
NUT  
NAHT

Schools, Skills and Learning Staff

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