

INTO Guidance Note for Principals in relation to Assaults

The INTO has published various pieces of advice to members on the INTO website, at the following link <https://www.into.ie/help-advice/leave-of-absence/assault-leave>. A helpful INTO leaflet for members also outlines the steps to follow in the event of an assault. A recent article was also published for members in the January/February 2024 edition of Intouch.

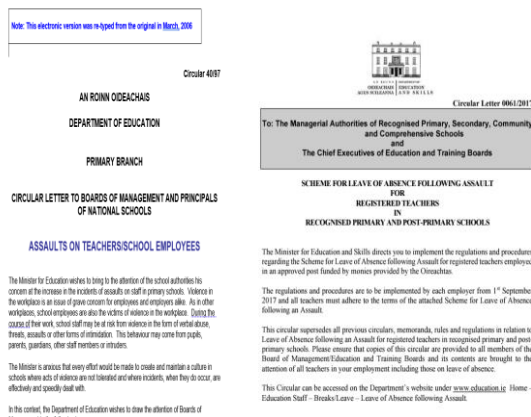
INTO Advice on Assaults



Jan/Feb Intouch 2024

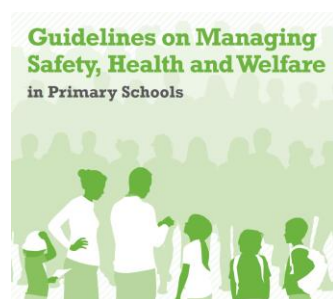


Department Circulars 0061/17 and 40/97



The Health and Safety legislation, Department Circulars 0040/97 and 61/2017 and Code of Behaviour are all relevant source documents setting out the legal framework for schools. This list is not exhaustive. Other guidance documents include the Health & Safety Authority document *“Managing Safety, Health and Welfare in the primary school”*. This is available at the following link:

https://www.hsa.ie/eng/publications_and_forms/publications/education/guidelines_on_managing_safety_health_and_welfare_in_primary_schools.html.



Please find below a summary of key points and guidance to be aware of in the role of principal when an INTO member of staff has been assaulted.

Health & Safety Legislation - Safety in the Workplace

In Ireland, the Safety, Health and Welfare at Work Act 2005 sets out the duties of employers and employees in relation to the maintenance of safe workplaces. The Board of Management of a school, as the employer, “shall ensure, so far as is reasonably practicable, the safety, health and welfare at work of his or her employees.” They are also obliged to assess the risks to health, safety and welfare at work, and minimize those risks through taking measures set out in the Act. In addition, they are required to report to the Health and Safety Authority incidents where employees suffer an accident or injury at work, which causes absence of 3 consecutive days or more. Employees are required to take reasonable care to protect their safety at work.

As outlined above, assaults and violence are categorized as risks to occupational health and safety, so in this context, school boards of management are required to assess the risk of assaults and violence against staff occurring and put measures in place to ensure that such risks are minimized. In addition, they are required to make reports to the authorities in relation to incidents which occur. Once a report has been made under Health & Safety legislation it is important for the principal/employer to note the provision in the legislation protecting the employee from penalization.

The Principal's Role

When a member of staff reports an incident of assault you are encouraged to refer the member to the school's Health and Safety policy and the appropriate steps to be taken to report that assault. The principal has a key role in supporting staff during this difficult time. A teacher who is furnished with clear written steps to follow, after the traumatic event, can feel more supported by their employer. A delay in providing clear guidance, or a vagueness in the steps to follow may leave the teacher feeling alone and unsupported.

The INTO leaflet (<https://www.into.ie/help-advice/leave-of-absence/assault-leave>) and an extract of the school's Health and Safety policy outlining the reporting procedure to the Board of Management/Employer, should be provided to the member.

The teacher also has a legal responsibility under Health & Safety to notify their employer of the incident. This may take the form of a brief and concise written report to the Board which includes: the date, time, location of incident and any witnesses. Where a teacher has suffered a medical injury then they should be referred for the appropriate medical treatment.

The employee should request a risk assessment to be carried out by the Board of Management so that the risk of re-occurrence is reduced and or prevented.

The BOM will have the responsibility following the risk assessment to identify steps to remedy the situation. This may include, reference to the steps to following in the school's Code of Behaviour.

Assault Leave – Circular 0061/2017

The teacher may apply for Assault leave within one week of the incident where they have been physically injured. The principal should advise the teacher that if they do not apply for the assault leave directly after the assault and instead return to work they will not have retrospective entitlement to seek assault

leave. Circular 0061/2017 refers. Appendix 1 is contained within this circular. The teacher makes the application using the form in the circular. This is then completed by the teacher and submitted to the principal with supporting medical evidence of the "physical injury."

The dilemma and legal constraints for the principal.

There are several statutory duties which the principal must be able to manage and fulfill all at the same time, under the authority of the Board of Management. These include the implementation of the Code of Behaviour in relation to the pupil's behavior in a fair and incremental way, which is also balanced under the supports within the Code of Behavior. This may involve creating a paper trail seeking resources and therapeutic interventions for pupils.

Under Health and Safety, principals are required to implement safe systems of work where reasonably practicable and reduce the risk of repetition and reoccurrence.

In some instances where an employee has been physically injured the Principal may have to check with the insurance company if medical expenses may be reimbursed, without admission of liability on the part of the Board of Management.

In relation to employee confidentiality, privity of contract and the Boards duty of care, the principal in the first instance must address the issue of assault in a confidential and supportive manner for the teacher. The staff member should be referred to the Employee Assistance Service to avail of free and confidential counselling and advice.

Ultimately, the principal may have to obtain confirmation from the Chairperson of the course of action they intend to follow.

The INTO is available to principals through these difficult dilemmas. The INTO is available to all members to provide advice and support in the event they are assaulted in their employment.

A purple and white poster for the Employee Assistance Service. At the top, the title "Employee Assistance Service" is in white on a purple background. Below it, a white box contains the text: "The Employee Assistance Service is a free and confidential service that provides wellbeing support to teachers, SNAs and all school staff. This service is provided by Spectrum. Life." To the left, a list of services is shown with checkmarks: "Online Cognitive Behavioural Therapy", "'In The Moment' Support", and "Referral to Counselling". Below the list is a QR code with the text "Scan the QR Code to head to our app". To the right, a large smartphone screen displays an illustration of a woman in a red dress sitting in a chair, talking to a case manager. At the bottom, a light blue box contains the text: "*On the initial contact, our case manager will complete a quick assessment and when appropriate, referral to short term counselling will be made. Register for your wellbeing app: https://wellbeingtogether.spectrum.life/login | Organisation code: yIVIU17".

Employee Assistance Service

The Employee Assistance Service is a free and confidential service that provides wellbeing support to teachers, SNAs and all school staff. This service is provided by Spectrum. Life.

Your Employee Assistance Service is available **24/7, 365 days a year, providing***:

- ✓ Online Cognitive Behavioural Therapy
- ✓ 'In The Moment' Support
- ✓ Referral to Counselling

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Telephone: 1800 411 057

