

## **Education, Culture & Sport Service**

# **Highland Local Negotiating Committee for Teachers**

**LNCT Agreement no. 15 -**

**Physical Intervention In Educational  
Establishments**

**HIGHLAND COUNCIL  
EDUCATION, CULTURE & SPORT SERVICE**

# **POLICY**

## **THE USE OF PHYSICAL INTERVENTION IN EDUCATIONAL ESTABLISHMENTS**

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Support for Learning website:  
[www.highlandschools-virtualib.org.uk/sfl](http://www.highlandschools-virtualib.org.uk/sfl)



## **Contents**

<b>1</b>	<b>Introduction</b>	<b>Page 4</b>
<b>1.1</b>	<b>Purpose of this Policy</b>	<b>Page 4</b>
<b>1.2</b>	<b>Rationale</b>	<b>Page 4</b>
<b>1.3</b>	<b>Protocols, Plans and Programmes</b>	<b>Page 4</b>
<b>1.4</b>	<b>Terminology</b>	<b>Page 5</b>
<b>2</b>	<b>Background</b>	<b>Page 5</b>
<b>2.1</b>	<b>Health and Safety</b>	<b>Page 5</b>
<b>2.2</b>	<b>The Standards in Scotland's Schools etc Act 2000</b>	<b>Page 6</b>
<b>2.3</b>	<b>The Human Rights Act 1998</b>	<b>Page 6</b>
<b>3</b>	<b>Duty of Care</b>	<b>Page 6</b>
<b>4</b>	<b>Implications for School Managers</b>	<b>Page 6</b>
<b>5</b>	<b>Principles Relating to Physical Intervention</b>	<b>Page 7</b>
<b>6</b>	<b>Procedural Points Following Physical Intervention</b>	<b>Page 8</b>
<b>7</b>	<b>Staff Training</b>	<b>Page 8</b>
<b>Appendix 1.</b>	<b>De-escalating Confrontation</b>	<b>Page 10</b>
<b>Appendix 2.</b>	<b>CALM</b> <b>(Crisis and Aggression Limitation Management)</b>	<b>Page 11</b>
<b>Appendix 3.</b>	<b>Reporting Physical Incidents</b>	<b>Page 13</b>
	<b>Physical Incident Report Form</b>	<b>Page 14</b>
<b>Appendix 4</b>	<b>Anti-social Behaviour and Violence</b> <b>Against staff</b>	<b>Page 16</b>

# **The Use of Physical Intervention in Educational Establishments**

## **1 Introduction**

### **1.1 Purpose of this Policy**

This policy deals with all situations where physical intervention or physical restraint may be used. These situations include not only those pupils for whom risks have been assessed and protocols agreed for the use of physical restraint or physical intervention, but also those whose behaviour is unforeseeable and unpredictable e.g. a pupil who for no anticipated reason displays behaviour which could endanger the pupil him/herself, a member of staff or other pupils.

This policy will assist staff to be aware of the type of situation where they may or may not require to intervene physically, and those situations where it is acceptable or unacceptable to physically restrain a pupil. The Highland Council accepts that there are situations where as an act of care, physical intervention or physical restraint may be necessary. All educational establishments should formulate their own policies and procedures on dealing with physical intervention in line with this guidance, and these should be incorporated into the discipline and behaviour policy for the establishment. It must be clear to staff, parents and pupils what is and what is not acceptable in terms of physical intervention or physical restraint.

### **1.2 Rationale.**

Good pupil behaviour and skilled management by staff of pupils' behaviour are essential pre-requisites for an effective learning environment. Behaviour which challenges good order is a barrier to learning and teaching.

Every child has a right to the best education which can be provided in a partnership between school, parents/carers, the Authority and the community.

Staff have a right to teach in an environment which is not subject to disruption or aggression.

Pupils will be unable to attain the highest possible levels of achievement unless they learn in a calm and safe environment. Praise, recognition of effort and celebration of achievements are also vital to maintaining motivation and a desire to learn. However, there can sometimes be occasions in any school when pupils' behaviours challenge the ability of staff to maintain good order. A pupil's behaviour may disturb other pupils, may risk damaging property, or may place that pupil or others at risk of harm. All staff need to know the appropriate steps to take to de-escalate situations, to minimise their severity, and to avoid physical intervention or restraint becoming necessary.

### **1.3 Protocols, Plans and Programmes**

Staff must strive to prevent confrontation or awkward situations developing in order to maintain good working arrangements for all pupils within the class situation.

In most situations a pupil's behaviour can be predicted. Staff who know a pupil well will be able to foresee the type of situation which may cause that pupil severe stress or frustration and which may result in an outburst of unacceptable behaviour. **All** staff should be aware of pupils whose behaviour is volatile and also those with additional support needs which make their behaviour difficult to manage. Behaviour management protocols (ie agreements between parents/carers, the pupil and school staff about how to prevent, minimise and manage specific, potentially problematic situations) must be agreed and established for all situations in which a pupil's behaviour may be seriously problematic. These protocols should link clearly to the behaviour targets which are included in the pupil's Individualised Educational Programme (IEP), Individual Behaviour Plan (IBP) or Personal Education Plan (PEP). Wherever possible parents/carers and the pupil must be partners in these processes.

## **1.4 Terminology**

**Physical intervention** refers to the actions by which one or more people restrict the actions of another.

**Physical restraint** is the positive application of force with the intention of holding a pupil.

Both are acts of care and control aimed at ensuring safety of the pupil and of others.

## **2. Background**

This policy is set within a context of good practice and also takes account of the legal framework.

### **2.1 Health and Safety**

The Highland Council has legal obligations to ensure the health and safety of its staff and of service users. These obligations include:

- a). Ensuring safe workplace practices;
- b). Carrying out risk assessments and taking appropriate action to eliminate or control risks;
- c). Providing appropriate information, instruction, training and supervision for staff.

Each head teacher is responsible for all health and safety matters as they relate to his/her establishment.

All employees are expected to co-operate in the implementation of the Council's health and safety policy by:-

- a). Acting in the course of their employment with due care for their own safety and that of others, who may be affected by their acts or omissions at work.
- b). Co-operating, so far as is necessary, to enable the Council to perform any duty or to comply with any requirements, as a result of any health and safety legislation which may be in force.
- c). Using correctly all work items provided by the Council in accordance with the training and the instructions they receive to enable them to use the items safely.

## **2.2 Standards in Scotland's Schools etc Act 2000**

Section 16 of the Standard's in Scotland's Schools etc Act 2000 states that action taken to avert "an immediate danger of personal injury to, or an immediate danger to the property of, any person (including the pupil concerned)" would not be taken as corporal punishment.

Physical intervention or physical restraint can only be justified if all other intervention strategies and non-physical methods have proved ineffective and there is an immediate danger of physical harm to individuals. No member of staff is obliged to undertake physical intervention where doing so would place that member of staff in immediate danger of physical harm.

**In no other circumstances can physical intervention or restraint against a pupil be justified.**

It should be remembered that all staff have a duty of care and will need to use their professional judgement as to whether or not to use reasonable force to avoid a situation escalating out of hand. Members of staff may, if acting in accordance with this document of guidance, intervene to avert such immediate dangers.

Unreasonable or excessive use of force may result in criminal proceedings for assault, or in civil proceedings for damages. In addition, disciplinary proceedings may be taken against a member of staff if there is evidence that force was excessive or unreasonable.

## **2.3 The Human Rights Act 1998**

The European Convention on Human Rights (Article 3) deals with the prohibition of inhumane or degrading treatment or punishment. Physical intervention may be open to challenge but should be used in appropriate circumstances.

## **3 Duty of Care**

Highland Council staff working in or at an educational establishment have a duty of care in relation to the physical wellbeing of pupils and colleagues. Failure to act when there is evidence that a greater and significant harm may occur could result in allegations of negligence and consequent civil litigation.

When the action taken is in line with this policy then Highland Council, as part of its duty of care to staff, will support its employees.

## **4 Implications for School Managers**

All education establishments must adopt this policy.

The senior management team of each school must ensure that:

- a) Risk Assessments are carried out where necessary for the purpose of establishing appropriate protocols.

- b) Behaviour protocols are developed and agreed (see Paragraph 1.3)
- c) Staff, where appropriate, are offered training in approved methods of physical intervention.

## 5 Principles Relating to Physical Intervention

It is essential that every member of staff is aware of these principles and applies them to their practice:

- a) Physical intervention, up to and including physical restraint, should be used only as a last resort when all other strategies have been considered.
- b) Such physical intervention should serve to de-escalate or prevent a violent or potentially violent situation.
- c) Physical intervention should not be used as a method of enforcing discipline or compliance when there is no serious risk to individuals.

**5.1** If all steps have been taken to ensure that a pupil does not exhibit violent behaviour towards another person and the situation continues then the pupil should be warned that if they do not desist physical restraint may be used.

**5.2** When it is apparent that a pupil is not responding to the behaviour management strategies being used by an individual member of staff and a violent incident seems imminent, then wherever possible another member of staff must be summoned. This will not be seen as failure, the presence of a second adult could prove helpful in ensuring safety, objectivity and calm control, as well as providing a witness to what takes place.

**5.3** When it becomes necessary to restrain a pupil, staff should maintain a calm and reassuring manner, without analysing the incident at this point.

**5.4** Restraint must at all times be “reasonable” and judgement of what constitutes “reasonable” rests with the member of staff at that point in time. “Reasonable” is the minimum restraint a responsible adult would exercise to prevent physical injury or damage, always bearing in mind danger to those concerned.

**5.5** Care must be taken to avoid pain or injury to the pupil. **Restraint must never:**

- a) interfere with breathing, blood supply or genital areas;
- b) involve holding the head, throat, wrists, joints or fingers.

**5.6** Restraint should be relaxed and released as soon as possible to allow the pupil to regain composure. The pupil should be told what will happen next to avoid unnecessary anxiety. If the member of staff is going to release the grip and stay quietly with the pupil, this should be explained.

**5.7** Restraint should always be an act of care, never of punishment.

**5.8** A pupil must never be asked to restrain another pupil.

**5.9** When considering whether a staff member may undertake training in restraint, managers must take into account the overall level of professional experience of the staff member, their need for this training, and the appropriateness of allowing that individual to undertake this type of physical task.

## **6 Procedural Points Following Physical Intervention**

Any incident where physical intervention has been used must be reported to the Head of the establishment immediately or as soon as is feasible and the circumstances and justification recorded. See Appendix 3.

**6.1** Parents/carers should be contacted by the Head of Establishment at the earliest opportunity, and on the same day in all cases.

**6.2** Both the pupil and the parents must be made aware of the reasons why restraint was necessary. The views of the pupil and parents should be recorded at the time of discussion.

**6.3** The Head of Establishment should discuss the incident and reasons with the member of staff involved and support should be provided as appropriate.

**6.4** After the incident, time must be taken to ensure that the member of staff involved has the opportunity to discuss the incident and their feelings around it. Personnel directly involved may require some protected time to reflect. After a serious incident it is sometimes helpful for staff to have an opportunity to discuss with someone (possibly a colleague or trade union representative) who is external to the establishment and/or not in a line management relationship to them.

**6.5** This will also be an appropriate time to reconsider the strategies in place and to re-assess risks in the light of what has happened. (See Section 4.)

**6.6** This policy will be monitored by the Education, Culture and Sport Service to ensure that physical restraint does not become routine on any establishment.

## **7 Staff Training**

**7.1** Effective education can only happen in an environment within which there is a partnership between the teacher and the pupils. Teachers play a major role in developing this partnership by utilising their skills to manage their pupils effectively. These skills include those of effective organisation and teaching, and those of preventing, minimising and managing potentially problematic situations. The Education, Culture and Sport Service offers in-service to support staff in developing these skills, and this programme is being further systematised during the school session 2005-06. Key elements of the continuing programme are training in the use of the Structured Intervention Approach and in de-escalation. It is essential that head teachers continue to support their staff to attend these events.

**7.2** Where there are concerns about the possibility of volatile behaviour, managers must carry out risk assessments to identify potentially violent situations and appropriate strategies to prevent violent incidents occurring, thus minimising the need for staff to employ physical restraint techniques. This may include offering training to staff in procedures to minimise the dangers of harm to pupils, themselves and others. In specialist settings where such training makes a significant contribution to ensuring the safety of staff and pupils, job specifications may include the

need to undertake this training, and staff who are unwilling to undertake training may need to be considered for redeployment.

**7.3** The only training in physical restraint allowed by the Education, Culture and Sport Service is that provided by CALM Training Services, and staff who use these methods must have received the required training.

**7.4** Staff trained in the use of recommended techniques must maintain their skills and have time protected to allow them to undertake the appropriate level of practice and re-verification. Both individual members of staff and The Highland Council are vulnerable to legal action if staff use the CALM methodology without valid and up-to-date re-verification.

**7.5** This policy will be supported by guidance giving practical illustrative examples with a view to ensuring effective implementation of this policy. This guidance will be issued to all educational establishments and should be reflected in individual school policies.

## Appendix 1

### De-escalating Confrontation

A 90 minute training session has been designed for participants about to undertake CALM training. This focuses on practical advice for teaching and support staff on how to obviate the need for physical intervention and physical restraint.

The session opens with a theoretical introduction to a range of approaches to managing behaviour and moves on to an analysis of the use of corrective, acknowledgement and expectation language in the class and group setting. Factors other than the management actions of the adult are then explored, in order to bring out other multi-faceted issues involving the use of language.

The Confrontation Continuum is then introduced; this is designed to assist staff in understanding the process whereby a pupil can move from being on task to being physically aggressive. Specific tactics are then offered under the headings:

- preventing confrontation,
- de-escalating confrontation, and
- defusing confrontation.

Video of dramatised confrontations in classes are then shown and discussed.

Although originally designed as a Pre-CALM course, de-escalating confrontation has been made available on request as a one hour session for all schools. Requests for this course should be discussed with the Development Officer, Support for Learning, (Jane Baines) who is based at the Dingwall Education Centre.

Further information about CALM is given in Appendix 2.

## Appendix 2

### CALM (Crisis and Aggression Limitation Management)

CALM (Crisis and Aggression Limitation Management) is the chosen strategy of Highland Council for physical intervention techniques.

Only those who hold a current accredited training qualification in CALM may carry out these techniques.

School staff will only be considered for CALM training following a full risk assessment by school managers and following the application of relevant positive interventions.

1. Before undertaking CALM training staff must undertake compulsory inset on:

- the legislation in relation to physical intervention
- health and safety and risk assessment aspects
- de-escalating conflict situations

and if appropriate on:

- the management of behaviour of pupils with Additional Support Needs
- the development of procedures in the school to manage physical intervention and noted in school handbook
- securing the full knowledge, involvement and agreement of parents/carers.

2. The justification for utilizing the CALM philosophy and implementing CALM intervention techniques in the Highland Council's Education, Culture and Sport Service is as follows:

- In Highland, both the Education, Culture and Sport Service and Social Work Services have trained instructors in CALM techniques. This leads to a consistency of practice for all our young people in the Highlands.
- CALM embraces a philosophy, which the Authority recognises as part of promoting an effective holistic behaviour management package.
- CALM has a comprehensive Quality Assurance procedure. The Highland Council Education, Culture and Sport Service will comply with these procedures to ensure the Health and Safety of the pupils and staff.
- The Highland Council's ECS instructors will deliver training according to the "Code of Practice for Trainers in the Use of Physical Interventions; Learning Disabilities; Autism and Pupils with Special Educational Needs." This code aims to safeguard participants.

3. CALM techniques are compliant with Health and Safety legislation in promoting the well-being of staff and pupils in the following ways:

- CALM techniques are designed to comply with legal requirements, national policy guidance and current research. CALM physical techniques comply with the Highland Council's Moving and Handling Policy.
  - The safety of both pupils and staff is promoted by only engaging in physical intervention to prevent the pupil harming themselves or others.
  - CALM physical intervention aims to maintain the dignity of all persons involved both in school and the wider community.
  - There is a minimum risk to staff of injury or of injuring the subject. Pain is not deliberately used to gain compliance of the subject. No pressure is placed on or across the subject's joints as these are vulnerable to damage.
  - The hierarchy within CALM techniques allows the minimum reasonable force to be applied at each level of escalation or de-escalation depending on pupils' behaviour. Minimal hand movements between levels ensure that staff can easily move to a more or a less restrictive hold.
  - Calm techniques are non-threatening, non-challenging and non-confrontational.
  - The techniques are reassuring for staff. Increased skills improve the confidence of staff and their ability to manage difficult situations.
  - Recording systems alert staff to foreseeable risks and determine the inclusion of specified CALM techniques in Individualised Educational Programmes.
  - The use of CALM techniques must be recorded.
  - The maximum restraint to be used in most educational settings is a hold in a seated position. Holds at a higher level will only be offered in training after a rigorous risk assessment procedure.
4. Physical intervention training cannot replace good practice and effective management. No system can offer a stand-alone answer to aggressive/violent behaviour. CALM is only the last piece of the practice jigsaw, not the complete jigsaw.

## **Appendix 3**

### **Reporting Physical Incidents**

The following form should be completed in schools for every incident where there is physical intervention or physical restraint. This form will be used to compile the information about the use of CALM holds which is required for the annual CALM return.

Where appropriate an 'Anti-Social Behaviour and Violence Against Staff' form (see Appendix 4) should also be completed in accordance with existing procedures.

Head of establishment should carefully monitor these forms to establish if any patterns are developing or if further action has to be taken, and by whom.

A copy of the Physical Incident Report Form may accompany a Violence and Aggression form.

Where appropriate, the Head of Establishment should follow up with their senior manager.

It is advisable to retain documentation for a period of ten years after the pupil leaves school - in case of inquiry or complaint.

## Physical Incident Report Form

Child's Name..... Date of Physical Incident.....

Full Name of Adults involved .....

.....

Other Children Involved .....

.....

### Details of Physical Incident

1) Time of Physical Incident

2) Duration

3) Location

4) Lead up to the Physical Incident  
(including alternative approaches used prior to physical incident)

5) Method of Physical Intervention (If used, state CALM hold)

6) Does this pupil have a Behaviour Protocol?      Yes                          No   

If yes, was the protocol followed?                      Yes                          No   

If no, state reasons:

**Outcome of Physical Incident**

- 7) How the incident was resolved
  
- 8) Details of any injuries
  
  
  
  
  
  
  
  
  
  
- 9) Other relevant comments, including prognosis

**Follow Up** – police involvement, medical attention etc.

**Dates relevant agencies and parents involved:**

Signed .....  
(staff member)

Signed .....  
(Head of establishment)

Print Name.....

Print Name.....

Date .....

Date .....

Form seen by Child Protection Officer

Date.....

Signed .....

Print Name.....

## Appendix 4

### ANTI-SOCIAL BEHAVIOUR AND VIOLENCE AGAINST STAFF

Definition of anti-social behaviour and violence:

*“Any incident in which an employee of a school is seriously verbally or physically abused, threatened, attacked or harassed by a pupil, parent, member of the public or any other person in circumstances arising out of the course of his/her employment. This includes any statement or action that causes the member of staff to fear for their safety, the safety of another, the school or for personal property.”*

This includes physical violence, sexual, homophobic or racial harassment or abuse, harassment relating to religious beliefs or disability, assault (with or without a weapon), verbal threats or threatening gestures, verbal taunting, vandalism or arson, and any other intentional damage to personal property.

Managers of staff who have been the victim of violence or anti-social behaviour should **fully** complete this form. It will help us to understand the problems staff face in their work, and consider ways in which the risk of future incidents can be reduced. Please use a continuation sheet if necessary.

Completed forms should be returned to: Your Area Education Office AND the Performance Management Unit, **Highland Council, Education, Culture and Sport Service, Castle Street, Dingwall** AND the Health and Safety Unit, **Dochfour Drive, Inverness** - as soon after the incident as possible.

Date of Incident	Day of Week	Time
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**1 Employee – personal details of person assaulted – one incident can result in more than one person assaulted or more than one assailant – give additional details below as appropriate**

Name			Job/Position			
School Name / (or Work Address)						
Sector (Pr, Sec, Spec, Nurs) / Dept or Section		Age	18 - 30	31 - 50	51 +	Gender M/F
Location of Incident:	* Pre School / Classroom / Other area of school building / School Grounds / Outwith School Grounds * circle appropriate location					
Ethnicity	(see end for list of categories of ethnicity)					

**2 Details of assailants (if known)**

**3 Witness(es) if any**

Names(s)		Names(s)	
Address(es) (If NOT pupils)		Address(es)	
Age(s) approx			
Gender			
Description (optional)			
Ethnicity	(see end for list of categories of ethnicity)		
Relationship between employee and assailant, if any			

<b>4   Incident Type:</b>				
Please tick all boxes which refer to the incident				
Verbal Abuse		Physical assault (no weapon or improvised object)		
Assault using a weapon – an implement brought in with the premeditated intent of causing harm or injury		Physical Assault using an improvised object		
Damage to Personal Property				
Racially Motivated		Religiously Motivated		
Motivated by homophobia/sexual orientation		Motivated by Disability		
Sexually Motivated				
Was the perpetrator :-				
	Pupil /	Ex-Pupil /	Parent /	Other Person
Does the pupil have ASN -	YES / NO	Circle as appropriate (see notes)		
Please give details of Additional Support Needs:				
Were the Police notified:-	Yes / No	Circle as appropriate (see notes)		
Consequences of the incident:	No time off taken / Time off (Treatment for emotional effects) / Time of (treatment for Physical injury) / Time off – reportable under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences, 1995) (ie more than three days or “major injury”, such as broken arm or leg etc.) / Unknown			
Number of days lost by school staff as a direct result of violence				

<b>5   Details of incident</b>
<p>a) Type of assault (including any injury suffered, treatment received, time off work etc.)</p> <p>b) Location of incident (attach sketch if appropriate)</p> <p>c) Other details: please describe incident, including where relevant, events leading up to it, relevant details of assailant not given above, if a weapon was involved, member of staff present.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

<b>6   Outcome (e.g. what happened after the incident, was child excluded, where police called, any other legal action and any action taken by the school).</b>
<p>.....</p> <p>.....</p>

**7 Other information (to be completed as appropriate)**

a) Possible contributory factors

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b) Is assailant known to have been involved in any previous incidents YES/NO

c) Give date and brief details of (b) if known

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d) Had any measures been taken to try to prevent an incident of this type occurring? If so, what? How did they fall short? How could they be improved?

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 -----  
 -----  
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e) Even if no measures had been taken beforehand, in your view could action now be taken? If so what and has it been taken?

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 -----  
 -----  
 -----

f) Any other relevant information

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 -----  
 -----

Signed

Date

Position

-----  
 -----

<i>Categories of ethnicity:</i>		
White – UK	Asian - Bangladeshi	Black - Other
White - Other	Asian - Chinese	Other
Mixed	Asian - Other	Not Disclosed
Asian - Indian	Black - Caribbean	Not known
Asian - Pakistani	Black - African	

**Additional notes on the completion of this form:**

**Verbal abuse** includes any form of verbal threats or taunting, offensive or threatening gestures and threatening behaviour. The member of staff would feel seriously abused or threatened by the perpetrator. Casual swearing would not normally be included, unless used in a threatening or aggressive way towards the member of staff.

**Physical violence** is an actual or attempted physical attack to the body with or without a weapon.

**Damage to personal property** is intentional damage caused to personal items of the person involved including clothes, vehicles and other possessions (handbags, jewellery etc). If a weapon or improvised object was used to cause the damage then this should be recorded. **Vandalism and arson** should be recorded

A **racially motivated** incident of violence would meet the criteria above and be motivated by the victim's:

- skin colour or
- race or
- nationality (or citizenship) or
- ethnic or national origin

A **sexually motivated** incident of violence would meet the criteria above and also include unsolicited behaviour of a sexual nature. It could take many forms including:

- distasteful jokes, pranks or stories
- unwanted personal comments on dress or appearance
- innuendo, mockery and the general use of sexually explicit or provocative language
- suggestive or sexually derogatory remarks and verbal abuse
- unwanted touching or physical contact
- physical assault or explicit sexual violence
- pin-ups and displays or circulation of pornographic material
- unwarranted, intrusive or persistent questioning about a person's marital status, sexual interests or orientation
- unwelcome sexual advances and demands for sexual favours

A **homophobic** incident of violence would meet the criteria above - motivated by the victim's sexual orientation.

A **disability** motivated incident of violence would meet the criteria above and be motivated by the victim's disability.

A **religiously** motivated incident of violence would meet the criteria above and be motivated by the victim's religion.

**The location** of the incident is specified as:

- in the classroom
- other areas of school buildings (e.g. toilets, corridor, swimming pool)
- school grounds (e.g. playground, school playing fields)
- outwith school grounds (e.g. walking to the car, in the local community, during school excursions).

There is no boundary placed on an incident. For incidents outwith school grounds, the key criteria is whether the circumstances arise from the staff member's employment. For example, damage to a person's home would be included if that is considered to arise directly from their employment in school.

**Details of alleged assailants – ethnicity**

Please record the ethnicity (where known) of alleged assailants here.

Incidents involving **multiple victims or perpetrators** should generally be recorded only once. It is accepted that this will normally be most practical for administrative purposes.

A **pupil with ASN** is any pupil with additional support needs or who has a Coordinated Support Plan, or any other identified additional support needs (including undergoing assessment for a possible CSP).

Signed on behalf of the Council

Signed on behalf of the Teachers' Side

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Name            Bruce Robertson  
Designation    Joint Secretary LNCT  
Date            07 February 2005

Name            Andrew Stewart  
Designation    Joint Secretary LNCT  
Date            07 February 2005