



VIOLENCE AT WORK

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1. DEFINITION

The working definition of violence is to be taken as:

"Any incident in which an employee is abused threatened or assaulted by a student, colleague or member of the public in circumstances arising out of the course of his or her employment."

The expression of violence takes many forms ranging from physical assault and verbal abuse to intimidation and low level threatening behaviour.

Where there is no physical injury, there can still be considerable emotional stress, threats may indicate a risk of actual injury. Malicious damage to an employee's property can also cause distress and fear of future physical attack.

People will have different perceptions about behaviour they find threatening or offensive, or which causes distress rather than simple annoyance.

It is recognized that teachers can be reluctant to report certain incidents for fear that it may reflect on their professional ability. It is important that colleagues always support each other when these incidents occur and the idea that a teacher should be able to control every situation and manage every student should be dispelled.

Violence at work is an Occupational Health and Safety issue and must be addressed.

Please note that references to legislation in this document generally provide a summary of the contents of particular sections and regulations. You are advised to refer to the legislation itself for the exact wording of a particular reference.

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2. LAW AND PROVISIONS ALREADY IN PLACE

Section 32 Occupational Health and Safety Act 1984

29. Duties of employers

(1) An employer shall, so far as is practicable -

(a) provide and maintain a working environment at a workplace that is safe and without risk to the health or safety of the workers working at the workplace; and

(b) ensure that the health and safety of any other person is not adversely affected as a result of the work in which the employer or any worker is engaged.

Penalty: In the case of a body corporate - \$125,000.

In the case of a natural person - \$25,000.

30. Duties of occupiers of workplaces

An occupier of a workplace shall ensure, as far as is practicable, that the workplace and the means of access to and egress from it are safe and without risk to health.

Penalty: In the case of a body corporate - \$125,000.

In the case of a natural person - \$25,000

31. Duties of workers

(1) A worker while at his or her workplace shall take appropriate care for his or her own health and safety and for the health and safety of all persons who may be affected by his or her acts at the workplace.

(2) A worker shall, as far as is practicable, follow all reasonable directions given to him or her by his or her employer or his or her employer's representative in relation to his or her own and any other person's health and safety at the worker's workplace and shall use relevant safety equipment when provided or made available for his or her use.

(3) A worker shall not -

(a) willfully or recklessly interfere with or misuse anything provided in the interests of health and safety in pursuance of this Act; or

(b) Willfully place at risk the health or safety of a person at the worker's workplace.

Penalty: \$5,000.

32. Immediate threat

(1) Where there is an immediate risk of severe injury to a worker at a workplace and that risk is not removed by the employer, the worker may cease work in the area in which the risk is present.

(2) During a period during which a worker has, under subsection (1), ceased work, his or her employer may assign him or her to alternative work.

(3) A dispute between a worker and his or her employer as to whether there is an immediate risk to the worker may be referred by either party to the Authority, or a person to whom the power of the Authority under subsection (4) is delegated, for a ruling.

(4) The Authority or its delegate shall, immediately on receiving a request for a ruling under subsection (3), investigate the matter and, where it or its delegate, as the case may be, is satisfied that -

(a) the risk exists, take action appropriate under section 41; or

(b) there is no such risk, advise the employer and the worker accordingly and the employer may require the worker to resume forthwith his or her usual work.

OH & S **Occupational Health and Safety Act 1984**

Although there are no specific regulations relating to violence in the workplace, there are general regulations requiring the employer to assess and manage hazards at the worksite.

48A. Notification of accidents

Where -

(a) an accident occurs at a workplace, whether or not it causes the death of, or bodily injury to, any person; or

(b) there is an occurrence at or in relation to a workplace which affects the health or safety of any person at the workplace,

which is a prescribed accident or occurrence required to be notified under this section -

(c) the employer at the workplace; or

(d) such other person as is prescribed,

shall give notice of the accident or occurrence in the prescribed form and manner.

Employers are under obligation to provide safe and healthy workplaces and employees are also obliged to take reasonable care at work. Violence in the workplace is not acceptable. (WorkSafe Bulletin 15.01.07)

Incident Notification

You must notify NT Worksafe on a broad range of safety related matters including accident, plant demolition, asbestos removal, use of suspended scaffold, erection of public stands and the import or export of explosives.

These notifications also include:

- within 24 hours of work related accidents or fatalities;
- an injury where a person is likely to be absent from work for greater than five days;
- where a person other than an employee is injured;
- contact between plant and a live electrical conductor;
- exposure to a hazardous substance that results in a person being admitted to hospital;
- an accident involving the load bearing part of a crane, hoist or scaffold;
- failure of pressure equipment;
- collapse of an excavation which is more than 1.5 metres deep;
- explosion or fire affecting designated plant;
- failure of personal protective equipment affecting a person;
- explosion, fire, spillage, leakage or discharge of dangerous goods or imminent risk of these; and
- injury or substantial damage to property as a consequence of handling dangerous goods.

When reporting work injuries or diseases employers are required to provide the following:

1. employer's name and address;
2. employee's name, gender and occupation;
3. in the case of an injury:
 - address of the place at which the injury occurred;
 - date and time of the injury;
 - brief description of how the injury was incurred and any equipment involved;
 - nature of the injury;
 - place to which the employee was taken.

Work injuries may be reported to WorkSafe NT on the appropriate form, which can be found at <http://www.nt.gov.au/deet/worksafe/corporate/forms/notifications/fm137.pdf>

Workers Compensation

If you require information in relation to Workers Compensation then we would recommend that you contact the AEU-NT and speak with one of the Full Time Officers, in the first instance.

Suspension and or Expulsion of a student *(quoting from Education Act)*

26. Power of Secretary

The Secretary may direct that a child be not enrolled in a specified Government school.

27. Suspension by head teacher

(1) Where the head teacher of a Government school at which a person is enrolled is of the opinion that the person should be suspended from attendance at the school because the presence of the person at school would, in the head teacher's opinion, be injurious to the health or moral welfare of other persons enrolled at the school, by reason of the person's insolence, repeated disobedience, immoral conduct or serious breach of discipline, the head teacher may suspend the person from attendance at the school.

(2) [Omitted]

(3) Where the head teacher of a Government school has suspended a child under subsection (1), he shall immediately furnish notice, in a form approved by the Secretary, of the suspension and a full report of the circumstances to a parent who has the actual custody of the child and to the Minister.

(3A) Where the head teacher of a Government school has suspended a person, other than a child, under subsection (1), the head teacher shall immediately furnish notice, in a form approved by the Secretary, of the suspension and a full report of the circumstances to the person and to the Minister.

(4) A suspension under this section shall remain in force for the period, not exceeding one month, specified in the notice referred to in subsection (3) or (3A), as the case may be, or until the Minister decides whether, in the case of a child, the child shall be expelled under section 28, whichever is the earlier.

28. Expulsion by Minister

(1) Where the Minister considers it necessary in the interests of other children attending a Government school, the Minister may expel a child from the school at which the child is enrolled.

(2) The Minister may, at any time, review an expulsion made under subsection (1) and, where he is of the opinion that the child should be no longer expelled from the school referred to in that subsection, he may terminate the expulsion.

(3) As soon as practicable after an expulsion or termination of expulsion under this section, the Minister shall inform or cause to be informed in writing a parent who has the actual custody of the child of that expulsion or termination of expulsion.

29. Parent to ensure non-attendance

(1) A parent of a child in respect of whom a notice has been given under section 25 or 27 or who has been expelled under section 28 shall ensure that the child does not attend school during the period specified in the notice given under section 25, subject to the provisions of subsection (2) of that section, or section 27 or while the child is expelled from school under section 28, as the case may be.

Penalty: \$200.

(2) It is a defence to a charge under this section that the attendance of the child at school did not result from any failure of the parent to exercise proper care and control of the child.

(3) In this section, "attend school" means to be present at the Government school at which the child is enrolled at any time during a day, or any part of a day, when instruction is provided at the school for children.

29A. Re-enrolment after expulsion

Where a child has been expelled from a Government school, a parent of the child shall not, without the permission of the Minister, enrol the child at a Government school, except at the educational institution known as the Northern Territory Secondary Correspondence School or at a school of the air.

3. ASSAULT ON TEACHERS BY STUDENTS

THE AEU-NT URGES ALL MEMBERS TO ADHERE TO THE FOLLOWING PROCEDURE WHEN A TEACHER IS THE VICTIM OF AN ASSAULT BY A STUDENT. ASSAULT CAN INCLUDE PHYSICAL VIOLENCE, AGGRESSION, SERIOUS VERBAL ABUSE, SEXUAL OR RACIAL ABUSE, INTENTIONAL DAMAGE

MEMBER

1. The member who was assaulted makes a formal report of the assault on a prescribed form (Incident Report).



2. Work through the following:
 - Ask to be removed from that situation immediately or advise the Principal that you wish to go home.
 - Consider visiting your medical practitioner even if there is no visible injury.
 - It is recommended that the assault is reported to the police and criminal charges should be pressed.
 - Seek debriefing counselling through the NT DEET authorised Employee Assistance Scheme (EAS)
 - If you are unfit to return to work, apply for Workers' Compensation.
 - Seek advice from your Union representative or Union office for legal redress.
3. When re-commencing work with the assailant work with Union Representative and Principal.



4. Under Section 32 of the Occupational Health and Safety Act 1984 the AEU-NT believes that if any employee has reasonable grounds to believe that the perpetrator represents an imminent risk of serious harm of injury to themselves or other students, the employee may refuse to work with that student/parent. In this situation the employee concerned must notify the OS&H Rep and the Principal/Director. This is only an option under special circumstances and you are advised to discuss this with your Union Representative in the first instance.

UNION REPRESENTATIVE

1. The report is given to the worksite Union Representative.



2. The Union Representative makes copies and gives one to the:
 - AEU-NT Office
 - Worksite OH & S Representative
 - School or Worksite Principal



3. Meet with the Principal and Member involved (see School Principal - point 2). If the meeting(s) do not resolve issues to the member's satisfaction seek Full Time Officer advice and move to No 4.



4. Call a meeting of all members at the worksite where the assault took place. An AEU-NT Full Time Officer is to be invited to attend/input through teleconference. If the student is from a minority cultural group, a Community Representative from that cultural group should be consulted about the students' behaviour and background.



5. The assault should be discussed at the meeting and any action that is required to address associated problems. The Union Representative/OH & S Representative will then address all staff including the Principal/Director on the issue. Terms on which a student could be allowed to return to school are to be agreed, or exclusion applied for.

SCHOOL PRINCIPAL

Research has shown that it is important to acknowledge these events in order to minimise the psychological impact on employees.

Immediate and appropriate support is essential to assist employees who have been assaulted and this can take the form of the following:

- Provide an option for the employee to go home and ensure that the journey can be undertaken safely.
- Advise the employee to visit their G.P. or health clinic, particularly if there are signs of physical injury.
- Advise of the available counselling services (EAS).
- Discretion should be used regarding the employee's immediate duties and/or return to normal duties.
- Staff who require time off or medical attention due to an injury at work should be advised of their entitlement to workers' compensation and the necessary forms provided.
- Appropriate disciplinary measures should be implemented against the student in accordance with the school's Behaviour Management policy.

Any student assaulting a teacher may be suspended for a period not exceeding one month. (See Education Act 2003 S 27 & 28)

- The employee has the right to report any assault to the police. They must be allowed to make this decision for themselves either at the time of the assault or at a later date.
- Ensure an appropriate staff member provides ongoing peer support to the injured employee.
- All assaults and threats of assaults should be notified to the appropriate General Manager Schools as well as General Manager People and Learning
- Certain specified injuries and any injury that occurs at work that causes the employee to miss 5 working days or more must be notified to WorkSafe NT.



Meet with the Union Representative and employee involved to discuss what steps will be taken to:

- Deal with the assailant.
- Provide ongoing support for employee.
- Put in place steps to prevent a recurrence.

- **Student Discipline**

Punishment or other steps may be taken by the Principal. Where a teacher has been assaulted by a student, it is prudent to refer the matter of discipline to the principal rather than to make decisions on the matter him/herself.

Legal Advice/Assistance

Legal advice and assistance is available through the Union for members free of charge for work related matters.

Going to Court can be difficult, distressing and a painful experience, members who have been victims of serious assault or members who have attended Court as witnesses to an assault have reported the experience as unpleasant.

Proper advice from a solicitor can help prepare you for this experience. Union organisers would be available to attend Court with members to provide support on request.

Counselling Services

It is considered essential that victims of assault should receive counselling as soon as practicable after a serious incident. This process can help defuse feelings and may avoid some of the complex emotions, abnormal coping behaviour and long term effects that may result from experiencing or witnessing a serious assault.

Employee Assistance Program (Employee Assistance Services)

The counselling service, provided by the NT DEET, provides confidential counselling to all DEET employees and their immediate families, free of charge. For an appointment telephone 1800 193 123

4. AEU-NT RECOMMENDED PROCEDURE FOR ANY ASSAULT ON A MEMBER BY A PARENT OR MEMBER OF THE PUBLIC

Assault includes physical violence, aggression, serious verbal abuse, sexual or racial abuse, and intentional damage.

Stage 1

The member who was assaulted makes a formal report of the assault to the employer (NT DEET incident report form).

Stage 2

The member works through the following actions:

- Asks to be removed from the situation immediately: and/or
- Advise the Principal that you wish to go home; and/or
- Visit your doctor (even if there is no visible injury). Apply for workers' compensation, if applicable.
- Report the assault to the police and request criminal charges be pressed.
- Seek counselling (EAS)
- Contact your Union Office urgently for:
 - Legal Advice
 - Ongoing assistance and support from your Full Time Officers
 - Report of incident to be formally recorded.

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Stage 3

When recommencing work with the assailant, the member has the right to negotiate the following options in the context of ensuring a safe work environment.

- a) Refuse any face-to-face contact without a support person (we recommend this to be the Union Representative)
- b) Refuse any face-to-face contact. Assailant must work through the administration. Teacher provides written reports to parents as per normal reporting/accountability/measures
- c) Principal may make a Restraining Order prohibiting the person from entering school premises. The assailant is therefore not allowed on the school premises without prior appointment and such invitation is restricted to meeting requirements set by the teacher and Principal

Note: Restraining Orders may only be made against persons not employed by the NT DEET.

- d) Legal action against the assailant should be considered (advice should be sought from the NT DEET's Legal section or the AEU-NT's lawyers regarding some or all of the following options):
 - Restraining order
 - Equal opportunity action
 - Civil action for damages
 - Criminal injuries compensation

Step 1 The member(s) may choose to use more than one option.

Step 2 The member advises Union Representative who assists and negotiates the appropriate options with the Principal.

Step 3 The Principal would notify the assailant of the conditions for further communications.

Step 4 The position would be reviewed at an agreed time, or if conditions are breached, the member would look at options for further action.

Stage 4

Under Section 32 of Occupational Health and Safety Act 1984, if the employee has reasonable grounds to believe that the perpetrator represents an **imminent risk** of serious harm or injury to themselves or students, the employee may refuse to work with the person.

In this circumstance, it is assumed that Stage 3 has broken down and the employee has not been able to satisfactorily negotiate conditions for a “safe environment”.

Section 32 is an option, which should be employed only under special circumstances.

- a) Advise the principal and the OH & S Representative
- b) Cover their duty of care responsibilities to the students before removing themselves.

5. WHAT MEASURES CAN BE PUT IN PLACE IN SCHOOLS BY SCHOOLS & COLLEGES

Reporting and Recording Incidents

A formal system for reporting and recording incidents is required to enable:

- a) appropriate preventative strategies to be devised
- b) to monitor whether these strategies are effective

Staff will need to be positively encouraged to report incidents, if a true picture of their nature and frequency is to be built up.

It should be made clear that reporting of incidents will not be adversely linked with a person's ability to teach and control students. Assault is widespread and happens to the very best of teachers on occasions.

It is with concern that reports have been received that staff have been positively discouraged from reporting incidents/taking legal action because of the perceived reputation it might give the school. The only answer to this attitude is that it will reflect badly on the school if it becomes known as a school where aggression, bad behaviour and violence are tolerated and ignored.

Recording incidents acknowledges that something occurred and collectively the statistics can be used to make the DEET acknowledge that violence at the workplace is a real safety and health issue that must be addressed.

No less important is the fact that if the incident leads to physical or mental problems being experienced by the victim, requiring time off or medical attention, the actual recording of the incident will be important in establishing a workers' compensation claim.

Regular Staff Discussion

The number and type of assaults occurring should be discussed at staff meetings. This allows staff to express their feelings on the issue and will identify "problem" students. Patterns of inappropriate behaviour and possible preventative strategies may be identified by this process.

This type of discussion will help reduce the isolation experienced by victims and will encourage reporting and act as a support mechanism.

Parents

Incidents of aggression, threatening behaviour, offensive behaviour and violent outbursts should be reported to parents of the student.

Discipline

Where more serious incidents or repeated unacceptable behaviour occurs, appropriate discipline measures in accordance with the School's Management of Student Behaviour Policy must be applied.

Peer Support

Always be supportive to colleagues who have suffered abuse, assault or have "problem" students in their class. Never belittle their feelings or experiences. Be available to listen.

General

Avoid remaining alone on the school premises after or before school. If you must work alone choose a room that can be locked and that has a telephone to call for help in emergencies. Always notify the Principal if you intend to work outside of normal hours.

Parental Violence

All visitors to the school should be directed to the administration reception.

Sign posting to this area should be easily visible and unambiguous and may need to be repeated at intervals. The reception area should have adequate seating and perhaps reading material if visitors may have to wait for attention.

People working in administration/reception area should be able to contact help easily if required.

Parents should always be encouraged to make appointments except for emergency/very urgent matters (even so they should telephone school first). A teacher should never be alone in a closed room with a parent that perceives that they have a grievance. Consideration should be given to fitting an alarm device for summoning help in interview rooms.

When angry parents or other visitors arrive at school or college premises, some procedures can help to diffuse a difficult situation and avoid violent confrontation, examples are:

- Avoiding confrontation in front of an audience, particularly groups of students. The fewer people they are involved in an incident, the easier it is for the aggressor to back down without losing face
- Asking another preferably senior member of staff to help talk things through with the visitor
- Staying calm speaking slowly so as not to be drawn into a heated argument
- Avoid aggressive body language such as hands on hips, wagging or pointing fingers, looking down on the aggressor, take care not to behave patronisingly.
- If the visitor will not calm down, suggest that they come back tomorrow when all parties have had time to think things over.

If the visitor behaves in a threatening manner or if there is a foreseeable risk of violence, tell them that you will have to call the police/or just go ahead and call the police, depending on the situation.

The principal has the right to refuse persons entry to the premises, order people off the premises and ban people from visiting the premises. See section 4 for further information. All incidents must be reported and recorded. All serious incidents should be reported to the police.

6. AEU-NT POLICY ON THE ENROLMENT OF STUDENTS WITH A HISTORY OF VIOLENT BEHAVIOUR

It is the policy of the AEU-NT that students who exhibit violent behaviour must be excluded from on campus education within Government schools. It is recognised, however, that the behaviour of a student may be due to temporary external influences and that behaviour can be modified through suitable rehabilitation programs. It is not the intention of the AEU-NT that students never be given a chance to resume Public school education. Should there be reason to believe that a student could once again be admitted into a normal class situation without disrupting the learning process of others or posing a threat to the safety or well-being of staff or students.

Where this situation arises, the prime concern of the Union has to be the safety and wellbeing of AEU-NT members and therefore the AEU-NT expects the following to be observed when consideration is being given to enrolment of a student with a history of violence or inappropriate behaviour.

Employees have a right to be consulted on matters with a potential to affect their health and safety at work. They must also be provided with such information, instruction and training as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards.

Initially, a meeting should occur between the following persons to discuss the case:

- Appropriate General Manager
- Principal
- Union Representative
- OH & S Representative
- Any professional or para professional working with the student
- Person in school with overall responsibility for the Management of Student Behaviour

Issues to be discussed include:

- Why was the student previously excluded/suspended from school?
- What makes the student suitable for a school placement now?
- What has changed?
- What programs will be put in place to monitor the student's behaviour?

Employees will need information on dealing with this particular student. The amount of information required will vary depending on the extent to which they will be involved with the student. Information that might be required from the psychologist, for example will include:

- Triggers to violent/disruptive behaviour
- How to avoid confrontation
- Issues to which the student is particularly sensitive
- Appropriate cultural information
- Intellectual abilities
- Any disabilities.

Staff who are to be closely involved with the student may require specific professional development and this should be provided as soon as practicable.

It is not considered appropriate or desirable to expect a teacher who was previously assaulted by the student or involved in a similar incident to be closely involved with the student. Again, this is an Occupational Health and Safety consideration, to avoid unnecessary emotional stress.

A formal behavioural plan must be in place for the student, before school attendance may commence. This plan must include the items outlined below:

- Agreed objectives for improved behaviour
- Strategies to achieve these objectives, e.g. behavioural plan
- Contact
- Counselling
- Monitoring
- Review
- Support strategies for student/teacher/parent/s

The plan will be a collaborative agreement between the following parties:

- Student
- Parent
- Teachers
- Principal
- Appropriate professional eg Psychologist (or other person regarded as suitably qualified by all parties)
- There should be a school-based review group to monitor the student's general behaviour.

All teachers will have a clear understanding of what behaviour will warrant termination of the contract/plan that will result in exclusion of the student.

Students with a history of violent or volatile behaviour should not be located in remote/demountable classrooms unless the teacher has some mechanism by which he/she can summon immediate assistance.

There must be an explicit action plan in place in the school in case of any violent incident and all staff must be familiar with the contents of this plan.

The DEET must provide any extra resources that are required to assist the school in accommodating the student.

If the student's behaviour becomes unacceptable, the student will be immediately suspended for sufficient time to allow his/her continued attendance to be discussed by the school-based review group.

If Union members are not satisfied with the procedures put in place for attendance of the student at the school, they should immediately raise the issue with the Union Representative. If necessary, a branch meeting should be held to discuss the issue. Should the branch decide that the student's presence in the school will pose a threat to safety and the good order of the school under the current arrangements, then they should consider passing the following motion:

"That the AEU-NT members at (name of worksite) seek a directive from the Executive of the AEU-NT for Union members at this school to refuse to provide normal instruction to (name of student) until such time as the staff are satisfied with the arrangements put in place for his/her attendance at this workmate."

Any individual teacher who feels that they are at real risk of harm from any particular student may exercise their rights under the Occupational Health and Safety Act 1984.

Under Section 32 of the Act, if any employee has reasonable grounds to believe that the perpetrator represents a continued risk of serious harm or injury to themselves or other students, the employee may refuse to work. On deciding this course of action, each employee is to advise the Principal/Director the worksite OH & S Representative and AEU-NT.

Should an assault occur at the school, members should also consult the AEU-NT recommended procedure for action.

7. SCHOOL DISCIPLINE

All schools and Education workplaces should have an up to date behavioral management policy, which includes the agreed discipline procedures applicable to that particular workplace. These procedures should be consistent with NT DEET and AEU-NT guidelines.

PROCEDURES RELATED TO BEHAVIOUR MANAGEMENT PLANS

The school's Behaviour Management Plan must include:

- the code of conduct that is formulated in partnership with the school Council
- the rights and responsibilities of all staff and students
- the roles and responsibilities of teachers and administrators with respect to behaviour management
- the mechanisms for achieving a supportive culture and positive learning environment
- a description of the school's approach to positive behaviour management
- strategies to respond to diversity and difference in the school community
- strategies for the prevention of violence, harassment and bullying
- process for resolving conflict when problems or issues arise
- description of the consequences and sanctions that can apply when student behaviour is disruptive and procedures for implementation
- procedures for informing and involving parents in individualised behaviour management strategies
- details of assistance available to staff, students and parents; and
- mechanisms for monitoring and reviewing the school's Behaviour Management Plan.

AEU-NT recommends that teaching staff develop a Class Behaviour Plan that supports the School Behaviour Management Plan.

Teaching staff must keep records of student behaviour that include:

- name of student
- description of the behaviour
- reasons for selecting management strategies
- details of the use of management strategies, including the dates and times; and
- relevant parent contact and any outcomes of consultation with parents.

Teaching staff must ensure that parents and students are aware that the school will use records regarding behaviour when preparing reports to support:

- the consultation process with parents
- referral to student support services within the school or district
- referral to outside agencies; or
- a recommendation for an exclusion order from school.

DEVELOPING AND IMPLEMENTING INDIVIDUAL BEHAVIOUR MANAGEMENT PLANS

Individual behaviour management plans are to be established when a student requires additional support to meet their individual needs or to modify their behaviour.

Individual behaviour management plans must be documented to make clear the behavioural issues that are being addressed, desired outcomes, strategies to be used and the effectiveness of the strategies.

Guidelines

Staff, students or parents are sometimes encouraged to sign individual behaviour management plans. These plans are only intended for use in classrooms, on school premises and during school activities and have no legal status.

CONSULTATION PROCESS WITH PARENTS

The Principal and teaching staff are required to contact a student's parents and engage in a consultation process when behaviour management issues are encountered. Parents must be informed and engaged in the process for planning individual behaviour management.

Staff must take every opportunity to encourage parent participation by genuinely seeking information and assistance in the responses to student behaviour.

Contact made with parents needs to be sensitive to any factors that may create difficulties with communication, for example, cultural difference, English as a second language or disability.

PHYSICAL RESTRAINT OF STUDENTS

As a last resort, students can be physically restrained in response to spontaneous, potentially harmful behaviour that places at risk the physical safety of the student, other students, school staff, any other person or to threaten damage to property.

Following a situation in which a student has been physically restrained the parents must be informed and the incident recorded.

PHYSICAL RESTRAINT AS A PLANNED STRATEGY

Physical restraint can be used as part of an individual Behaviour Management Plan. Using physical restraint requires strict adherence to the plan agreed upon with the student's parents.

The Principal needs to ensure that the decision making process regarding planned physical restraint includes:

- conditions that will lead to the use of physical restraint
- situations in which physical restraint is not to be used with a student
- situations that will result in the removal of other students from the immediate environment
- staff willingness and ability to use physical restraint as an agreed management strategy
- support to be provided for staff who are involved with physical restraint; and
- advice provided by the district student services team.

The Principal must ensure that the use of physical restraint is fully documented including:

- the behaviours that will result in physical restraint
- specific behavioural responses to the use of physical restraint; and
- staff responsibilities when restraining a student.

8. WORKPLACE BULLYING

WHAT IS WORKPLACE BULLYING?

Bullying is a form of psychological harassment and men and women at all levels of employment can be affected by it. The bully can be a manager, supervisor, or co-worker, student or parent. Bullying is usually characterised by a misuse of power but not always it may involve group manipulation but in general it is behaviour that is intended to harm the recipient in some way.

Workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of behaviour described in this definition may be an affront to dignity at work but, as a one off incident, is not considered to be bullying.

A workplace situation can be identified as bullying if it harms, intimidates, threatens, victimises, undermines, offends, degrades or humiliates an employee or employees, whether in front of co-workers, students, visitors, parents, customers or alone.

While some workplace bullying may involve verbal abuse and physical violence, bullying can also be subtle intimidation with inappropriate comments about personal appearance, constant criticisms, isolation of employees from others, and unrealistic, embarrassing or degrading work demands.

Workplace bullying can occur in any workplace and to any employee. The results of workplace bullying can be devastating both for the individual and for the smooth running of the school or workplace. Workplace bullying can poison the atmosphere of the workplace to the detriment of all that work there.

EFFECTS

The effects of workplace bullying usually manifest as psychological harm. The psychological scarring can persist throughout the lives of the victims. It can lead to a generalised fear of others, low self-esteem, depression, displaced negative behaviour, lack of concentration, difficulties in interpersonal relationships, stress related health problems, a reluctance to go to work and reduction in ability and motivation to fulfil work requirements to a standard the person is capable of.

IS BULLYING ILLEGAL?

Yes, bullying is an Occupational Health and Safety hazard. Employers have a legal obligation to make sure their workplaces are safe and this includes appropriate management of all potential and actual bullying incidents. Employees who are bullies are also in breach of their obligations under the OH & S Act.

Bullying that involves sexual harassment or discrimination on the basis of the following: disability, gender, race, age, pregnancy, family status, or religious or political conviction may be in breach of the Equal Opportunities legislation.

WHAT ISN'T BULLYING

It is important to differentiate between a person's legitimate authority at work and abuse or bullying. All employers have a legal right to direct and control how work is done and managers have a responsibility to monitor workflow and give feedback on performance.

If an employee has obvious performance problems, these should be identified and dealt with in a constructive way that does not involve personal insults or derogatory remarks. In situations where an employee is dissatisfied with management practices, the problems should also be raised in a manner that does not involve personal abuse.

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9. PROFORMA LETTER TO PRINCIPAL ADVISING OF SAFETY ISSUE

MEMORANDUM

TO: THE PRINCIPAL {insert name}

FROM: {insert name and position}

DATE:

SUBJECT: Occupational Health and Safety Act 1984

I hereby advise you that due to the presence of {insert name} in my class {details}. I am unable to meet my duty of care towards other students in that class under the Occupational Health and Safety Act.

I am also of the opinion that my employer is not meeting the requirements of the Act in respect of their duty towards my safety and health.

I have advised the safety and health representative {insert name} that this is a safety and health issue which I wish to be addressed under the terms of Section 24 of the Act and the agreed Department of Education procedure under the Act.

I would be obliged if you could advise me of what measures will be put in place to protect myself and other students in my class until the matter is resolved.

Signature

Date and Time

cc: Safety and Health Representative
Union Representative

Pro-forma to notify principal that an OH & S issue exists where informal processes have failed to provide satisfactory resolution.

10. PROFORMA LETTER FROM PRINCIPAL TO General Manager Schools (District Office) ADVISING OF SAFETY ISSUE

MEMORANDUM

TO: THE General Manager {insert name}

FROM: {insert name and position}

DATE:

SUBJECT: Occupational Health and Safety Act 1984

Please be advised that I have received the attached notification from staff that a safety and health issue exists at the school.

So far, I have not been able to resolve this issue to the satisfaction of staff and I too am concerned about meeting the required standard of care to staff and students.

I would be obliged if we could meet urgently to discuss any assistance and support that can be offered by DEET to help resolve this situation.

Signature

Date and Time

cc: Safety and Health Representative
Union Representative

Proforma to notify principal that an OH & S issue exists where informal processes have failed to provide satisfactory resolution.



INCIDENT REPORT FORM

VIOLENCE & AGGRESSION TO SCHOOL STAFF

(includes physical violence, aggression, verbal abuse, sexual or racial abuse, intentional damage to personal property)

Employees who have been victims of violence or aggression should complete this form as fully as possible. It will help us too understand the problems faced in the workplace and to see ways to reduce this risk or future incidents.

Please use continuation sheet if necessary.

This information will not be used in any way that it would identify the victim or assailant without permission.

1. EMPLOYEE DETAILS

Worksite Date of Incident

Name Position Held

Age M/F

2. DETAILS OF ASSAILANT(S) (if known)

Names Ages approx M/F

..... Ages approx M/F

..... Ages approx M/F

..... Ages approx M/F

3. STUDENT/PARENT/GENERAL PUBLIC/OTHER

(circle as appropriate – if other please give details)

.....

10. OTHER INFORMATION

Were there any factors in your view which may have triggered or contributed to this event (e.g. drugs, family problems, inappropriate school rules)

.....
.....

11. HAS ASSAILANT BEEN INVOLVED IN PREVIOUS VIOLENT INCIDENTS?

Yes/No

Completed by

Position

Date

Please return this form as soon as possible to:

Alan Perrin
Secretary AEU-NT
GPO Box 4494 DARWIN NT 0801
Fax 08 89811747 or email a.perrin@aeunt.org.au