



School Anti-violence Toolkit

A resource to assist schools in developing and implementing effective
anti-violence policies, practice and procedures

MARCH 2012

This toolkit is also available on the PPTA website:

www.ppta.org.nz

PPTA represents the professional and industrial interests some 18,000 secondary teachers in state secondary, area, manual training and intermediate schools, as well as tutors in community education institutions, alternative education and activity centres, and principals in secondary and area schools. More than 95% of eligible teachers choose to belong to the Association.

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Preface from the president

I am pleased to present to you an update of this toolkit, designed to assist schools in dealing with violence. As well as advice on development and implementation of an effective whole school policy, and specific preventative and management strategies and procedures, this edition of the kit includes advice to members on how they may respond industrially to a violent situation that threatens their right to work in a safe and healthy workplace.



In this revision, members' attention is drawn to PPTA policy that states that teachers should report assaults on them to the police. Information in the kit explains the legal meaning of "assault" and the process for reporting. Violent situations are often not straight-forward so it is recommended that teachers use as a guide the question; would I report this to the police if it occurred outside the workplace?

PPTA executive has found it necessary to issue this instruction to members on learning that some schools have taken to forbidding teachers from reporting assaults lest it create negative publicity. The intention of this instruction is to remove the veil of secrecy.

There are no easy answers to the problem of violence. There are concerns that violence has been increasing in New Zealand, and in schools it is fuelled by the media and exacerbated by students' access to drugs and alcohol. At the same time, the support networks that schools could once rely upon such as social welfare, special education support, health and psychological services and drug and alcohol counselling have been steadily eroded.

Most New Zealand schools are not particularly violent places, quite the reverse; for many students school is the only place where they feel safe. Most schools work hard to ensure students feel safe and cared for when they are at school and the new programmes that help schools address behavioural issues give some cause for optimism. However, PPTA members have continued to identify violence as one of the prime issues affecting their teaching environment and consequently their own sense of well-being and job satisfaction.

There are aspects of the problem that are in the power of the school to deal with, providing everyone is prepared to be part of a concerted effort to change the culture. This kit invites schools to think about the nature of violence in schools and what strategies might be adopted to reduce and eliminate it.

We welcome comments, insights and feedback on this kit and the wider issues around violence in schools. Please send your feedback and ideas to: anti-violence@ppta.org.nz.

A handwritten signature in black ink, appearing to read 'Robin Duff'. The signature is stylized and somewhat cursive, with a long horizontal line extending to the left.

Robin Duff
PPTA President

Aims of this resource

This resource kit aims to provide teachers and schools with:

- Information on their legal rights and obligations in providing a safe school environment for all members of the school community.
- Analysis of the forms of violence that exist in schools, including bullying, racial harassment and sexual harassment.
- Illustration of the issues that may result for staff and schools from the various forms of bullying and harassment between different members of the school community.
- Guidelines on a whole school approach to developing effective anti-violence policies which will ensure full school community commitment and participation.
- Guidelines on developing effective strategies and procedures for use in preventing and managing incidents of violence, including complaints procedures, and provision for support services and ongoing monitoring and evaluation.
- Information about assault and guidelines to follow if a staff member is assaulted at school. PPTA policy is that members follow these guidelines and report assaults on teachers to the police.
- A process for dealing with violent students and individuals who may meet the definition of “a hazard” under the Health and Safety in Employment Act 1992.
- Resources to assist schools in developing and implementing anti-violence policy and practice.

1. Legal requirements

This section summarises the relevant legislation and other relevant requirements relating to all forms of bullying, harassment and violence in schools.

- **Health and Safety in Employment Act, 1992**
- **Employment Relations Act, 2000**
- **National Education Goals**
- **National Administration Guidelines**
- **State Sector Act, 1988**
- **Secondary Teachers' And Area School Teachers' Collective Agreements**
- **Victims' Rights Act, 2002**
- **Education Act, 1989**
- **Crimes Act, 1961**

Health and Safety in Employment Act

The Health and Safety in Employment Act 1992 defines the rights and duties of the employer and the employee and sets out the procedure to be followed when a hazard exists. (The school board is also responsible for ensuring the health and safety of the students on the school site.)

The Act requires every employer to take steps to ensure the safety of employees while at work, and in particular to:

- Provide and maintain a safe working environment,
- Ensure that building, equipment and facilities used by employees are arranged, designed, made and maintained so that it is safe for their use,
- Ensure that hazards are identified and assessed, and
- Take all practicable steps to eliminate, isolate or minimise hazards.

A hazard is any factor that may cause physical, emotional or psychological harm to an employee.

The Act defines a significant hazard as an actual or potential cause or source of serious harm, or harm which increases with each exposure. Anything that is identified as a significant hazard must be treated as such. Significant hazards must, if at all possible, be eliminated or if not, isolated and minimised. Where a hazard is identified, the board of trustees, as the employer, has a responsibility to provide every affected employee with information on what to do in an emergency arising from the hazard, and on the potential dangers to which the employee may be exposed to. In the case of student behaviour it

is the threatening, aggressive or violent behaviour that is the hazard, not the student him or herself. Resolution of the hazard may be ensuring the behaviour does not recur and this may require the removal of the student, at least temporarily. There are substantial fines for an employer who fails to adequately deal with hazards.

- [Health and Safety in Employment Act 1992](#)

Employment Relations Act

This Act states explicitly that workers can strike over health and safety issues.

- [Employment Relations Act 2000](#)

National Education Goals

The government has set as the National Education Goals the following:

- The highest standards of achievement, through programmes which enable all students to realise their full potential as individuals, and to develop the values needed to become full members of New Zealand's society.
- Equality of educational opportunity for all New Zealanders, by identifying and removing barriers to achievement.

Students need to feel safe and valued in order to realise their full potential and develop positive values and behaviour towards others. Behaviour which risks their wellbeing becomes a barrier to achievement. A school aiming to provide an environment which respects the safety and dignity of all students can be seen to be working effectively towards achieving the National Education Goals.

- [National Education Goals](#)

National Administration Guidelines

The school also has an obligation to follow the National Administration Guidelines, including a number of relevant NAGs, in particular NAG 5:

- To provide a safe physical and emotional environment for students.

This is a significant requirement on schools, and requires them to be proactive to prevent physical and emotional dangers to students, not just to react to incidents that may happen.

- [National Administration Guidelines](#)

State Sector Act

This Act requires Boards of Trustees to be 'good employers', ensuring fair treatment in all aspects of employment.

- [State Sector Act 1988](#)

Secondary Teachers' and Area School Teachers' Collective Agreements (STCA and ASTCA)

Obligations on schools as employers

1. Good employer provisions (3.1.1 STCA; 2.1 ASTCA)

These include provision of a personnel policy that complies with the principles of being a good employer, and the obligation to provide good and safe working conditions.

2. Health and safety provision (12.1.3 STCA; 10.1.3 ASTCA)

This clause provides that, where a teacher's health and safety is shown to be at significant risk, the employer shall, in consultation with the appropriate health and safety authorities, take such steps as are necessary to provide protection for the teacher.

3. Investigating complaints (3.4 STCA; 2.4 ASTCA)

This section outlines the provisions and principles which must be complied with by a school when investigating a complaint against a teacher

4. Investigating complaints in a Maori context (3.5 STCA; 2.5 ASTCA)

This section outlines how to proceed with complaints where the teacher has elected for the matter to be dealt with in a Maori context.

Rights and obligations of teachers

5. Personal grievance procedures (9.2 - 9.4 STCA; 8.2 ASTCA)

The personal grievance provisions give teachers clear rights and procedures to follow to address situations including:

- Racial or sexual harassment
- Duress in relation to membership of the union
- Any unjustifiable action of the employer which may disadvantageously affect their employment or conditions of employment.

These provisions provide redress to teachers subjected to any of these, the key point being that the employer is required to make every effort to ensure teachers' safety from harassment in the school environment.

6. Professional Standards (Supplement 1 STCA; pp 90-92f ASTCA)

These include standards on managing student behaviour, constructive relationships with students and colleagues and developing and maintaining a safe physical and emotional environment.

(NB - see also relevant sections in Principals' Collective Agreements)

- [Secondary Teachers' Collective Agreement 2011-2013](#)
- [Area Schools Teachers' Collective Agreement 2011-2013](#)

Victims' Rights Act

This act sets out the rights and principles for victims of crime. Victims of crime have the right to be informed about the services available to help them and to be informed about the investigation of the offence and any action being taken against the accused person.

- [Victims' Rights Act 2002](#)

Education Act

Section 14 of this Act establishes the legal reasons that a student may be stood-down, suspended, expelled or excluded from school. These penalties can be applied for gross misconduct, continual disobedience or if it is likely that students will be seriously harmed by the student staying at school.

- [Education Act 1989](#)

Crimes Act

This Act defines assault. See [section 6 Assaults on teachers](#)

- [Crimes Act 1961](#)

2. Violence in schools

Violence in schools encompasses all incidents in which any member of the school community is subjected to abuse, threatening, intimidating or humiliating behaviour, as well as assault from a student, parent, staff member, board member or member of the public. It involves deliberate physical, verbal or psychological behaviour which makes another person feel embarrassed, offended, upset, devalued, degraded, afraid, humiliated, insulted or ridiculed and is unwelcome and unwanted.

It encompasses all forms of bullying and harassment, including:

- Verbal abuse
- Written abuse, including text messages or websites
- Aggressive body language postures or gestures
- Threats of violence
- Assault.

The forms of violence prevalent in schools are often referred to as bullying and harassment, including racial and sexual harassment. For the purpose of this kit the general term used is 'violence' and encompasses any or all of these forms.

What is bullying?

Bullying is a form of violence conducted by one or more people against another or others, which undermines a person's right to dignity, security or wellbeing. While it may be direct or indirect, verbal or physical, key components of bullying are that the behaviour is either a single severe incident or behaviour that is repeated and its effect is cumulative. In either circumstance, it constitutes or is perceived by the victim to constitute a real threat to health and safety.

There are four major forms of bullying in schools:

- **Student bullying - from students towards students**

This takes all of the forms described above, and may differ between girls and boys or students of different ages. Many students become bullies to gain status and recognition from their peers. Their behaviour is reinforced when they intimidate victims not to complain and when the peer group colludes by not challenging or reporting the bullying to staff. This may include cyber-bullying.

- **Workplace bullying – from adults towards adults**

In a school, workplace bullying may occur between any adult members of the school community; management and staff, parents and staff, staff and staff. Bullying behaviour by managers may include continual criticism or belittling of a person's work, undermining of her/his confidence, or being set unreasonable work demands or goals.

Bullying between peers, or from those of lower status to higher, may take the form of constant derogatory and undermining remarks, both direct and indirect, and of exclusion.

Unlike bullying behaviour between children and adolescents, victims of workplace bullying are not always those perceived as weak by the aggressor. The classic tall poppy syndrome may influence whom workplace bullies choose to isolate, undermine or humiliate. Workplace bullying often takes the form of teasing or joking and can be very difficult to combat where a culture of such behaviour has arisen.

- **Bullying of students – from adults towards students**

Behaviour from adults towards students which risks their physical, emotional or psychological safety and wellbeing by humiliating, frightening, ridiculing or degrading them is bullying. It is crucial that adults employ clear, consistent and fair methods of student behaviour management.

- **Bullying or harassment of teachers by students**

While not usually referred to as bullying, harassment of teachers by students often amounts to much the same thing. Reports from teachers being bullied or harassed by students include;

- Swearing and verbal abuse
- Threats
- Written abuse, both through graffiti and electronic media
- Aggressive gestures and stand over tactics
- Damage to property
- Assaults

One of the most difficult aspects of teachers being harassed by students is the reaction they face when they report such incidents and ask for support. All too often they feel not only unsupported, but positively blamed for their “inability to manage the students”. This often leads to an escalation of the problem when the offending students and their peers feel the behaviour is tacitly accepted. An additional problem for GLBTI¹ teachers who have kept their sexual preferences private can be that they are reluctant to take action against harassment and seek help because if they do, it might involve disclosure of their sexual orientation or gender identity to school leadership. Ensuring that the school is proactive about being genuinely inclusive of teachers and students of all sexual orientations or gender identities resolves this problem.

What is racial harassment?

Racial harassment includes all conduct that denigrates or ridicules a person because of his or her race, such as:

- Derogatory remarks
- Name-calling
- Racist jokes
- The display of material or publication of a racist nature
- Undermining or dismissing a person’s work or contribution on the basis of their race.

¹ Gay, lesbian, bisexual, trans-gender or intersex

What is sexual harassment?

Sexual harassment may be a single incident or a series of incidents and occurs where there is verbal or physical conduct of a sexual nature by a person or group of persons towards another and:

- The conduct is unwelcome, offensive or might reasonably be perceived as such, and
- The conduct is of a serious nature, or is persistent to the extent that it has a detrimental effect on an individual's job or work performance, well-being, employment, or opportunities.

Sexual harassment may include:

- Offensive gestures, comments or threats of a sexual or homophobic nature
- Inappropriate inquiries into the private life of another person
- The display of offensive material of a sexual nature, e.g. in books, publications, posters, t-shirts, or text messages
- Unwanted, non-accidental physical contact. It may include all unnecessary patting, stroking, pinching or touching
- An implied or express promise of a benefit for complying with a request for sexual contact
- An implied or express threat of detriment, or actual detriment for refusing to comply with a request for sexual contact
- Sexual assault or rape.

What is the impact of violence on schools and staff?

All of these forms of violence can have an enormous impact on a school culture and environment and have very serious implications for both school management and for students, teachers and other staff. The following chart (Issues for staff and schools chart) illustrates the many serious issues raised for schools and staff by the various forms of bullying and harassment between different members of the school community.

- [Issues for staff and schools chart](#)

Issues for staff and schools (chart)

People involved	Forms of violence	Issue for school	Issue for staff member
1. Students to students	Verbal abuse, insults Notes, text messages Threats Aggressive gestures and stand over tactics Taking, hiding property Physical assault	Parent complaints OSH issue – safety of both students and teachers at risk School reputation School morale Need for victim support services Need for behaviour intervention programmes Professional development for teachers	Access to resources/support/ professional development, effective procedures, crisis intervention rather than supported Competency issue for teacher who may fear being blamed for lack of behaviour management OSH issue i. Physical risks Psychological risks iii. Stress
2. Students to staff	Swearing and verbal abuse Threats Written abuse Aggressive gestures and stand over tactics Damage to property Assault	Staff complaints OSH issue for staff Staff absences – sick leave Staff retention School reputation School morale Need for victim support services Need for behaviour intervention programmes Professional development for teachers Involvement of police	Access to resources/support/ professional development, effective procedures, crisis intervention, EAP Competency issue for teacher who may fear being blamed for lack of behaviour management rather than supported OSH issue Physical risks Psychological risks Stress
3. Staff to students	Verbal abuse or insults Humiliating, demeaning language Threats, intimidation or aggression Harassment or victimisation Assault	Student/ parent complaints OSH issue – safety of students Fair complaints and discipline procedures Provision of appropriate professional development Breach of school's legal obligations (NEGs, NAGs etc...)	Discipline or competence issue Professional development Criminal implications Teacher registration implications Breach of professional standards/RTCs
Staff/management to staff	Workplace bullying Racial or sexual harassment	Staff complaint Personal grievance Sexual or racial harassment case OSH issue Staff absences – sick leave, stress Staff retention	OSH issue Access to personal grievance Access to racial or sexual harassment redress Discipline or competence issue Professional development
5. Parents to staff	All forms of harassment	Staff complaints Personal grievance Sexual or racial harassment case OSH issue – safety of staff	OSH issue Access to personal grievance Access to racial or sexual harassment redress Discipline or competence issue Professional development

3. Anti-violence policy guidelines

It is crucial that all schools have a clear whole school anti-violence policy with procedures to support it. This section explains the purpose of such a policy, and outlines how to develop, implement and review one.

What should an anti-violence policy include?

The goals of anti-violence policies

The policy rationale could include such goals as:

- Our school provides a safe school environment for all members of the school community.
- Our school has a clear expectation that all members of the school community will be afforded respect and dignity.
- Our school will investigate and resolve all reports of violence, bullying or harassment.
- Our school is committed to a restorative approach to violence, bullying and harassment (if appropriate).

Policy statement

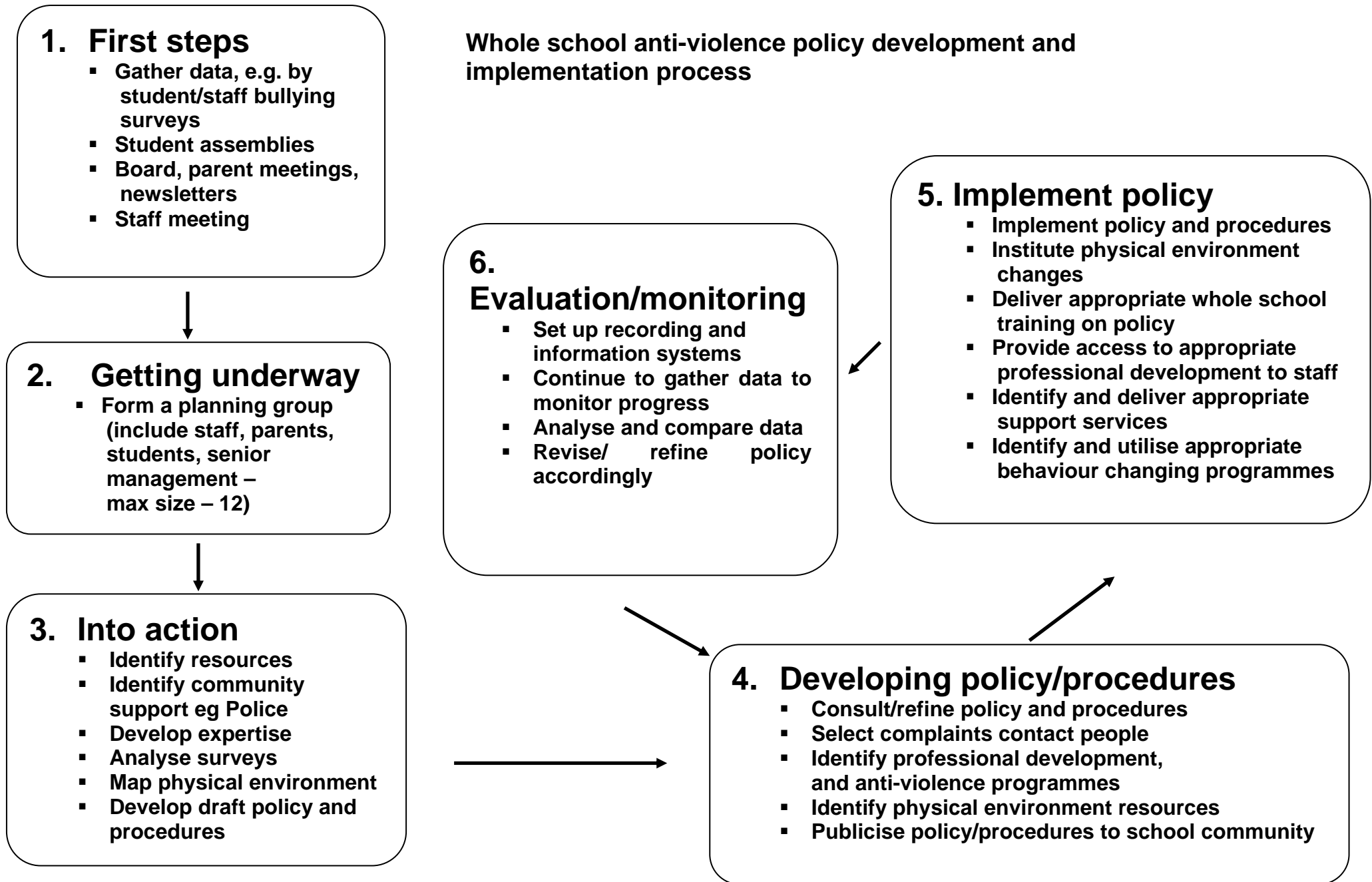
All schools should form their own policy statement stating their commitment to providing a safe and supportive environment which fosters personal respect, and physical and emotional safety for all members of the school community.

The following are guidelines for the development of a sound policy statement:

- A whole-school approach in which the wider school community – staff, students, parents and interested community representatives are involved in and consulted with about policy development and implementation.
([See Whole School Approach](#))
- Development of procedures and practices that will eliminate or reduce incidents of violence.
([see Section 4](#)).
- A commitment by the school to investigate and attempt to resolve any alleged incident of violence.
- Regular monitoring and review of anti-violence policy and procedures.
- Professional development where necessary to meet the needs of staff in implementing this policy.
- Ownership by members of school community

An effective anti-violence policy will only succeed if the whole school community is seen to be bound by and committed to it. All members of the school community have the responsibility to ensure that the school is a safe environment where everyone will be afforded respect and dignity. To achieve this, the policy should specify the different responsibilities each section of the community will undertake
(see [Sample Anti-Violence Policy](#))

Whole school anti-violence policy development and implementation process



Sample anti-violence policy

The Board of Trustees will:

- Promote this policy in the school environment
- Ensure that legislative requirements are met in their school or college
- Model behaviour which affords respect and dignity to all members of the school community.

The Principal and Senior Management Team will:

- Promote and implement this policy within their school
- Be familiar with the legislative requirements relating to violence and to health and safety
- Implement a suitable anti-violence programme in the school
- Ensure a safe process for students and staff to report incidents of violence
- Ensure all complaints are handled fairly
- Ensure support is available for staff and students who have been bullied or harassed
- Provide appropriate professional development and specialist for the needs of staff in dealing with violence
- Review and refine the school's anti-violence policy, guidelines and strategy, using data to inform this process
- Model behaviour which affords respect and dignity to all members of the school community.

Teachers will:

- Assist students to relate to others in ways that afford dignity and respect to themselves and others
- Follow the school's guidelines and procedures to deal with incidents of violence
- Model behaviour which affords respect and dignity to all members of the school community.

Students will:

- Exhibit behaviour which respects the right of themselves and others to be afforded safety, respect and dignity
- Use the appropriate procedures for reporting incidents of bullying or harassment against themselves or others.

4. Anti-violence strategies and procedures

This section looks in more detail at things schools and teachers can do to make anti-violence policies work.

There are three main areas where anti-violence strategies and/or procedures are necessary. The questions that you will need to answer to cover these are:

- **What can you do to make a safe school environment?**
- **When could schools use a restorative practice approach?**
- **How will you handle complaints about violence?**
- **How can schools support victims of violence?**
- **What can you do to make a safe school environment?**

Each school will need to decide which systems and strategies to adopt to ensure a safe school environment for their school. There are a number of good practice strategies for schools to consider.

School-wide systems and processes

The school identifies and implements the most appropriate available programme for the school, which may be a specific anti-violence programme or a more general behaviour and school climate initiative. See the comprehensive list of resources for programmes such as Kia Kaha, School Wide PB4L, Restorative Practice, etc...

- [Section 8 List of resources](#)

The school establishes and maintains effective in-house reporting and recording systems on incidents, types and levels of threatening behaviour and physical violence in the school. These are essential for both:

- Identifying places, times and activities where the potential for violence is greatest, so that resources are directed to where they are most needed, and
- Monitoring and evaluating current strategies and procedures to ensure maximum effectiveness.

The school provides all staff with access to relevant and effective professional development on behaviour management.

The school develops and maintains links with the local police and develops a mutual understanding of each other's working methods, responsibilities and constraints.

Strengthening the school's pastoral/guidance systems, for example:

- Vertical year/whanau form groups

- Induction of new students on the school's behaviour expectations, e.g. visits to all junior classes by senior management team
- Consistent reinforcement of these expectations through peer support, teachers, posters, assemblies etc...
- Peer mediation systems
- Student bullying surveys (see sample on page???)
- Providing relevant ongoing education and/or training for all members of the school community

Note: Although incidents involving firearms are rare in New Zealand schools, all schools should have a lockdown procedure should one occur. Details are available at www.minedu.govt.nz Worksafe at School. Action Guide 2: Emergency Management

School physical environment and resources

Addressing physical aspects of premises, for example:

- Lighting
- Video camera surveillance
- Smoke detectors in toilets
- Isolation spaces for students engaging in violent behaviour
- Secure areas for interval and lunch times
- Clear views across grounds
- Mapping of school grounds and facilities.
- Providing access to assistance, for example:
 - Cell phones for teachers on duty or staff in remote areas of the school
 - Two person duty teams for certain areas
 - Phones or emergency buttons in classrooms, offices, library etc
- Crisis response processes
- Systems for rapid contact with police
- Identification measures, for example:
 - A reception system to identify authorised visitors and stop unauthorised visitors on school premises
 - Identification badges for all authorised visitors
 - An established practice for staff to ask all unidentified visitors on school grounds to report to the school office for authorisation

When could schools use a restorative practice approach?

Restorative approaches can range from very low level (e.g. the restorative chat) to formally convened restorative conferences, using a trained facilitator.

Schools need to be careful that whenever they label any response or intervention as being “restorative” they understand what that is supposed to mean. For example, relabeling a withdrawal room as a thinking/reflection/time out space, does not suddenly make it restorative. To all intents and purposes, it's still the withdrawal room with a new a label on the door.

Schools can also adopt restorative practices while maintaining what might be termed traditional discipline systems. In fact, this is crucial because restorative practices (at

higher levels than the chat) must only be used where all parties agree; and, where a party has committed an injurious act, that party admits their responsibility. If one or more parties deny responsibility and/or express a strong desire not to participate, then a restorative meeting or conference should not take place. In this situation a traditional process should be used.

There is also the option for a school to use a restorative meeting AFTER a traditional process has been put in place. For example, an incident that results in the stand down of a student occurs. The principal might decide, having discussed the situation with relevant staff (i.e. consulted), to offer a restorative meeting to take place on the student's return from the stand down. In this situation a punishment has been determined and put in place (the stand down), but the school is still interested in helping all the parties engage in a restorative meeting that will restore their relationships and help them re-engage positively once the student returns to school. In this way restorative approaches can exist within the school's wider discipline system.

It is also important when developing restorative practices to ensure that staff and students learn to view them as sturdy – not as a soft option or flabby alternative to old style punishments. Done properly, restorative conversations and processes allow people to take responsibility for their actions and to contribute to the discussion about how best they can repair the harm and genuinely make amends. This is not easy – it's hard to admit fault and it's also hard to do the work involved in putting things right. It is also more time consuming than punitive approaches. However, done well, restorative approaches often support positive change and help kids and staff to move past difficult events and to focus on moving forward. When successful, restorative meetings effectively help the involved parties gain permission to move forward and to put the destructive events behind them.

The dangers of templates

Schools often develop templates for restorative chats. It's important to support staff to be able to personalise and customise these appropriately so that the chat doesn't become a parody of a chat. It has to be genuine and also to seem genuine to the students if it's going to work. On the other hand, documents with questions that help kids reflect on their behaviour and on what they could do differently next time can form a useful part of preparation for return to class following a minor incident.

How will you handle complaints about violence?

The school should provide safe, impartial procedures, both informal and formal, for dealing with complaints of bullying, or harassment from any members of the school community. The aim of the process should be to resolve complaints swiftly and effectively with the minimum of distress to the parties concerned. Confidentiality will be maintained as appropriate, but cannot always be guaranteed if a complaint is to be progressed.

Schools may designate particular individual(s) as contact people for anyone who wishes to raise concerns about incidents of violence. The contact people should be clearly identified within the school community. However, all staff, and possibly designated student mentors as well, should be able to be approached about these concerns, and should know the processes to follow.

At all times during the complaints process, all parties are entitled to representation and/or support. All parties should be encouraged to seek the support of a family or whanau member, colleague, union delegate, field officer or person they trust to provide emotional support and/or representation.

The school must recognise that none of the procedures described in the policy should restrict the right of a complainant to use other avenues of dealing complaints, e.g. Human Rights Commission, personal grievance procedures, a complaint to the Teachers Council, laying a complaint of assault with the police etc...

When might you choose to use informal complaints procedures?

It is sometimes appropriate, particularly in minor incidents of low level violence, that a complainant might choose to utilise informal procedures, at least in the first instance. The aim of an informal procedure is to resolve incidents of admitted or proven violence at an informal level and to make it clear to the person responsible for such behaviour that:

- Their behaviour is unwelcome and unacceptable; and
- It is causing distress; and
- It must stop.

Any member of the school community who believes s/he has been subjected to any form of violence should be encouraged, with suitable support and in a safe environment, to explain clearly to the person s/he considers responsible that the behaviour in question is unacceptable. The complainant may choose to involve a designated contact person and/or may enlist the support of whanau, a friend, a colleague, or their union delegate or field officer for assistance in this process.

Where the allegation of violence is serious, or it is too distressing for a complainant to approach the person responsible for the unacceptable behaviour directly, or if the offensive behaviour has continued, it will usually be preferable for a formal complaints procedure to be utilised.

When should you use formal complaints procedures?

A formal complaint should be submitted to a designated contact person with responsibility for investigating complaints of violence for more serious incidents of violence i.e. serious threats, verbal abuse and for all incidents of physical assault (see also section 6). The complaint should either be written or, if verbal, be recorded and agreed to by the complainant.

In investigating and resolving complaints of violence, the school must ensure that all parties involved or affected by the matter are treated in accordance with the principles of natural justice, including the right to:

- A fair hearing with the right to be represented by another person and an opportunity to respond to any allegations made against them
- Have a support person (or people) present at all stages
- Be kept fully informed during the process
- Withdraw from the complaints process at any stage

- Have assistance in obtaining counselling, medical or legal assistance when it is recommended by the person conducting the investigation
- Request a formal apology.

A complainant who is an employee, or his/her union representative, may choose to access procedures for redress that are specifically provided by legislation, for example, sexual or racial harassment may be grounds for a personal grievance under the relevant collective agreement and the Employment Relations Act 2000, or for a complaint to the Human Rights Commission under the Human Rights Act 1993. In such an event the procedures provided for in the personal grievance or Human Rights Act provisions must be adhered to.

If the violence was an assault on a teacher, by a student or anyone else, refer to section [6 Assaults on teachers](#)

What if it is a formal complaint against an employee?

In any case of the complaint or allegation being made against a teacher, the provisions of section 3.4 and/or 3.5 of the Secondary Teachers' Collective Agreement (STCA) or 2.4 - 2.5 of the Area School Teachers' Collective Agreement (ASTCA) must be complied with. In the case of another employee, such as a principal or support staff member, the relevant collective agreement provisions must be complied with.

- [Secondary Teachers' Collective Agreement 2011-2013](#)
- [Area Schools Teachers' Collective Agreement 2011-2013](#)

How can schools support victims of violence?

The effects on staff or students of having been subjected to any form of violence cannot be underestimated. Under the Health and Safety Act schools must minimise the effects of health and safety hazards. Occupational Safety and health (OSH) recommends employers help meet this requirement by the provision of support services to victims of violence.

For staff, support may include such measures as:

- Counselling
- Psychiatric support
- Access to leave or reduction in workload for a period of time
- Support from management and colleagues.

For students, support could include:

- A designated safe environment where they know they cannot be bullied or harassed
- Teachers, support staff and reliable students as supporters
- Counselling
- Confidence-building programmes

The necessary support measures should be considered carefully and sensitively in consultation with the person, and with her/his family or whanau in the case of a student.

5. Guidelines for teachers in dealing with dangerous student behaviour

Beyond the limits

Teaching can be a stressful and difficult occupation. Managing challenging and difficult behaviour is an inherent part of the job. However, there are situations in which the stress or even danger caused by this behaviour passes beyond the bounds of what can be considered normal work pressure. This may occur through a school's failure to maintain safe and healthy working conditions.

What kinds of behaviour can be identified as a hazard?

Individual student's behaviour

An individual student's behaviour may be identified as a hazard if (in the opinion of the teacher) it poses a serious threat to the teacher's physical, emotional or psychological health or to that of other students or to the student themselves.

A student with a history of violent or threatening behaviour or who is regularly abusive or destructive to the orderly operation of the classroom, can be a threat to the immediate or long term health of others in the class.

Individual student's behaviour in specific contexts

Some students may not in themselves necessarily present a hazard, but can present a hazard under certain conditions. For example, if students with special needs are placed in classes with inappropriate facilities and/or without adequate resourcing to support their mainstreaming then their behaviour may be hazardous. When they are present with the required levels of resourcing, appropriate facilities, adequate staff training and support, and reduced class size then there may not be a hazard.

Behaviour of students in groups

It is also possible that while the behaviour of individual students does not pose a hazard, it will when students' numbers exceed the ability of the teacher to offer appropriate levels of supervision. This may be exacerbated in certain contexts such as within the classroom/laboratory, playground or where the numbers place the teacher under unusual stress in their efforts to maintain control, or to sustain their teaching load.

The behaviour of students in the school grounds may also present a hazard and, in particular, times when they are present in large numbers need to be carefully managed. Schools should constantly review the practices of students and teachers at such times (including arriving at and departing from school and morning and lunch time intervals).

Things to be considered include:

- Whether teachers or non-teaching staff are best placed to undertake this duty of care?
- Would more than one teacher be more safe to do duty, and if so what number?
- If an electronic response mechanism or mobile communication can be made available and if it has, is it effective?
- Is it appropriate for the school to operate a staggered lunch break?
- What should teachers do if they identify a hazard?

Where a teacher believes student behaviour amounts to a hazard exists, the teacher should immediately inform the principal, who, as the representative of the employer, is responsible for staff safety. In order to allow for the serious follow up that may be required if this is not acted on, this should be in writing, and should request that the hazard be eliminated, isolated or minimised. A copy of this should be sent to the union representative on the Health and Safety committee.

Actions which the principal may take to eliminate, isolate or minimise the hazard could include all or some of the following:

- The student is accompanied to class by his/her parent.
- An additional adult is present in the classroom with the teacher.
- A counselling programme may be initiated.
- A restorative conference may be used to develop a solution.
- The student is removed to work in another environment.
- The student is stood down or suspended.
- The student is removed to some form of alternative education.
- The student is excluded/expelled when behaviour is extreme and there is evidence that containment is no longer an option.

See [section 7](#) for what to do if this does not happen.

6. Assaults on teachers

Teachers have often been expected to tolerate a level of violence in the workplace that is unacceptable. PPTA policy is that members follow the guidelines described in this section and report assaults on a teacher to the police.

What is assault?

The Crimes Act 1961 defines “assault” as:

‘...the act of intentionally applying or attempting to apply force to the person of another, directly or indirectly, or threatening by any act or gesture to apply such force to the person of another, if the person making the threat has, or causes the other to believe on reasonable grounds that he has, present ability to effect his purpose.’

The two key components in this determining whether an assault has occurred are:

- the intention to apply force
- the action or threatening gesture itself.

The position of the courts is that the slightest degree of force or ‘least touching of another in anger’ constitutes an assault. However, mere aggressive behaviour (even when the victim feels threatened) will not suffice; there must be threatening gestures or words suggesting an intention to apply force.

Circumstances where there is no intention to cause harm do not constitute an assault. For example: a student accidentally slamming a teacher’s fingers in a door; or inadvertently bumping into a staff member whilst walking in a busy corridor. Similarly, where it is a trivial application of force in the course of everyday interactions, for example tapping some one’s arm to engage their attention does not constitute an assault.

When is it appropriate to report an assault to the Police?

It is not always straight forward to ascertain whether an assault has occurred. This may be particularly relevant when dealing with students with special needs. If a teacher believes she/he has been assaulted, or would like clarification about a particular incident, they should get advice as soon as practicable from the PPTA Field Office.

A good guide for determining whether or not an action or threat constitutes an “assault” is: ‘If this happened to me outside the workplace would I report it to the Police?’

Can teachers be told not to report an assault to the Police?

No. Every individual has the right to report crimes committed against them. Employers do not have the authority to forbid an employee from exercising this right. Indeed, it would not be reasonable or lawful for a school to instruct a teacher who has been assaulted not to make a complaint to Police.

Anecdotal evidence suggests that schools are pressuring staff not to report assaults that occur at work. This trend seems to be driven by concerns to protect the public image and reputation of the school, for the student’s welfare if outside authorities become involved or a desire to deal with school problems internally. Though these may be to some extent legitimate, they cannot be allowed to take priority over the health and safety of teachers

at work.

Schools are responsible for the safety and well-being of their employees. A failure to report assaults on teachers camouflages the problem of violence and prevents us confronting and addressing the issue as a community.

What should a teacher do if s/he has been assaulted?

In the event of an assault the process to be followed is set out in the flow chart on the following page.

- [In the event of an assault \(flow chart\)](#)

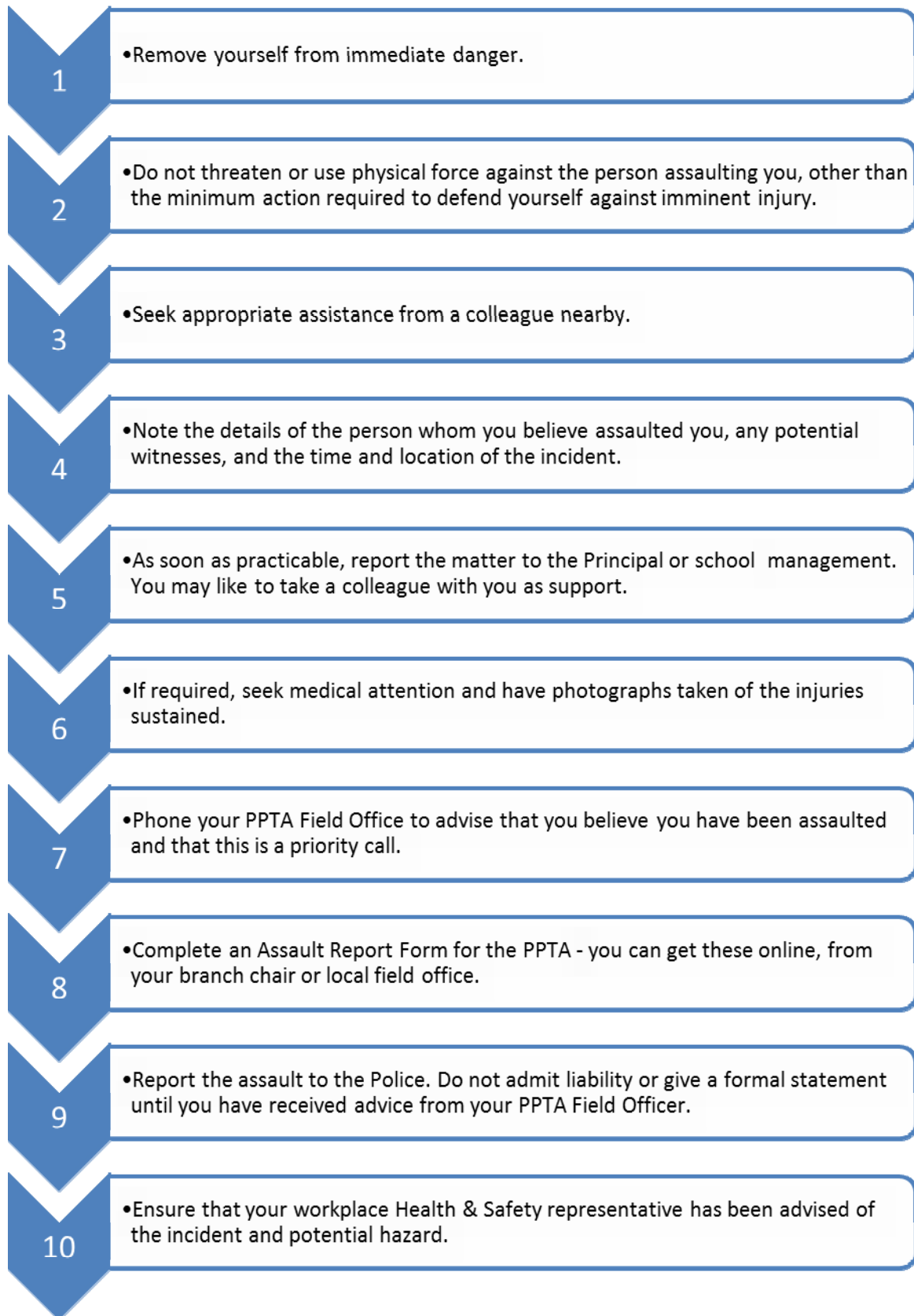
It is critical to seek advice from a PPTA Field Officer, as following an incident of assault it is likely that there will be an investigation into the staff member's conduct and potentially a counter-complaint may be laid by the other person involved.

A teacher who has been assaulted should not return to work until all practicable steps have been taken by the school to ensure the hazard (e.g. a student's violent behaviour) has been eliminated, isolated, or minimized. The PPTA branch can take industrial action where the employer breaches the Health and Safety in Employment Act 1992.

See [section 7](#).

In the event of an assault (flowchart)

If you believe you have been assaulted by a student or anybody else at work:



7. Dealing with failure to maintain a safe and healthy workplace

This section explains what staff can do if there is inadequate or no action taken by the school following notification of a hazard.

What can staff do?

The existing legislation gives the staff at the school the ability to:

- Identify individual or group behaviour as a hazard to their emotional, physical or psychological safety,
- Identify the behaviour of individuals (students, parents and/or caregivers, other adults) or groups of individuals as hazardous within certain contexts, and
- Take strike or other action if there is a failure to deal with an identified hazard.

What is the legal basis for these actions?

When the employer has been asked to deal with an identified hazard and fails to do so, and when the branch believes that a significant threat to the immediate or long term health and safety of individuals exists as a consequence of this inaction, it can take action in these areas:

- Under the Employment Relations Act the PPTA branch can take strike action to highlight and protest against the threat to health and safety of in employees in the workplace.
- Under the Health and Safety in Employment Act, employees have the right to refuse work. Other affected members within the branch may also refuse work. The PPTA is there to support its members and either the PPTA national or field office, or individual members can lay a complaint with OSH Inspectors. They will investigate and may in turn bring proceedings against the employer. Where the employer is found to be liable for failure to prevent harm from an identified hazard the penalty is a fine of up to \$100,000, up to one year's imprisonment or both.

The workplace must operate in accordance with the Health and Safety Act and should have an operative Employee Participation Agreement*. It should have a health and safety committee and health and safety representatives who are both elected by staff and trained. These representatives can issue hazard notices and provide further help. The elected representatives will have the most intimate knowledge of their own school environment.

Under the Employment Relations Act, and under the provisions of the Collective Agreement, it is possible to take a dispute or personal grievance against the employer if they fail to provide a safe workplace.

* Details on establishing a health and safety committee can be found at www.ppta.org.nz
PPTA School Anti-violence Toolkit

What processes should a branch follow?

The school should have clear policies and practices in place (see sections 3 and 4), agreed to by the staff and designed to protect them from physical or psychological harm arising from dangerous and disruptive student behaviour. If these are not then the branch should write to the principal requesting that these be developed.

These policies should include mandatory processes for reporting and recording student behaviour and hazardous incidents.

In order to constitute a 'hazard' the particular dangerous behaviour must be reported to the school management (in writing).

The expectation is that school management will apply school policy in such a way that the hazard is eliminated, isolated, or minimised. See section 5, What should teachers do if they identify a hazard?

If this does not happen:

The school Health and Safety Committee should be called together to consider the issue. The PPTA Field Officer and National Office should be informed.

If an acceptable resolution is not possible, a full PPTA branch meeting should be called to consider the possibility of strike action.

If a motion for strike action is passed school management should be informed immediately and given time to respond.

If the response does not secure the safety of PPTA members, strike action should follow. Strike action requires great courage from the branch and should not be called lightly, but has the following benefits:

- The problem is forced out into the open rather than being concealed;
- A powerful message is sent to all schools that threatening and violent behaviour ought not to be tolerated;
- It puts the responsibility for the funding and provision of reasonable alternatives for difficult student behaviour on the government where it belongs.

8. Resources

Overviews and general information about school well-being, anti-violence and behaviour practices

Safe Schools: Strategies to Prevent Bullying. This 2007 ERO report identifies a range of strategies schools are using to make schools safe.

<http://www.ero.govt.nz/National-Reports/Safe-Schools-Strategies-to-Prevent-Bullying-May-2007>

Responsive Schools. A practical resource from the office of the Children's Commissioner (2010) for schools to use to prevent and respond to violence and bullying.

http://www.occ.org.nz/_data/assets/pdf_file/0006/7269/OCC_Responsive_01.04.10.pdf

Wellbeing @ School. Developed by NZCER for the Ministry of Education, and coming on line in mid-2012 this website resource supports schools to self-review as they develop a safe and caring school climate.

<http://www.wellbeingatschool.org.nz>

Supporting Positive Behaviours. This Ministry of Education TKI based website has information about student behaviour and health and safety in schools.

http://www.tki.org.nz/r/governance/positive_behaviours/

Health Promoting Schools. An approach to well-being that focuses on hauora and promoting healthy, positive behaviour. The website, from TKI, contains high quality, moderated, up-to-date information, educational resources, research and case studies.

<http://hps.tki.org.nz/>

Respectful Schools. A 2007 report from the office of the Children's' Commissioner on the implementation of restorative practice in New Zealand schools, for the purpose of helping school communities wanting to introduce restorative practices.

<http://ips.ac.nz/events/downloads/Respectful%20schools.pdf>

Specific anti-violence and behaviour programmes for secondary schools

School Wide Positive Behaviour for Learning

<http://seonline.tki.org.nz/Programmes-and-initiatives/PB4L/For-schools>

Kia Kaha Youth Education Programme

<http://www.police.govt.nz/kia-kaha>

DARE Programmes

<http://www.dare.org.nz/>

Cool Schools

<http://www.peace.net.nz/index.php?pageID=24>

Eliminating Violence

<http://www.nobully.org.nz/guidelines.htm>

Skills for Adolescence

http://www.lions-guest.org.nz/programmes/skills_for_adolescence.html

Restorative practices – there are many programmes available which offer versions of restorative practice for schools

Olweus bullying prevention programme

<http://www.olweus.org/public/index.page>

Further references and readings

Ministry of Education's Positive Behaviour for Learning Action Plan

<http://www.minedu.govt.nz/theMinistry/EducationInitiatives/PositiveBehaviourForLearning.aspx>

Stop bullying. Guidelines for schools from NZ Police

http://www.police.govt.nz/service/yes/nobully/guidelines_4schools.html

Information and advice about cyber-bullying from Netsafe NZ

<http://www.cyberbullying.org.nz/>

ACC Work-safe Cycle

<http://www.acc.co.nz/preventing-injuries/at-work/health-and-safety-in-the-workplace/acc-worksafe-cycle/index.htm>

Workplace bullying information and resources

<http://www.leadershipchallenge.co.nz/beyondbullying/index.asp>

Violence at work, OSH

<http://www.osh.dol.govt.nz/order/catalogue/pdf/violence.pdf>

Workplace Health and Safety information and training

<http://union.org.nz/health-and-safety>

Bullying No Way. Australian Ministry of Education supported portal for anti-bullying

<http://www.bullyingnoway.gov.au/>

The Use and Effectiveness of Anti-Bullying Strategies in School, UK report

<https://www.education.gov.uk/publications/eOrderingDownload/DFE-RB098.pdf>

Interview Record

Example interview record for incident of violence at school.

Interviewer	
Date and time of interview:	
Interviewee details Position of interviewee (complainant, accused, witness etc):	
Name:	
Status (student, teacher, parent etc):	
Form (if appropriate):	
Contact details:	
Summary of incident details	
Brief summary of incident/s:	
Response by interviewee to information provided:	
Background information additional to complaint:	
What effect has the incident had on the interviewee?	
Has the type of incident occurred before or since?	
What action is being sought by the complainant?	
Does the interviewee know where to get support?	
I have read this document and agree this summary is a true and accurate record of my interview.	
Signature: _____ (Interviewee)	



Assault Incident Report Form

(Please print clearly and attach extra pages / sketch as required)

PERSONAL DETAILS

Surname: _____

First name/s: _____

M.O.E. Number: _____ (on your payslip)

Gender: Female Male

Employing School: _____

Position at School: _____

INCIDENT DETAILS

Date: _____

Time: _____ am / pm

Location: _____

Details of person/s who assaulted you:

Full Name: _____

Age/ Year: _____

Gender: Female Male

Relationship (e.g. student): _____

Possible witnesses:

(1) _____

(2) _____

Brief description of assault:

Was a weapon involved? Yes No

If yes, please detail: _____

Did you respond to the assault with force?

Did you suffer any injuries from the assault? Yes No

Was medical attention required for these? Yes No

Was evidence of your injuries collected? Yes No

If yes to any of the above, please detail:

ADDITIONAL DETAILS

Was this reported to your Employer? Yes No

Were you granted paid discretionary leave? Yes No

Was there a formal investigation? Yes No

Was this reported to the Health & Safety Rep? Yes No

Was this reported to the Police? Yes No

Police Station/ File No _____

SIGNED: _____

DATED: _____

Model Non-Violence Student Contract

I, a student at.....school, agree to do all I can from now on to help keep this a safe school.

I know this means:

I will respect others

I will respect everyone of every race, religion, culture, gender, disability, or sexual preference. I will not bully or tease anyone.

I will be fair to others

I will not jump to conclusions about people and will listen to their side of the story. I will support and encourage others in their learning and involvement in school activities.

I will use polite and friendly language

I will not threaten or abuse others either verbally or through notes or e-mail, web or cell phone text messages. I will not swear or use rude or mean language or say anything that is racially or sexually offensive.

I will keep School free of weapons or harmful substances

I will never bring into the school weapons or drugs of any kind, including alcohol or tobacco or anything that may be harmful to others.

I will behave in a non-violent manner at all times

I will not act violently towards other people. I will not fight or hurt anyone in any way, or encourage other people to be violent.

I agree to the following special conditions to assist me in meeting the above requirements:

.....
.....
.....
.....

I have read the above statements and understand what they mean. I know that if I act in a violent manner again my parents and I will be asked to meet with the Principal and a member of the Board of Trustees and I may be officially suspended from school. I know that a third act of violence may result in a Board disciplinary hearing.

Signed:

_____ (Student)

_____ (Parent / Guardian)

_____ (forSchool)

(Note: This contract is for use with students who have previously acted in a violent manner)

Checklist – to assess your school’s anti-violence policy and practice

1	<p>Do we have policies on dealing with violence between students, between staff, between staff and students and between staff and management and parents and staff which are:</p> <ul style="list-style-type: none"> • based on clear definitions of what constitutes acceptable and unacceptable behaviour? • accepted by all groups concerned as fair and reasonable? • resourced? • practicable? • implemented? 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2	<p>Do students, staff and administration clearly understand that they have a responsibility to report incidents of violence to ensure that early intervention can occur? Are they aware of the process of reporting? Are they actively encouraged to report incidents?</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3	Are violent incidents analysed and reviewed regularly?	<input type="checkbox"/>
4	<p>Does the school have individuals or groups with clear authority and responsibility for: dealing with complaints and incidents of violence? monitoring and supporting staff and students under stress?</p>	<input type="checkbox"/> <input type="checkbox"/>
5	Does the school identify and support individuals or organisations with conflict resolution or mediation roles, and do these people have the support of management?	<input type="checkbox"/>
6	<p>Do management eg Deputy Principals or Heads of Department receive training so they understand: The definition of violence and how violence can develop? The effect that a perceived risk as well as a real risk can have on staff morale and stress levels? Their role in implementing the employer’s preventive strategy? The importance of being supportive of staff who have been victims of violence? and What action to take when a violent incident has occurred?</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
7	<p>Are there clear procedures established to manage and diffuse conflict early? Are these procedures reviewed and adjusted to ensure that they are effective and have the confidence of students and staff? Are these procedures implemented and adhered to?</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
8	<p>Are there clear and effective procedures in place, which have the confidence of staff and students, to manage indirect or direct threats of intimidation/violence? Are these procedures implemented and adhered to?</p>	<input type="checkbox"/> <input type="checkbox"/>
9	Are staff and students made aware of the psychological and physiological effects of experiencing or witnessing traumatic incidents and encouraged to view these incidents seriously?	<input type="checkbox"/>
10	Are there procedures in place to support staff and student victims of workplace violence at school level which take into account the effects of trauma?	<input type="checkbox"/>