



HILLINGDON  
LONDON

## Occupational Health & Safety - GREEN ALERT Council fined after teacher assaulted

Issue reference: OHS0127

Date of issue: 20/10/2020



### Applicable to Head Teachers

---

An assistant head teacher at a High School was called to deal with a disruptive pupil who was refusing to go into a detention room. After clearing the classroom of the other pupils, the pupil launched a sustained assault on the teacher, using a mobile phone and inflicting life changing injuries.

The HSE's investigation found that there were significant shortcomings in relation to the measures at the school, regarding violence and aggression posed by the pupils to others. No effective consideration was given to the risk of injury or death posed by the pupils to others and measures were not taken to reduce that threat to as low as reasonably practicable.

According to the HSE:

- The local Council did not ensure that the school had people with sufficient competence in the management of health and safety involved in running the school to ensure that the threat was addressed;
- The Council did not see to it that staff members at the school had the training either to remedy that shortcoming or to deal with violent and aggressive pupils in a way which did not expose them to risk;

Health & Safety Services, Residents Services  
London Borough of Hillingdon,  
4E 01, Civic Centre, High Street,  
Uxbridge, Middlesex UB8 1UW  
[healthandsafetyadvisory@hillington.gov.uk](mailto:healthandsafetyadvisory@hillington.gov.uk)  
[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)  
T. 01895 250866

## Occupational Health & Safety - GREEN ALERT

- The Council failed to monitor the adequacy of the measures the High School had in place and the Council therefore failed to pick up and address the shortcomings.

The Council pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and was fined £300,000, which was reduced to £104,000 with £60,000 costs due to the Council's lack of revenue as a result of the coronavirus pandemic.

In sentencing the judge said: "There is no doubt in my mind that this was a properly brought prosecution. Not to have brought a prosecution in this serious case would, apart from anything else, have sent a completely wrong message to the school, its governors, the staff and pupils, other local authorities with responsibilities under the Education Acts and to the public generally.

"This was a large organisation which, to a very large extent, relied on employees conducting the day to day running of the school as it could not, and did not, have complete control over the daily functioning of the school. However, I am satisfied that the systems that were in place were inadequate and oversight by the local authority was 'light' – I accept that no concerns were brought to the attention of the local authority but that equally, it does not appear that the local authority invited matters to be brought to its attention."

Speaking after the hearing, the HSE Inspector said: "In community schools, where the local authority is the employer, the local authority must monitor the arrangements it's schools have in place to manage the risk from violence and aggression".

### **Key actions required for Head Teachers:**

1. Review risk assessments to ensure the risk of violence and aggression from pupils etc is assessed and addressed appropriately
2. Ensure adequate training is provided to those completing the risk assessments and those who deal with violent/aggressive pupils

### **Key actions required for Health & Safety Services:**

1. To continue auditing community schools on their arrangements to manage health and safety issues effectively

Should you require any further information or support in implementing the requirements of this alert please contact your [Health & Safety Team](#)

---

<b>Traffic light key</b>	
<b>Red alerts</b>	Mandatory - where immediate action may be required
<b>Amber alerts</b>	Mandatory - with a timescale for action that may be required.
<b>Green alerts</b>	Information only