

**Maintaining Employee Safety While Working With
Identified Exceptional Students****Board Received:** June 23 2014**Review Date:** September 2017**Accountability:**

1. Frequency of Reports – As needed
2. Severity Threshold – As needed (e.g., Lost workdays due to injury; work refusal.)
3. Criteria for Success – Active roles in preventing violence are present.
– Clear communications with employees and parents.

Procedures:**1.0 INTRODUCTION**

Grand Erie District School Board recognizes its responsibility, in partnership with pupils, their families, staff and the community, to provide a safe, positive learning and working environment for staff working with identified exceptional students.

The main purpose of this procedure is to provide schools with direction in dealing with situations in which the behaviour of students accessing special education programs and services has resulted in injury to a Board employee.

It is recognized that enhanced measures for staff working with identified exceptional students may be required while delivering special education services.

It is recognized that identified exceptional students may, at times, exhibit some aspects of behaviours that may be considered aggressive, as part of the nature of their exceptionality. As well, the behaviours are not necessarily intended to harm others and take place due to limited control over their actions or changes in their environment that can adversely affect them.

The Board recognizes that, despite the challenges presented by the behaviour of identified exceptional students, every precaution reasonable will be taken in the circumstances for the protection of a worker, to maintain a safe working environment. The safe working environment may be achieved through protective equipment and/or effective educational programming to address exceptionality - specific needs, staff training, and effective incident response procedures.

2.0 BACKGROUND

Principals, Vice Principals, regular education and special education teachers, educational assistants, early childhood educators and support staff provide instructional programs and services to identified exceptional students. As well, secretaries and custodians are also involved in supporting identified exceptional students.

On occasion, aggressive behaviour may be directed toward staff members resulting in significant physical or emotional trauma to the Board employee.

The Board will take all reasonable precautions to ensure the safety of staff for anticipated and unanticipated acts that result in physical or emotional injury to staff due to the behaviour of identified exceptional students.

The Board is committed to working with staff and identified exceptional students to plan proactively to minimize occurrences of injury and to respond effectively when unsafe situations arise.

3.0 AUTHORITY

Under the Occupational Health and Safety Act, and applicable regulations, The Board is required to take every precaution reasonable for the protection of a worker. Under Regulation 857, the Principal and Vice Principal are supervisors, and are therefore responsible for taking reasonable precautions when dealing with students in our schools.

Also, under the Education Act, Part 13, Behaviour, Discipline, and Safety, the Principal has a duty to ensure that a student's behaviour does not affect the safety of staff, students and others. In exercising this duty, the Principal or Vice Principal may exclude a student from attending school pending a review of safety precautions.

The Board's Code of Conduct outlines the expectations for ensuring a safe environment, student behaviour expectations, and consequences for failure to meet these expectations.

4.0 RESPONSIBILITIES

Board staff have varying responsibilities depending on their role. However, all staff must work together to respond appropriately to incidents that occur. It is the responsibility of:

- a) The Principal to respond to concerns about staff safety, to investigate and develop follow up plans regarding incidents and to communicate this procedure to staff.
- b) Board staff to report safety concerns that are generated by identified exceptional students (Safety Concern Form – Appendix A) to the principal and the site health and safety representative.
- c) All staff to follow instructions for safety procedures in the school, and to follow procedures outlined in Individual Education Plans and safety plans for identified exceptional students.
- d) The Superintendent with responsibilities for Special Education (or designate) to oversee program adjustments and staff or resource needs that may be required to provide for the learning needs of identified exceptional students and the safety of staff.
- e) The Joint Occupational Health and Safety Committee (JOHSC) to monitor and review concerns regarding the implementation of this Administrative Procedure and consider training when necessary.
- f) The Superintendent of Education with responsibilities for Human Resources to assist with procedures for employee support, deployment, and response to concerns.

5.0 GENERAL PROCEDURES TO PREVENT OCCURRENCES OF VIOLENCE AGAINST STAFF

Wherever possible, preventative planning should take place to be prepared for situations where risk may occur.

The application of consequences may be modified to meet the needs of some identified exceptional students. Responses will be handled consistently, and in compliance with the policies and procedures of the Board and legislation found in the Education Act, Occupational Health and Safety Act, and other legislative statutes governing residents of Ontario.

The following information outlines areas that need to be addressed:

- a) At the initiation of the principal, an individualized safety plan will be developed for an identified exceptional student whose behaviour is known to pose ongoing risk to staff or others.
- b) The Principal and Teachers will participate in the development of the safety plan and will gather input from educational assistants, and other staff and parents, as appropriate. All involved staff will receive copies of safety plans for those identified exceptional students with whom they directly work. These plans are to be stored in a secure location.
- c) Parents/guardians are to be involved in the development of the safety plan with the appropriate staff. Changes to any plan will be documented and shared with the Principal and other appropriate staff members. The plan will be reviewed at least annually.
- d) The review of the safety plan will be used to identify and facilitate staff training and orientation appropriate for staff assigned to that identified exceptional student.

The Principal is responsible for informing all staff including supply staff, of existing or new safety plans.

6.0 STAFF TRAINING

Staff training is an essential part of effective planning and programming for identified exceptional students with challenging behaviours.

In addition, enhanced training measures may be required for staff dealing with identified exceptional students with known high levels of needs.

The following training materials and methods will form the basis of ongoing training. These materials will be reviewed regularly, and additions or revisions will be made as appropriate to this list.

- Behaviour Management Systems
- Principles of Applied Behaviour Analysis
- Tribes
- Schools Attuned
- Roots of Empathy
- Other appropriate training as deemed necessary by Human Resources or the Superintendent with responsibilities for Special Education.

Employees will be expected to undertake training where it is deemed necessary, to deal effectively and proactively with identified exceptional students demonstrating challenging behaviour. The Board will provide opportunities for training as required by the Occupational Health & Safety Act. For staff routinely working with identified exceptional students who have challenging behaviours, the level of training will need to be in accordance with the level of behaviour presented by the students.

7.0 **SPECIFIC INCIDENT PROCEDURES TO ADDRESS INJURY OR ASSAULT TO A STAFF MEMBER**

The following guidelines are intended to support school staff in dealing with a behavioural situation involving the injury or assault of a staff member that results from aggressive behaviour of identified exceptional students.

Immediate Actions:

Employees will immediately report to the principal or principal designate:

- an assault or a serious threat by an identified exceptional student.
- any situation in which an employee requires medical, emotional, or other assistance

The Principal will conduct a preliminary investigation to assess the seriousness of the incident and immediate responses needed. Also refer to Administrative Procedure HR123 Workplace Violence and follow if appropriate.

It is the responsibility of all staff to ensure that the safety and physical well-being of the identified exceptional student(s) and employee(s) involved are attended to immediately.

The Principal (or designate) will ensure that all persons involved are safely and securely situated and will determine whether any person is in need of emergency first aid, emotional, or other immediate assistance.

The appropriate Superintendent will be notified as soon as possible for any serious incident.

The Parent/guardian of the identified exceptional student (if the student is under 18) will be notified. If 18 years of age or older the student will be notified directly.

The Principal will make a determination of whether the identified exceptional student should be excluded from school pending the completion of the investigation and follow-up measures by the Principal. This decision will be communicated to the parents by the Principal.

The emergency contact/family member of the employee may be notified depending on the seriousness of the incident and employee wishes.

The Principal will make a determination regarding police involvement. In circumstances where the Principal has chosen not to involve the police, the affected employee will be informed of her/his right to notify the police.

If the employee feels that the situation endangers her/his health or safety, and indicates a refusal to work due to this concern, the “Work Refusal Process” (See Appendix B) agreed upon through the Joint Occupational Health and Safety Committee will be followed. The Superintendent responsible for Special Education, or his/her designate and the Family of Schools Superintendent should be advised as soon as possible if a work refusal is initiated. Refer to Board Administrative Memo 27 – Right to Refuse Unsafe Work.

Follow Up Actions:**Investigation:**

The principal will investigate the circumstances surrounding the incident. Investigation will include the review of:

- The details of the incident including interviewing of witnesses, examination of the incident site, medical treatment required, etc.
- Current work practices employed and student responses to same;
- Previous history and documentation to date.
- Current Individual Education Plan and safety plan (if in place for the student)

The Principal shall follow appropriate disciplinary procedures with respect to the Board's Code of Conduct and individual student Individual Education Plans and safety plans. Also refer to Administrative Procedure HR123: Workplace Violence regarding investigation.

Documentation:**If an employee is injured:**

An *Employee Report of Injury/Incident/Disease Form* (Appendix C which is available through E-Centre) must be used to document the circumstances relating to the injury or incident. The Board's Administrative Procedure HR121 Injury/Incident/Disease Reporting outlines the requirements for notification and investigation of the incident. If this falls within the definition of workplace violence, then follow Administrative Procedure HR123 and complete the Workplace Violence Report Form.

Support of staff:

The school principal may arrange other support of the staff as determined in consultation with Board staff (Family of Schools Superintendent, Superintendent with responsibilities for Special Education or his/her designate, Special Education and Human Resources Department). This support may be required to meet:

- Physical needs (medical assessment or treatment, recuperation)
- Emotional needs (counselling, Employee Assistance Plan)
- Risk management needs (assistive devices, additional support staff, and training).

Prevention of Recurrence: Based on the findings of the above investigation, the principal will recommend appropriate actions to avoid a recurrence.

Short-term and long-term responses may include:

- Review of the Individual Education Plan and/or safety plan, with revisions as needed
- Environmental modifications
- Changes in work procedures
- Additional staff training
- Personal protective equipment (as identified in AM38)
- Counselling, timeout, suspension
- Modified school attendance;
- Police intervention or CAS intervention
- Other intervention deemed appropriate

Student Re-entry Plan

The re-entry of an identified exceptional student after an aggressive incident must be well planned in order to avoid further difficulties.

The Principal will make the determination of the appropriateness and timing of the identified exceptional student's return to school. In cases of any significant injury or safety concern, an identified exceptional student may need to be suspended from school until the necessary actions have been taken to address the safety concerns and prevent further incidents.

Written communication should be sent to the parent following notification of the status of the identified exceptional student that has taken place in the immediate response phase. This notification would generally consist of one of the following:

- Notice of concern about student behaviour
- Modifications to the work environment or procedures for the student may require an extended period of absence of the student from the class or school
- Suspension letters
- Suspension pending expulsion letter

The following steps must be taken prior to the return of the identified exceptional student:

- Schedule a case conference with parent/guardian, appropriate school, board and/or community personnel (see 2.0 Proactive/Preventative Action)
- Prepare a safety plan or review the effectiveness of an existing safety plan and modify where necessary.
- Short- and long-term responses may include:
 - Environmental modifications
 - Staff training as needed
 - Involvement of community agencies to support the school in meeting the identified exceptional student's needs (e.g., counselling)
 - Modified school day
 - Review and modify the Individual Education Plan, as appropriate
 - Other interventions which the Principal may deem appropriate

8.0 MONITORING

The monitoring of employee incidents of injury and concerns about the behaviour of identified exceptional students is necessary to minimize further occurrences, and to develop plans where needed for training and other preventative measures.

It is the responsibility of all staff and system partners within the Board to support and promote prevention of incidents resulting from the behaviour of identified exceptional students.

The following steps will be taken annually to monitor the area of employee injury due to the behaviour of an identified exceptional student:

- All Employee Report of Injury/Incident/Disease Forms will be forwarded to the Human Resources Department.
- Reports identifying aggressive behaviour will be reported to the Joint Occupational Health and Safety Committee.
- The Health and Safety Office will provide to Executive Council monthly reports identifying aggressive behaviour and injury trends with recommendations to reduce the level of aggressive behaviour.

Monthly reports will be provided to the Joint Occupational Health and Safety Committee to monitor the implementation of this procedure and make the necessary recommendations to the employer.

Appendix A



GRAND ERIE DISTRICT SCHOOL BOARD

OCCUPATIONAL HEALTH AND SAFETY CONCERN FORM

School/Workplace _____

SECTION I

This section must be completed by the employee within five days after identifying a concern and be submitted to the Supervisor/Principal.

Description of concern		Date first reported	
Signature of Employee		Date	
Reported to		Date	

SECTION II

The Supervisor/Principal must complete this section and forward copies as indicated within 2 working days.

Corrective Actions/Recommendations

Resolved at local/school level	Yes		No	
Requires further action/investigation	Yes		No	
Explain				
Supervisor/Principal Signature		Date		

Distribution: Employee, Supervisor/Principal, Worker Safety Representative

SECTION III

The worksite safety representative completes this section if further action is required.

Response			
Signature		Date	

Distribution: Employee, Supervisor/Principal, Health and Safety Officer, JOHSC Secretary

Appendix B

WORK REFUSAL PROCESS

As per The Occupational Health and Safety Act and Regulations for Industrial Establishments Regulations 851, Section 43.

The Right to Refuse Unsafe Work

A worker has the right to refuse unsafe work that he/she has reason to believe may endanger him/herself or another worker.

The right to refuse unsafe work applies to all those covered under the Occupational Health and Safety Act. Certain workers who have a responsibility to protect public safety cannot refuse work that is in the normal course of their duty, i.e.: firefighters, police, ambulance etc.

LIMITATIONS:

Teachers employed under the Education Act and governed by the Teaching Profession Act have a "limited" right to refuse work. Teachers may not exercise the right if the life, health or safety of a student is placed in imminent jeopardy (RRO 1990 Reg. 857). It should be noted however, that teachers have always had the right to refuse to use unsafe equipment. Refer to Administrative Memo 27 – Right to Refuse Unsafe Work.

From the Occupational Health and Safety Act

Refusal to work

- (3) A worker may refuse to work or do particular work where he or she has reason to believe that,
- (a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;
 - (b) the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself;
 - (b.1) workplace violence is likely to endanger himself or herself; or
 - (c) any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself, herself or another worker. R.S.O. 1990, c O.1, s. 43 (3).

***Note:** Due to the complexity of the refusal process, a principal/supervisor should contact the Health and Safety Officer immediately and in the meantime the employee should not be required to undertake the work that he or she considers unsafe.

The Occupational Health and Safety Act describes the exact process for refusing dangerous work and the responsibilities of the supervisor, JOHSC member designated to handle work refusals, and the refusing worker.

Appendix C

GRAND ERIE DISTRICT SCHOOL BOARD
Employee's Report of Injury/Disease/Incident – FORM 1
 (All injuries/diseases/incidents must be reported on this form
 on the day of the injury or awareness of disease/incident.)

Date:	
Name:	Occupation:
Address:	Full-time:
	Part-time:
	Casual:
Telephone:	Worksite Location:
Date and time of injury/awareness of disease/incident:	
Date and time reported to supervisor:	
Lost time? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date last worked:
	Hour last worked: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
	Date returned to work:
	Hour returned to work: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
1. What happened to cause the injury/disease/incident? Describe the injury, part of the body involved and specify left or right side.	
2. Name and position of person to whom injury/disease/incident was reported. If the injury/disease/incident was not reported immediately, please give reasons.	
3. What were you doing at the time of the injury/disease/incident was reported. In the injury/disease/incident was not reported immediately, please give reasons.	
4. Was anyone else involved or was there any other contributing factor? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please give details.	
5. Where did the injury/disease/incident occur? (Within the worksite)	
6. Name(s) and address(es) of witnesses.	
7. Have you had a previous similar injury/disease? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give details. If the previous similar injury/disease was work related, was a WSIB claim established? <input type="checkbox"/> Yes <input type="checkbox"/> No	
8. Did you receive: a) first aid? <input type="checkbox"/> Yes <input type="checkbox"/> No b) medical attention? (by doctor, dentist, chiropractor) <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the name and address of the practitioner and/or hospital. Use this space if you wish to provide additional information to describe the injury/disease/incident	

Supervisor's Report

1.	What do you consider to be the obvious cause of the injury/disease/incident?
2.	What do you consider to be the underlying cause of the injury/disease/incident?
3.	What immediate steps have you taken to prevent recurrence?
4.	What additional steps will be taken to prevent recurrence?
5.	Name and phone number of Supervisor conducting investigation.
6.	Date of Investigation

PLEASE NOTE

Injuries/disease/incidents should be reported to the supervisor immediately and the completed Form 1 sent to DL-EMPLOYEE_ACCIDENTS as soon as possible. The report can also be faxed to 519-759-5362. The Workplace Safety and Insurance Board must be notified (by Human Resources staff) within 72 hours of the supervisor becoming aware of any incidents involving lost time or medical attention. Failure to report may result in WSIB levying a minimum fine of \$250 for each infraction.

Please notify Health and Disability Officer at Head Office of the date and time of the employee's return to work (519) 756-6306, ext. 281130 or by e-mail.