

## 6. Back you against unfounded litigation and bureaucratic rules

*Our reforms will put unprecedented trust in your professional discretion, but we know that fear of unfounded legal actions and perverse health and safety restrictions are already preventing too many staff from exercising their initiative. So we will back you with real protection against unfounded action and bureaucratic rules that just get in the way.*

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Research by the London School of Economics shows how staff that are given more power and control over their work gain far greater well-being, pride and commitment in their work, and are even more likely to address poor practice by others. So we know that the new empowerment, control and freedom we want to give public professionals will not only improve public services, it will improve working life hugely for staff too.

But we also understand that, despite being given new powers, public sector staff could still be held back by the old culture of fear of litigation and negative action that affects so many public professionals who are just trying to do the right thing.

Teaching is plagued by this. Fear of litigation has helped drive false allegations and assaults to record levels: 59 per cent of schools say false allegations have been made against staff within the last three years; a third of teachers have been physically attacked and nearly one in five threatened with a weapon. But their capacity to deal with this is crushed

by excessive caution. A study by Manchester University found over half of schools now have either an explicit or implicit ‘no touch’ policy – this just undermines teachers’ authority.

Excessive interpretations of health and safety law are also preventing the police from doing their jobs. Perhaps the saddest case was the death, in May 2007, of a ten-year-old boy who drowned in a pond in Wigan, while uniformed officers nearby were instructed not to intervene on health and safety grounds.

**We will back public sector staff against the rules and threats that stop you delivering a great service**

We want to bring in real change to reverse this dangerous trend. We pledge to back you up against all the unfounded and vexatious nonsense that harasses too many decent hard-working public professionals today. For example, we will:

- Change the law so police officers are not prevented by the Health and Safety at Work

Act from discharging their duty to protect the public. Likewise, we will protect other public servants from its excessive interpretation, such as people taking youngsters on adventure trips;

- Make it easier for teachers to use reasonable force to deal with violent incidents, remove disruptive pupils, and physically restrain disruptive children without fear of legal action. We will restore powers to search pupils and confiscate items head teachers think may cause violence or disruption. And we will give teachers the strongest possible protection from false accusations, including anonymity until guilt is proven; and,
- Give staff in the NHS the right to report any bad practice they see without fear of reprisal from their employers.