



PROTOCOL IN THE EVENT OF AGGRESSION TOWARDS TEACHING AND NON-TEACHING STAFF

1. INTRODUCTION:

Harmony at Gándara International School (GIS) is one of the cornerstones on which not only the teaching-learning processes are based, but also the integral formation of its students. This is reflected in our commitment to ZERO TOLERANCE towards any type of violent behavior in our school. The relationships that are established between those who make up the educational community, in the development of school life, are not alien to possible charges of aggressiveness that manifest themselves on certain occasions, altering the relationship between the various sectors of the school community.

Violence at the workplace undermines the dignity and rights of workers, but it is also a threat to the efficiency and success of organizations. All this, as published by the European Agency for Safety and Health at Work, leads employees to suffer different consequences depending on the nature of the aggression and the personal characteristics of each individual victim.

Assaults at the workplace can have a negative impact on the quality of educational practice and cause an emotional impact on those who are assaulted. All members of GIS have the right to expect the school to be a safe place to work and learn.

GIS understands that it must deepen the respect for the exercise by citizens of the rights they have recognized in all areas and protected by the rule of law. Reciprocally, it must also urge the members of the learning community to comply with the duties that inevitably entail the aforementioned rights. Among these duties is to make proper use of educational services in an atmosphere of mutual cordiality, trust and respect.

In this sense, actions against violence in the workplace must be considered a high priority.

The measures implemented by GIS are articulated in three axes:

PREVENTIVE MEASURES, aimed at providing professionals with communication skills that will improve interaction with students and their families: Coexistence Plan, Internal Regulations, training, etc....

ACTIONS AGAINST AGGRESSORS, from monitoring potentially aggressive students and family members to filing a complaint with the court, to informing the educational community of irregular behavior and requesting their protection through the school management.

ACTIONS IN CASE OF INCIDENTS aimed at establishing explicitly what the staff can do in case of suffering a situation of aggression, collected in this Protocol.

The basic principles on which these actions must be based are as follows

Integral nature: incorporating both preventive and action measures in the event of situations of this type, as well as analysis and evaluation. They should also be oriented to all teaching professionals, whatever their professional category.

Coordination of all actions.

Orientation of service to professionals: all the actions designed are oriented to the service of the passive subject in such an incident that he/she must perceive at all times the support of his/her educational center and of the school community.

Adaptation of infrastructures and work procedures that should favor the creation of safe environments for the development of the educational activity.

Ongoing improvement. A permanent evaluation process will make it possible to gather the prevailing circumstances of place, time and manner in which aggressions occur and will facilitate, through the elaboration of a risk map, the determination of the variables associated with this type of situations, favoring future decision making and the definition of more effective measures.

Respect for students' rights. Since the relationship between teachers, students and families must be based on mutual respect and trust, any prevention and action plan on the safety of professionals must safeguard this relationship with guarantees, in addition to protecting the rights of students and their families at all times, avoiding in any case, that the proposed actions may confront or put the rights of professionals before those of students or their families. Objectivity about the facts produced and the measures proposed must safeguard this principle.

Respect and recognition of the rights of teachers and other professionals: the basis on which the work of our educational center is based.

2. LEGAL FRAMEWORK

In its article 4.a), Law 3/2014, of April 16, on the authority of teachers, recognizes that teachers in the performance of their teaching duties have the right to respect for their identity, integrity, dignity and consideration towards themselves by the students, their parents, relatives and legal representatives, the rest of the teaching staff and other personnel who provide services at the school and the educational administration. In accordance with article 5, the teaching staff, in the exercise of the governing, teaching, educational and disciplinary functions attributed to them, will have the status of public authority and will enjoy the protection recognized to such status by the legal system.

Decree 51/2007, of May 17, which regulates the rights and duties of students and the participation and commitments of families in the educational process, and establishes the rules of coexistence and discipline in the educational centers of Castilla y León, provides in article 25 bis that the teaching staff of publicly funded centers, in the exercise of the governing, teaching, educational and disciplinary functions attributed to them, shall have the status of public authority and shall enjoy the protection recognized to such status by the legal system.

In this sense, Article 28.1.d) provides that the internal regulations of the centers shall include the procedures for action in situations of conflict, and Article 28 bis enables the centers, within the framework of their autonomy, to draw up their own rules of coexistence and conduct, which shall be mandatory and shall form part of the internal regulations, and which shall specify, among other aspects, the procedures and measures for the prevention and resolution of conflicts. Although the situations of aggression to teaching or non-teaching personnel of the centers, if they occur, are of an occasional nature, it is necessary to establish an action protocol, including a specific procedure to guide the action in cases of aggression to teachers by students, their families or other persons related to the students, action procedures that, given the relevance of this action for the centers, are extended to the non-teaching personnel of the centers, and also to the non-teaching personnel of the centers.

Article 10.1 of the Spanish Constitution (EC), referring to the rights of the person, states that the dignity of the person, the inviolable rights inherent to him/her, the free development of the personality, respect for the law and the rights of others are the basis of public order and social peace.

Article 14 of the Spanish Constitution states that Spaniards are equal before the law without any discrimination whatsoever.

Article 15 EC also protects the right to life and to physical and moral integrity.

3. PREVENTIVE MEASURES

In order to address the problem of aggressions in a comprehensive manner, it is considered a priority to develop a specific training process aimed at all teaching professionals on how to deal with conflict situations, in order to obtain skills that will enable them to face risk situations, manage stress effectively and control the work environment.

3.1. Training and professional skills. Training Plan

The GIS Annual Training Plan will include the following:

- Conducting workshops that are eminently practical.
- The workshops will be addressed to all the school professionals, and will adapt to the specific issues of the teaching organization.

This Training Plan should respond to the following OBJECTIVES:

1. To analyze the relationship of teaching professionals with their students and their families in aggressive and conflict situations.
2. To discuss improvement strategies to be developed by professionals in order to be able to give an adequate response to such situations.
3. To train in some basic skills in the teaching-learning relationship in order to achieve a more effective attention in such situations.
4. To take advantage of the good practices developed in educational centers.

The following CONTENTS have been proposed:

1. Basic principles of communication in difficult situations.
2. Elements that facilitate and hinder communication.
3. Assertiveness: different techniques.
4. Active listening.
5. Non-verbal communication.
6. Negotiation techniques and skills.
7. Emotional self-control and stress management.

8. Mediation and conflict resolution.

Difficult situations in the relationship with the students and their environment will be analyzed (the reception of aggressive students, how to act when faced with a professional's mistake, how to say NO, what to do when faced with an aggressive student or family member, how to criticize, how to receive criticism, how to give bad news...).

3.2 Adequacy of infrastructures and buildings. School design

The layout and organization of the GIS infrastructures were carried out taking into account the requirements of the educational legislation in force at the time they were planned. In addition, a series of resources were incorporated to allow for a safe and secure environment.

In coordination with the Occupational Risk Prevention Service, GIS has undertaken the implementation of the following structural measures:

- a. **PASSIVE SAFETY MEASURES:** Minimum standards will be established that unequivocally define the passive safety measures to be implemented.
- b. **ACTIVE SAFETY** measures:

The safety of the professionals in the provision of assistance against possible aggressions must be considered in the design of the spaces and the possible reforms of the existing ones.

4. COORDINATION AND COMMUNICATION

In the event of an aggression suffered by a GIS professional, it is necessary to act diligently and quickly in order to minimize the damage suffered and adopt the appropriate measures. For this reason, it is necessary to establish a coordination and communication plan among the stakeholders and organizations involved in the case, which is included in this Protocol.

5. EVALUATION AND MONITORING: RISK ASSESSMENT

In order to be able to know the evolution of this type of situation over time, it is necessary to set up a system that allows us:

- The evaluation of the nature, and space-time parameters of the reported aggressions and to plan the measures to be implemented.

- The advice and support to the professionals of the educational center.
- A commitment to maintain only the means of access and communication with the assaulted person specified in the Action Protocol to maintain confidentiality.
- Coordination with other institutions and organizations.
- The preparation of reports on the evolution of this type of incidents.
- The supervision and development of the Coordination and Communication Plan.

In order to gather as much information as possible to analyze the phenomenon of aggressions suffered by GIS personnel, a data file is available in which they are collected as well as the circumstances of each case.

A subsequent analysis of the data will allow the elaboration of a RISK MAP that will facilitate the short-term design of preventive, palliative and corrective measures to address this type of aggressive behavior in the school.

6. TYPIFICATION:

This protocol is intended to articulate the mechanisms of protection, assistance and support to the faculty or staff performing their duties in the field of teaching at Gándara International School (GIS).

For the application and development of what is established in the aforementioned protocol, the following will be taken into account:

(a) Protected conduct:

- Assaults.
- Serious intimidation.
- Serious active resistance.
- Any other conduct considered a crime or misdemeanor in the Penal Code.

The described conducts can be committed by the students or by any person related to them (their family, etc.).

b) Protected subjects:

The legal protection will be directed to the faculty and staff of administration and services and complementary educational attention of GIS, in the exercise of their functions.

This protocol shall apply to teachers and staff described above, in the exercise of their duties, regardless of whether the event occurs inside or outside the school. This protocol may be applied to conduct occurring within the school premises during school hours, during the performance of complementary or extracurricular activities, in the canteen and school transport services or in the performance of administrative functions related to the above.

Likewise, the protocol may be applicable to events occurring outside the school premises, related to the aforementioned activities and functions, provided that they have been reported.

7. ACTION PROTOCOL

Step 1. Stop the aggression:

In the event of any possible aggression towards the center's personnel, it is important to remain calm and try to contain the situation. As far as circumstances permit, the aggressor should be warned of the inappropriateness of his behavior and of the consequences that his actions may entail.

In case of necessity, the aggressor will respond exclusively by using the means of legitimate self-defense and will ask for help. The assistance and presence of other teachers or other people close to the student will serve in the first moment to contain or end the violent situation, in addition to the fact that they can act as witnesses to the facts if necessary.

In the event that the situation of violence persists or there has been a sufficiently serious aggression, immediate help will be requested from the Local Police, National Police or Civil Guard, so that they can go to the center or place where the events that motivated the action took place.

Step 2. Reporting to the Management Team:

Any member of the educational community who becomes aware of a situation of aggression has the obligation to bring it to the attention of the school principal or, in his or her absence, another member of the management team.

The principal or the management team will immediately notify the inspector of reference of the center in order for him/her to adopt the measures he/she deems appropriate.

Step 3. Health care services:

In the event of an aggression against a professional, if necessary, he/she shall go, accompanied by a member of the center's management team, to the corresponding Preventive Medicine Service or Emergency Service, where he/she shall be examined and the pertinent actions shall be taken by the physicians of the medical services. In any case, a report or injury report will be requested.

Step 4. Reporting the events to the adequate authorities:

The assaulted person may file a complaint, communicating this circumstance to the school Principal.

Legal action: Two types of actions can be taken. Criminal action, if it is a conduct typified in the Criminal Code, reporting the facts to the Court, Local Police, National Police, Civil Guard, etc. (it must be taken into account that the statute of limitations for misdemeanors is very short: 6 months) and civil action in the event that damages have been caused, which can be exercised jointly with the criminal action or separately before the civil jurisdiction.

8. ACTIONS TO BE UNDERTAKEN BY THE SCHOOL PRINCIPAL

When the school Principal becomes aware of a situation of aggression against a member of the teaching or non-teaching staff of the school, he/she shall first assess the event and the seriousness of the aggression and then follow the steps below:

1. Gathering data

The Management Team will collect the necessary information related to the event from the various sources listed below, and will make a report with the obtained data which will include the immediate prospective actions:

- Assaulted professional.
- Identification of the aggressor.
- Witnesses.
- Teacher, in the event that the aggression has been committed by a student.
- Other professionals related to the aggression situation.

Other school staff or the educational community that has contact or a relationship with the aggressor.

This report will be stored securely and confidentially with the guarantees contained in the Organic Law 3/2018, of December 5, on the Protection of

Personal Data and guarantee of digital rights, being incorporated into the incident reports at the center.

2. Reporting the complaint:

If the aggressor or aggressor was a student of the center, the school Principal will inform their families about the events.

In the case of individuals over 18 years of age, the complaint, which will be made in accordance with model 2, will be transferred to the Court on duty or to the State Security Forces.

For these purposes, and under the provisions of Organic Law 5/2000, of January 12, stipulating the criminal responsibility of minors:

Up to 14 years of age, they shall not be held liable under Organic Law 5/2000, of January 12, but shall be subject to the provisions of the rules on the protection of minors provided for in the Civil Code and other provisions in force.

3. Informing the families of the students involved:

If the aggressor or aggressor was a student from the school, the school Principal will proceed to communicate the facts to their families.

4. Applying the School Internal Rules and Regulations and the Community Behavior Plan:

Depending on the seriousness of the facts, the Principal will adopt disciplinary measures as appropriate in accordance with the provisions of its Internal Rules and Regulations and the Community Behavior Plan and Law 4/2011, of June 30, of peaceful coexistence and participation within the educational community.

5. Reporting the situation and the events:

It will inform the Governing Board seeking their collaboration in the implementation of the actions that need to be undertaken.

Under Article 10 of Law 3/2014, of April 16, on the authority of teachers, the Principal shall communicate or, where appropriate, expand the information on the facts to the Public Prosecutor's Office.

6. Other actions to be taken into account by the Management Team:

Actions will be carried out to ensure the safety of the person assaulted in the school premises, as well as the normal performance of their professional activity. Such actions may be extended, as a preventive measure, to the rest of the school's teaching or non-teaching staff.

9. APPROVAL, IMPLEMENTATION AND UPDATES OF THIS PROTOCOL

9.1. Approval and publication:

This Protocol shall be approved by the Governing Board. Such approval shall be notified to the members of the Educational Community, announcing its publication in the Drive and on the Center's website. The Director shall ensure that all members of the Educational Community have access to it and that the Center's Staff receives copies of it and reads it.

In addition, a copy of the same shall be available, in printed form, at the Administration Secretary's Office, available for consultation at any time.

9.2. Protocol implementation

All school personnel will receive a detailed written explanation of the Protocol.

The Leadership Team will arrange familiarization sessions with the contents of the document, which may include discussions with professionals with expertise in the subject matter. This training will be provided by the school and will be designed to promote accurate interpretation and effective, ongoing implementation of the Protocol.

It is also useful to discuss this protocol with families in the event that questions about the protocol arise. In such a case, GIS will arrange meetings or briefings as necessary.

GIS will make every effort to implement hiring practices that ensure the safety of children and will review these practices annually to ensure compliance and effectiveness.

9.3. Review

This Protocol will be reviewed annually, at the final course evaluation or at the beginning of the course, through a self-audit to assess the current status of its implementation. This audit will include a checklist of the data contained in annex 6 of this document.

This review will be carried out through meetings with the individuals and groups that have carried out the various responsibilities described in the Protocol, gathering their opinions on the practical effectiveness of the Protocol. The product of this review will be a document that evaluates each functional area of the Protocol and will be able to:

- Reflect how a functional area has evolved in its practice in a way that is contrary to what is written, but is working successfully.

- Restructure the text to address weaknesses or errors in each functional area, with the goal of making it more efficient.
- Strengthen and/or clarify sections or procedures.
- Develop policies and procedures for new problems that may arise.

Through this review GIS adopts a "continuous quality improvement" initiative and aims to identify the strengths and weaknesses of its internal protocols and policies, discover problems that were not adequately anticipated or addressed, and amend them accordingly.

Once amended, the recommended areas of improvement will be followed up for a period of 6 months to one school year to determine their implementation.

In addition, every 2 to 3 years GIS will conduct a comprehensive analysis of the center's policies, protocols and procedures, designed to identify what is working in practice, what needs to be improved or what needs to be added to strengthen them.

ANNEX 2: REPORT BY THE SCHOOL PRINCIPAL ON THE ALLEGED AGGRESSION

SCHOOL INFORMATION

School:
City/town:
Region:

PERSONAL DATA OF ASSAULTED MEMBER OF STAFF

Surnames:
Name:
Date of birth:
ID card no.:
Sex:
Role at the school:
Administrative Status (2):

PLACE AND DATE OF AGGRESSIONS

- In class
- In the school yard
- In the corridors
- Arrivals at/departures from the school
- Outside school by other school students
- Outside school by non-members of the school
- Other remarks:.....

INDIVIDUALS TAKING PART IN THE PROCEEDINGS

School Staff:

- Students:.....
- Teachers:
- Non-teaching
- Others:

(2) Employees, others (please specify)

Witnesses

- Students:.....
- Teachers:
- Non-teaching staff:.....
- Others:

Alleged perpetrator

- Students:.....
- Teachers:.....
- Non-teaching staff.....
- Others:

TYPES OF AGGRESSION:

-VERBAL AGGRESSIONS:

- YES
- NO

- Direct physical aggressions
- YES
- NO

-Others (specify):

- YES
- NO

ACTIONS TAKEN BY THE SCHOOL

Disciplinary Proceedings have been started:

- YES
- NO

The Disciplinary Proceedings includes precautionary measures:

- YES
- NO

If affirmative, please state:

Date when proceedings were started:.....
Student personal details
Name and Surnames of instructor:.....

OTHER MEASURES

Has the police intervened?

- YES
- NO

If applicable:

Local Police:

- YES
- NO

Others (specify).

- YES
- NO

Was the report motivated by this event?

- YES
- NO

Did the event motivate the police report?

- YES
- NO

Why?:
.....
.....

Have any preliminary proceedings been taken?

- YES
- NO

Not until now

If applicable:

Court Number:.....

Preliminary Proceedings Number:.....

Did anyone get hurt?

YES

NO

Has the injured been to a health care centre?

YES

NO

Is there an injury report?

YES

NO

Have the Education Authorities been notified?

YES

NO

Has any application been submitted to grant temporary inability to work to the worker due to an occupational accident?

YES

NO

The events had the following consequences:

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

DESCRIBE WHAT HAPPENED: (3)

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

COMMENTS AND AGGRESSION PRECEDENTS (if any)

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

I consider that this case requires the implementation of the Aggression Protocol in the event of Aggression::

- YES
- NO

.....(place), (date)

SCHOOL PRINCIPAL

Signature.:

NOTE: Include all the documentary evidence: proceedings carried out, report of injuries, list of possible witnesses that may or may not be connected to the Education Administration

(3) The description of the facts must be as detailed as possible, including as many observations as the interested party considers of interest and pertinent to the case.

ANNEX 3: LEGAL GUIDE

The main purpose of this document is to guide professionals as to the legal actions that may be taken in each situation and case.

1. Jurisdiction

Two types of actions may arise from the infractions contemplated in this action protocol, which makes it necessary to specify beforehand which jurisdiction they may be exercised:

- **Criminal Action:** insofar as they are typified in the Criminal Code, as a crime or misdemeanor for the punishment of the guilty party, and can only be exercised before the criminal jurisdiction.
- **Civil Action:** in cases where damages have been caused, and in order to obtain the restitution of the thing, reparation of the damage and compensation for damages caused by the punishable act. The civil action derived from a criminal offense may be brought jointly with the criminal action, or separately before the civil jurisdiction.

Therefore, when a professional suffers some type of criminal infraction from which damages are derived, not only the criminal action for the punishment of the guilty party may be exercised, but also the civil action to claim the corresponding compensation, either within the criminal proceeding itself, or separately before the civil jurisdiction, taking into account in the latter case that if the criminal proceeding is already initiated, no lawsuit may be filed until it has been concluded by means of a final judgment.

2. Starting the proceedings

Proceedings may be initiated by means of a denunciation or a complaint:

Denunciation: It consists of making a statement in which knowledge of the facts is admitted, but with no legal qualification of the facts, neither requesting the initiation of criminal proceedings, nor assuming the status of a party thereto, nor requesting the start of proceedings. It is much faster process, since it does not require special formal requirements for its admission.

Complaint: Unlike the denunciation, it is an act in which a criminal action is exercised by means of which the plaintiff assumes the quality of accusing party throughout the procedure. It must always be formulated in writing before the competent jurisdictional body.

In addition, the reports drawn up by the police officers as a result of the inquiries they have made when they are requested to do so by the school

itself may initiate ex officio proceedings, that is, independently of the filing of the complaint by the person assaulted or the person entitled to do so.

In spite of the fact that the complaint can be presented before any jurisdictional authority, it is convenient that the same complaint is filed before the court on duty corresponding to the judicial party where the facts take place.

3. Time

Criminal liability is extinguished by the statute of limitations of the crime or misdemeanor, for which reason the criminal action must be brought before the expiration of the statute of limitations, which is basically established according to the duration of the penalty established by law for the crime or misdemeanor committed.

Specifically, in the case of misdemeanors, the statute of limitations established by the Criminal Code is six months.

4. Evidence

Finally, it should be remembered that in criminal matters the principle of presumption of innocence applies, so that the complainant should try to go to trial with sufficient evidence to be able to rebut this presumption.

In this sense it is very useful to consider the following:

Witness statements: those collected among the people who hold different positions within the school (principal, head of studies, secretary, teachers, etc, provided that they could shed some light on the case).

The health care reports, in the case of physical aggressions. It is recommended that in all cases in which physical aggressions occur, the professional be immediately assisted by a physician.

ANNEX 4: REFERENCE CRIMINAL LAW

The following is an excerpt from the articles of the Criminal Code that includes those aspects most closely related to potential cases of aggression against professionals in schools.

General provisions

Article 24. [Concept of "authority" and "official"].

1. For the purposes of criminal law, an authority shall be considered to be anyone who, alone or as a member of a corporation, court or collegiate body, has command or exercises his own jurisdiction. In any case, members of the Congress of Deputies, the Senate, the Legislative Assemblies of the Autonomous Communities, and the European Parliament shall be considered

authorities. Officials of the Public Prosecutor's Office shall also be considered authorities.

Any person who by immediate provision of the law or by election or appointment by a competent authority participates in the exercise of public functions shall be considered a public official.

Civilly liable individuals

Article 116. [General cases] [General assumptions].

Any person criminally liable for a crime or misdemeanor is also civilly liable if damage or harm results from the act. If there are two or more persons responsible for a crime or misdemeanor, the Judges or Courts shall determine the share to be borne by each of them.

2. The perpetrators and accomplices, each within their respective class, shall be jointly and severally liable among themselves for their quotas, and subsidiarily for those corresponding to the other perpetrators.

The subsidiary liability shall be effective: first, in the property of the perpetrators, and then, in that of the accomplices.

Both in the cases in which the joint and subsidiary liability is effective, there shall remain the right of repetition of the one who has paid against the others for the quotas corresponding to each one.

Of the injuries

Article 147. [Crime of injury. Concept of injury].

1. Whoever, by any means or procedure, causes to another an injury that impairs his bodily integrity or his physical or mental health, shall be punished as a defendant of the crime of injury with a prison sentence of six months to three years, provided that the injury objectively requires for its healing, in addition to an initial medical assistance, medical or surgical treatment. The simple surveillance or medical follow-up of the course of the injury shall not be considered medical treatment.

2. However, the act described in the preceding paragraph shall be punished with the penalty of arrest for seven to twenty-four weekends or a fine of three to twelve months, when it is of lesser gravity, taking into account the means employed or the result produced.

On threats

Article 169. [Threatening an individual with an evil constituting a crime].
Whoever threatens another with causing him, his family or other persons with whom he is intimately linked an evil that constitutes crimes of homicide, injury, abortion, against freedom, torture and against moral integrity, sexual

freedom, intimacy, honor, patrimony and socioeconomic order, shall be punished:

1° With a prison sentence of one to five years, if the threat has been made by demanding an amount or imposing any other condition, even if not unlawful, and the guilty party has achieved his purpose. If he has not succeeded, a prison sentence of six months to three years shall be imposed.

The penalties indicated in the preceding paragraph shall be imposed in their upper half if the threats are made in writing, by telephone or by any means of communication or reproduction, or on behalf of real or supposed entities or groups.

2° With the penalty of imprisonment of six months to two years, when the threat has not been conditional.

On coercion

Article 172. [Assumptions].

Whoever, without being legitimately authorized, prevents another by means of violence from doing what the law does not prohibit, or compels him to do what he does not want to do, whether just or unjust, shall be punished with imprisonment of six months to three years or with a fine of six to twenty-four months, depending on the seriousness of the coercion or the means used. When the purpose of the coercion is to prevent the exercise of a fundamental right, the penalties shall be imposed in the upper half, unless the fact has a greater penalty established in another provision of this Code.

Slander

Article 205. [Assumption].

Slander is the imputation of a crime made with knowledge of its falsity or reckless disregard for the truth.

Article 206. [With publicity]

Slander shall be punishable by imprisonment for a term of six months to two years or a fine of six to twenty-four months, if propagated with publicity, and, otherwise, by a fine of four to ten months.

Article 207. [Proof of the criminal act].

The accused for the crime of slander shall be exempted from any penalty by proving the criminal fact that he has imputed.

Article 208. [Assumption].

An insult is the action or expression that injures the dignity of another person, undermining his reputation or his self-esteem. Only those insults that, by their nature, effects and circumstances, are considered serious in the public opinion, shall constitute an offense. Insults consisting of the imputation of facts shall not be considered serious, except when they have been carried out with knowledge of their falsity or reckless disregard for the truth.

Article 209. [With publicity].

Serious insults made with publicity shall be punishable by a fine of six to fourteen months, and otherwise by a fine of three to seven months.

Article 210. [Proof of the truth of the imputations].

The accused of libel shall be exempted from liability by proving the truth of the accusations when these are directed against public officials on facts concerning the exercise of their duties or referring to the commission of criminal offenses or administrative infractions.

On Damages

Article 263. [Assumption].

Whoever causes damage to the property of others not included in other Titles of this Code, shall be punished with a fine of six to twenty-four months, taking into account the economic condition of the victim and the amount of the damage, if it exceeds fifty thousand pesetas.

False accusation and denunciation and simulation of crimes.

Article 456.

1. Those who, with knowledge of their falsehood or reckless disregard for the truth, attribute to any person facts which, if true, would constitute a criminal offense, if this accusation is made before a judicial or administrative official who has the duty to proceed with its investigation, shall be punished:
 1. with imprisonment from six months to two years and a fine of twelve to twenty-four months, if a felony is imputed.
 - 2°. With the penalty of a fine of twelve to twenty-four months, if a less serious crime is charged.
 - 3°. With the penalty of a fine of three to six months, if a misdemeanor is charged.

2. Proceedings may not be brought against the complainant or accused person until after a final judgment or order of dismissal or dismissal of the case by the judge or court in charge of judging the case the offense. The latter shall order ex officio proceedings against the complainant or accuser whenever there is sufficient evidence of the falsity of the accusation in the main case, without prejudice to the fact that the offense may also be prosecuted following a complaint by the offended party.

Article 457.

Whoever, before any of the officials indicated in the preceding article, simulates being responsible for or victim of a criminal offense or denounces a non-existent one, provoking procedural proceedings, shall be punished with a fine of six to twelve months.

Attacks against the authority, its agents and public officials, and resistance and disobedience.

Article 550. [Assumption]

Those who attack the authority, its agents or public officials, or use force against them, seriously intimidate them or actively resist them, also seriously, when they are performing the functions of their offices or on the occasion thereof, are guilty of assault.

Article 551. [Penalty].

1. The attacks included in the preceding article shall be punishable by imprisonment for a term of two to four years and a fine of three to six months if the attack is against an authority, and by imprisonment for a term of one to three years in other cases.

Offenses against individuals

Article 617.

1. Whoever, by any means or procedure, causes to another an injury not defined as a crime in this Code shall be punished with the penalty of permanent localization from six to 12 days or a fine from one to two months.
2. Whoever hits or mistreats another without causing injury shall be punished with the penalty of permanent localization of two to six days or a fine of 10 to 30 days.

Article 617 drafted by section one hundred and sixty-nine of the sole article of O.L. 15/2003, of November 25, which modifies O.L. 10/1995, of November 23, of the Criminal Code ("B.O.E." November 26).
Implementation: October 1, 2004

Article 618.

1. Those who, finding an abandoned minor or a disabled person, do not present him or her to the authority or to his or her family or do not provide him or her, if necessary, with the assistance that the circumstances require, shall be punished with the penalty of permanent localization of six to 12 days or a fine of 12 to 24 days.
2. Whoever fails to comply with family obligations established in a judicially approved agreement or judicial resolution in the cases of legal separation, divorce, declaration of nullity of the marriage, filiation process or process of alimony in favor of his children, which does not constitute a crime, shall be punished with a fine of 10 days to two months or community service of one to 30 days.

Article 618 drafted by paragraph one hundred and seventieth of the sole article of the Organic Law 15/2003, of November 25, which modifies the Organic Law 10/1995, of November 23, of the Penal Code ("B.O.E." November 26).

Article 620.

The following shall be punished with a fine of 10 to 20 days:

1. Those who, in a slight manner, threaten another with weapons or other dangerous instruments, or take them out in a quarrel, unless it is not in just defense, and unless the fact is a crime.
2. Those who threat, coerce, injure or cause unjust humiliation of a minor nature to another person.

The facts described in the two previous numbers will only be prosecuted by means of a complaint by the aggrieved person or his or her legal representative.

In the cases described in point number 2 of this article, when the offended person is one of the persons referred to in article 173.2, the penalty will be that of permanent localization of four to eight days, always in a different domicile and far from that of the victim, or work for the benefit of the community for five to 10 days. In these cases the denunciation referred to in the previous paragraph of this article will not be required, except for the prosecution of the insults.

Article 620 drafted by section one hundred and seventy-one of the sole article of O.L. 15/2003, of November 25, which amends O.L. 10/1995, of November 23, of the Criminal Code ("Official Gazette" November 26).
Implementation: October 1, 2004

Article 621.

1. Those who, through grave imprudence, cause any of the injuries foreseen in section 2 of article 147, shall be punished with a fine of one to two months.
2. Those who by slight imprudence cause the death of another person, shall be punished with a fine of one to two months.
3. Those who by slight imprudence cause injury constituting a crime shall be punished with a fine of 10 to 30 days.

Number 3 of Article 621 drafted by section one hundred and seventy-two of the sole article of O.L. 15/2003, of November 25, which amends O.L. 10/1995, of November 23, of the Criminal Code ("Official Gazette" November 26).
Implementation: October 1, 2004

4. If the act is committed with a motor vehicle or moped, the penalty of deprivation of the right to drive motor vehicles and mopeds for a period of three months to one year may also be imposed.

Number 4 of article 621 drafted by the seventy-second paragraph of the only article in O.L. 15/2003, of November 25, which modifies O.L. 10/1995, of November 23, of the Criminal Code ("Official Gazette" November 26).
Implementation: October 1, 2004

5. If the act was committed with a weapon, the deprivation of the right to possess and carry weapons for a period of three months to one year may also be imposed.
6. The offenses punishable under this Article may only be prosecuted by means of a complaint by the aggrieved person or his legal representative.

Article 622.

Parents who, without committing a crime against family relations or, as the case may be, of disobedience, infringe the custody regime of their minor children established by the judicial or administrative authority, shall be punished with a fine of one to two months.

Article 622 drafted by the fourth article of the L.O. 9/2002, of December 10, of modification of the L.O. 10/1995, of November 23, of the Penal Code, and of the Civil Code, on abduction of minors ("B.O.E." December 11).

Implementation: December 12, 2002

Implementation: October 1, 2004

Offenses against someones's estate

Article 623.

They will be punished with permanent localization from four to 12 days or a fine from one to two months:

1. Those who commit theft, if the value of what was stolen does not exceed 400 euros.

2. Those who carry out the conduct described in article 236, provided that the value of the thing does not exceed 400 euros.

3. Those who steal or use without due authorization, without the intention of appropriating it, another person's motor vehicle or moped, if the value of the vehicle used does not exceed 400 euros.

If the act is carried out using force against things, the penalty shall be imposed in its upper half. If the act is carried out with violence or intimidation to persons, it shall be punished in accordance with the provisions of Article 244.

4. Those who commit fraud, misappropriation, or defrauding of electricity, gas, water or any other element, energy or fluid, or in telecommunication terminal equipment, in an amount not exceeding 400 euros.

Article 623 drafted by section one hundred and seventy-three of the only article in O.L. 15/2003, of November 25, which amends O.L. 10/1995, of November 23, of the Criminal Code ("Official Gazette" November 26).

Implementation: October 1, 2004

Article 625.

1. Those who intentionally cause damages whose amount does not exceed 400 euros shall be punished with the penalty of permanent localization of two to 12 days or a fine of 10 to 20 days.

The penalty shall be imposed in its upper half if the damage is caused in the places or property referred to in Article 323 of this Code.

Article 625 drafted by section one hundred and seventy-five of the only article in O.L. 15/2003, of November 25, which amends O.L. 10/1995, of November 23, of the Criminal Code ("Official Gazette" November 26).

Implementation: October 1, 2004

Article 626.

Those who deface real estate of public or private domain, without the due authorization of the Administration or its owners, shall be punished with the penalty of permanent localization of two to six days or three to nine days of community service.

Article 626 drafted by section one hundred and seventy-six of the only article in O.L. 15/2003, of November 25, which amends O.L. 10/1995, of November 23, of the Criminal Code ("B.O.E." November 26).

Misdemeanors against general interests

Article 630.

Those who abandon syringes, in any case, or other dangerous instruments in a way or with circumstances that could cause harm to persons or spread diseases, or in places frequented by minors, will be punished with the penalties of permanent localization of six to ten days or a fine of one to two months.

Article 630 drafted by the one hundred and eightieth paragraph of the only article in O.L. 15/2003, of November 25, which amends O.L. 10/1995, of November 23, of the Penal Code ("B.O.E." November 26).

Offenses against public order

Article 633.

Those who slightly disturb the order in the hearing of a court or tribunal, in public acts, in sports or cultural shows, solemnities or numerous meetings will be punished with the penalties of permanent localization from two to 12 days and a fine from 10 to 30 days.

Article 633 drafted by the one hundred and eighty-third paragraph of the only article in O.L. 15/2003, of November 25, which modifies O.L. 10/1995, of November 23, of the Penal Code ("B.O.E." November 26).

Implementation: October 1, 2004

Article 634.

Those who lack the respect and consideration due to the authority or its agents, or who slightly disobey them, when exercising their functions, shall be punished with a fine of ten to sixty days.

Article 635.

Shall be punished with the penalty of permanent localization of two to ten days or a fine of one to two months whoever remains against the will of its owner, outside the opening hours, in the domicile of a public or private legal person, professional office or office or commercial establishment or premises open to the public.

Article 635 drafted by section one hundred eighty-four of the only article in O.L. 15/2003, of November 25, which amends O.L. 10/1995, of November 23, of the Penal Code ("B.O.E." November 26).

Implementation: 1 October 2004

Implementation Date: 1 October 2004

Implementation Date: 1 October 2004

Provisions common to misdemeanors

Article 638.

In the application of the penalties of this Book, the Judges and Courts shall proceed according to their prudent discretion, within the limits of each one, taking into account the circumstances of the case and of the guilty party, without complying with the rules of Articles 61 to 72 of this Code.

Article 639.

In misdemeanors prosecutable at the request of the injured party, the Public Prosecutor's Office may also file a complaint if the latter is a minor, incapable or a helpless person.

The absence of a denunciation shall not prevent the practice of preventive proceedings.

In these offenses, the pardon of the offended party or his legal representative shall extinguish the criminal action or the penalty imposed, except as provided in the second paragraph of number 4 of Article 130.

On the other hand, Article 61.3 of Organic Law 5/2000, of January 12, regulating the criminal liability of minors (BOE January 13) determines:

On Civil liability

Article 61. General regulations.

3. When the person responsible for the acts committed is a minor under eighteen years of age, his parents, guardians, foster parents and legal or de

facto guardians, in that order, shall be jointly and severally liable with him for the damages caused. When these have not favored the conduct of the minor with fraud or serious negligence, their responsibility can be moderated by the judge according to the cases.

ANNEX 5: SAMPLE LETTERS FOR THE SCHOOL TO REPORT THE CASE TO THE AUTHORITIES

MODEL 1

TO THE JUVENILE PROSECUTOR'S OFFICE

Mr/Ms., with ID Card number, contact telephone number contact number, under the provisions of Article 773.2 of the Criminal Procedure Act, by means of this document, to which the following documentation is attached:

- a)
- b)
- c)

I hereby make a COMPLAINT for the following

FACTS

First. As the Principal of school, located at (address), in (city/town)....., I hereby state that the student....., aged....., who is attending (describe the events)

Second. The events were witnessed by:

- Mr. / Mrs., with ID Card no....., and with address for notification purposes at.....

- Mr/Ms., with ID card no., and with address for notification purposes at

In view of the above, as Principal of the school, in accordance with the provisions of article 6 of the Organic Law 5/2000, of January 12, on the criminal responsibility of minors, I hereby request this Prosecutor's Office to carry out the appropriate proceedings for the investigation of the facts and the identification of the persons criminally responsible.

In (place), on (date)

The School Principal,

Signed:

MODEL 2

TO THE EXAMINING MAGISTRATE'S COURT OR STATE SECURITY FORCES
Mr. / Mrs., with ID card
no., and telephone number, in accordance with
the provisions of Article 773.2 of the Law of Criminal Proceedings, by means of
the present document, to which the following documentation is attached:

- a)
- b)
- c)

I hereby make a COMPLAINT for the following

FACTS

First. As the Principal of the school,
located at (address).....,
in (city/town)....., states that the person.....
....., aged, who
attendsof legal age, (describe the events)

Second. The events were witnessed by:

- Mr. / Mrs., with ID Card no.
and with address for notification purposes at

- Mr/Ms., with ID Card no.
and with address for notification purposes at.....

In view of the above, as school Principal, in accordance with the provisions of
Article 14 of the Law of Criminal Procedure, approved by Royal Decree of
September 14, 1882, I hereby request this Prosecutor's Office to carry out the
appropriate proceedings for the investigation of the facts and the identification of
the persons criminally responsible.

In (place), on (date)
The School Principal
Signed

ANNEX 6: ASSESSMENT OF PROTOCOL EFFECTIVENESS

The following aspects will be taken into account when undertaking the yearly assessment of the effectiveness of this protocol:

1. Does our protocol designate who will be the trained staff and who will be responsible for arranging staff training?
2. Will this training include how to identify the symptoms of different types of child maltreatment, staff reporting responsibilities, school protocol, the reporting procedure, and the obligations of GIS members once a report has been made?
3. Does the protocol include the creation of a Special Educational Needs and Disabilities Department (SEND Department)?
4. Does the protocol explain who is responsible for the training of the team members, who the members will be and how often the team will meet?
5. Does the protocol stipulate that all school personnel will receive notification of the protocol?
6. Does the protocol designate how many hours of training each staff member is expected to receive?
7. Does the protocol make reference to Spanish law which requires that, "any person or entity, especially one who by reason of their profession or purpose becomes aware of the existence of a situation of abuse, shall bring it to the attention of any authority, who shall immediately communicate it to the competent Administration, Judicial Authority or Prosecutor's Office"?
8. Does the protocol detail the role of the SEND Department in the preparation of a report?
9. Does the protocol specify who will communicate with the Principal and the SEND Department and who will complete the abuse reports and notifications?
10. If the Principal or SEND Department is responsible for filing the report, does the protocol detail what happens if the team is not available?
11. Does the protocol inform staff that if the staff member who referred the case to the Principal or SEND Department disagrees with the Team's decision not to file a report, he/she can contact social services directly to file a report?
12. Does the protocol indicate that all reports should be kept confidential and in a file separate from the student's regular school file?
13. Does the protocol indicate who is responsible for subsequent monitoring (receiving reports from Social Services, etc.) after a report or notification is filed?
14. Does the protocol mention that once the report has been made, no school personnel will question the child?

15. After the initial dissemination of the written protocol, is it (will it) be available to all new staff and will it be reviewed periodically with senior staff members?
16. How many people in the school organization require child safety training?
17. How many have received the required training?
18. How many remain to be trained?
19. How many reports of abuse/maltreatment have been filed?
20. Were reports of abuse handled appropriately?
21. Have the safety materials been distributed?
22. Did all those who received the required training also receive a criminal background check?
23. Are child protection and safety curricula being taught to children in all grades?
24. Have all teachers, staff and volunteers received, read and signed the Code of Conduct?