Tarleton Holy Trinity Church of England (Aided) Primary School

www.tarletonholytrinity.org

Managing Aggressive Behaviour from Parents Carers and Visitors Policy

September 2022

Policy

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Church of England (Aided) Primary School

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This policy reflects the Christian ethos and vision statement of our school.

Our Vision Statement

Value… Dream… Achieve…
As a loving Christian family, our aspiration is for all pupils to flourish, safe in the belief that we, "…can do all things through Christ, who strengthens us" Phil 4:13.
Everyone is valued, we all achieve and our dreams for the future begin.

Statement of principles

The governing body of Tarleton Holy Trinity CE Primary School encourages close links with parents and the community. It believes that pupils benefit when the relationship between home and school is a positive one.

The vast majority of parents, carers and others visiting our school are keen to work with us and are supportive of the school. However, on the rare occasions when a negative attitude towards the school is expressed, this can result in aggression, verbal and or physical abuse towards members of school staff or the wider school community.

The governing body expects and requires its members of staff to behave professionally in these difficult situations and attempt to defuse the situation where possible, seeking the involvement as appropriate of other colleagues. However, all members of staff have the right to work without fear of violence and abuse, and the right, in an extreme case, of appropriate self-defense.
We expect parents and other visitors to behave in a reasonable way towards members of school staff. This policy outlines the steps that will be taken where behaviour is unacceptable.

Types of behaviour that are considered serious and unacceptable and will not be tolerated:

- shouting or raising of the voice at members of the school staff, either in person or over the telephone;
- physically intimidating a member of staff, eg standing very close to her/him;
- the use of aggressive hand gestures;
- threatening behaviour;
- shaking or holding a fist towards another person;
- swearing;
- pushing;
- hitting, eg slapping, punching and kicking;
- spitting;
- breaching the school's security procedures.

This is not an exhaustive list but seeks to provide illustrations of such behaviour.

Unacceptable behaviour may result in the local authority and the police being informed of the incident.

Procedure to be followed

If a parent/carer behaves in an unacceptable way towards a member of the school community, the head teacher or appropriate senior staff will seek to resolve the situation through discussion and mediation. If necessary, the school's complaints procedures should be followed. Where all procedures have been exhausted, and aggression or intimidation continue, or where there is an extreme act of violence, a parent or carer may be banned by the head teacher from the school premises for a period of time, subject to review.

In imposing a ban the following steps will be taken:

The parent/carer will be informed, in writing, that she/he is banned from the premises, subject to review, and what will happen if the ban is breached, eg that police involvement or an injunction application may follow.

Where an assault has led to a ban, a statement indicating that the matter has been reported to the local authority and the police will be included

The chair of governors and LA will be informed of the ban

Where appropriate, arrangements for pupils being delivered to, and collected from the school gate will beclarified.

Conclusion

The local authority itself may take action where behaviour is unacceptable or there are serious breaches of our home-school code of conduct or health and safety legislation. In implementing this policy, the school will, as appropriate, seek advice from the Local Authority's education, health and safety and legal departments, to ensure fairness andconsistency.

Guidance for dealing with aggressive or abusive parents and visitors to schools who cause nuisance or create a disturbance.

Summary

Day to day access to a school is within the control of the head teacher.
Normally, parents/carers (and those with parental responsibility) are granted "limited licence" to visit the groundsand buildings of a school.

Most schools will establish procedures which set out: the acceptable purposes for such visits; the areas of the school that may be entered at particular times; the standard of behaviour expected etc.

Where there is a breach of such procedures the school needs to respond in a measured way, depending on the seriousness of any inappropriate conduct e.g.:

- initiate a meeting/dialogue with the individual;
- write to the visitor, describing their misconduct, explaining its impact on the school and stating itsunacceptability;
- vary the person's "licence", say, through the addition of conditions;
- warn of the possibility of a "ban" (i.e. the withdrawal of their licence) if the misconduct is repeated;
- impose a ban with a review after a fixed period;
- impose a ban without review.

It is possible for a head teacher to initiate any of these actions on their own authority, but is less likely to lead to personal confrontation if the more serious sanctions are initiated by the governing body or local authority, as appropriate.

Introduction

As a general rule, schools are orderly, safe places, where relationships between staff and visitors, especially parents/carers, demonstrate mutual respect and recognition of shared responsibility for pupils' welfare and educational progress. Parental involvement is an important factor in educational success and in dealing with emerging problems at an early stage.

However, on occasion, the behaviour of a few parents/ carers can cause severe disruption or worse, resulting inabusive or aggressive behaviour towards staff, pupils, or other members of the school community.

Local authorities are responsible for protecting the health and safety of their staff and pupils in community and voluntary controlled schools. In the case of foundation schools, voluntary aided schools, free schools Independent schools and academies, it is the governing body that is responsible. Where reference is made to the local authority (LA) in this document, it should also be read to cover the governing body/board where appropriate.

This document is mainly about dealing with violence, threatening behaviour or abuse by parents of a pupil in a school,including those cases where the parent has been asked not to come onto the premises. Some of the remedies listed are also applicable when dealing with other intruders on school premises.

Violence, threatening behaviour and abuse against school staff or other members of the school community must not be tolerated. All members of the school community have a right to expect that their school is a safe place in which to work and learn. There is no place for violence, threatening behaviour or abuse in schools.

At all times the common purpose remains clear: to achieve zero tolerance of violence, threatening behaviour orabuse in schools, and to ensure all members of the school community, and all visitors to the school, can be confident that they are operating within a safe environment.

School policy for dealing with incidents

All schools should have policies covering incidents involving abusive, threatening or violent adult visitors.A policy can provide a readily available set of procedures on:

- what to do when an incident arises (e.g. ask the person to leave, or invite them into a room away fromother people);
- who to contact during an emergency (i.e. at the school, local authority and police);
- how to record incidents and who to report the incident to;
- what follow up action is possible (i.e. any legal action to be taken; if a parent, whether they should berefused entry to the premises);
- What support is available from the employer, (e.g. counselling, occupational health or legalsupport);

- Liaison with the police whenever necessary.

The existence of the policy can be publicised, by displaying suitable posters in areas of the school that may be entered by visitors.

Some schools may be involved in safer school partnerships under which an operational police officer will be based on school premises. The main aim is to provide a safer environment by minimising the risk of such incidents (whether they involve pupils, parents or others) and enabling incidents which do occur to be quickly and effectively dealt with. Where a partnership has been established, policy and procedures for dealing with violence, threatening and abusive behaviour by parents should be developed within the context of this.

Conducting a risk assessment

A risk assessment should:

- identify and assess the risks;
- determine appropriate actions;
- implement the actions;
- monitor the results; and
- provide feedback.

It is good practice to ask staff directly about the extent of problems that they are aware of as part of the process of assessing risk. It is also helpful to consult school health and safety representatives about possible risks.

This should identify what the risks are (e.g. abuse, threatening behaviour, violence, and from whom), and who is likelyto be at risk (e.g. reception staff, teachers, site service officers). Identifying what the risks are and who is at risk are the crucial initial steps before considering how to manage these risks and how they can be minimized.

In some cases, potential violence can be reduced and even prevented if members of staff have the skills to spot conflict before it leads to aggression and to use techniques to reduce aggression before violence occurs.

It is recommended that members of staff are offered personal safety training, which can help in:

- reducing violent attacks by parents and others;
- enabling staff to defuse aggression and prevent situations escalating;
- teaching staff to recognize verbal and nonverbal precursors to aggression and use techniques to calmpotential assailant;
- improving staff confidence in dealing with aggression and the resulting stress; and
- minimising the risk of an attack causing injury.

The Health and Safety Executive (HSE) has produced guidance on risk assessments which is on its website.

The Banning Process

The head teacher will need to assemble the full facts before proceeding, making sure that all those involved in any incidents, or witnesses to those incidents, make a full written record as soon as possible.

Crucial elements:

- write to parent/carer/intruder to record in detail the incident and why it is unacceptable;
- explain that the LA/governing body will consider banning the parent, giving the parent a period in which they may respond in writing giving their version and why they should not be banned;
- tell the parent when a decision will be made.

The length of a ban

The ban should be finite in length (12 months for Tarleton Holy Trinity Primary School), as only the most serious misconduct would justify an indefinite ban.

The duration needs to be sufficient to convey a clear message about the seriousness of the associated misconduct, but not so long as to be disproportionate. The aim should always to be to restore “normal” relations as soon as is reasonably practicable.

Even if a ban is permanent, it should be reviewed periodically, taking account of subsequently demonstrated patternsof behaviour.

What does a ban achieve?

- it confirms to a parent that the school will not tolerate misbehaviour;
- shows the school takes health and safety of its staff, visitors and pupils seriously;
- it provides a key element in making it easier to use legal remedies to prevent repeated misconduct, including use of S547 of the1996 Education Act to enable Police removal and possible prosecution of those on school premises without permission;
- it may form the basis for an application for an injunction to curtail repeated instances of misbehaviour.

Parental Rights

Every attempt should be made to maintain normal communications with parents/carers, including giving them the opportunity to participate in elections for parent governors, say.

Even where a parent/carer has been banned from the school premises, they retain their right to an annual consultation in relation to the educational progress of their child/ren. However, the school may determine who will be present at the meeting (e.g a senior member of staff might accompany the class teacher) and its location (e.g. it may well be arranged off site. The interests of the child should continue to be paramount.

Section 547, Education Act 1996

The model letters included suggest how use might be made of section 547 of the Education Act 1996 in the lettersthat are sent to parents.

Section 547 makes it an offence for a trespasser on school premises to cause or permit a nuisance or disturbance, and allows for the removal and prosecution of any person believed to have committed the offence. The penalty for a person convicted of the offence is a fine of up to £500.

A parent/carer of a child attending a school normally has implied permission (limited licence) to be on the school'spremises at certain times and for certain purposes but if their behaviour is unreasonable this permission may be withdrawn and they will become a trespasser.

A person who nevertheless persists in entering the school premises and displaying unreasonable behaviour may be removed and prosecuted under section 547.

In the case of an academy, an independent school, a foundation school, a voluntary aided school and a foundation special school, the governing body can independently authorise the removal of someone from the premises and mayalso authorise a person to bring proceedings against that individual. Additionally, in all situations the police are authorised to remove someone from school premises and to bring proceedings for an offence under this section.

Schools wishing action to be taken against someone they believe has committed an offence under s547 should contact their LA as appropriate. If the police have been involved the school should clarify whether the police intend tosummons or charge and whether the Crown Prosecution Service has decided that there is sufficient evidence to prosecute. In most cases it will be in the public interest to prosecute if there is sufficient evidence to support a prosecution.

Annex 1

Incident report form

Relevant incidents include trespass, nuisance or disturbance on school premises, verbal abuse, sexual or racial abuse, threats, aggression, physical violence and intentional damage to property.

Where possible, the form should be completed before any discussion between witnesses is possible, as this might lead to allegations of collusion.

This form should be completed as fully as possible please, using a continuation sheet, if necessary. For any incident involving or witnessed by a pupil or parent/carer/visitor, a member of staff should complete the form on their behalf.

The completed form should be passed to the head teacher, for appropriate action and recording.

Date of incident

Time of incident

Name of person reporting incident

Date incident reported

Member of staff recording incident

Date incident recorded

Name(s) of person(s) causing incident
(where name(s) is/are unknown, provide other details of which may allow their identification)

Status(es) (parents/carers/visitors/trespassers)

Full description of incident (e.g. names of persons involved; location; nature of any injuries; attendance ofemergency services)

Protection from Harassment Act 1997 (under review)

This Act is more informally described as anti-stalking legislation, although not only used for that purpose. This action can be taken either through criminal prosecution or a private action for damages in the civil courts. It can be done on behalf of an individual, or a group (e.g. a group of children or teaching staff). The sanctions include both criminal penalties (fines, imprisonment, or community sentences) and a restraining order, which is a flexible order which prohibits the offender from continuing their offending behaviour. For example, it could prevent a parent from coming within a certain distance of a school, or from making phonecalls to the school or a teacher's home. The restraining order can last for as long as the court thinks appropriate.

Section 2 of the Act makes it an offence where someone pursues a course of conduct (on more than two occasions) that amounts to harassment of another, causing alarm or distress.
The offence can only be tried in the magistrates' court with a maximum penalty of six monthsimprisonment, a fine of up to £5,000, or both.

Section 4 creates a more serious offence where people have been put in fear of violence on at least two occasions. It can be tried in the magistrates' court or the crown court. The maximum penalty for the offence is six months imprisonment, a fine up to £5,000, or both, in the magistrates' court. In the crown court, it is five years imprisonment, an unlimited fine or both. Where there is a racial element to either the section 2 or section 4 offence, a higher level of sanction applies under section 32 of the Crime and DisorderAct 1998.

Section 3 of the Act provides for a civil route in relation only to the section 2 and 4 offence. The level of proof is lower for the civil proceedings, as it will be to the civil standard of a balance of probabilities rather than the criminal standard of beyond reasonable doubt. If a restraining injunction is imposed on a defendant under the civil route and the defendant breaches the restraining injunction, proceedings for breach of the order become criminal with the offender liable to up to five years imprisonment.

Injunctions

These can be granted by a court to ban somebody from school premises. Generally they are viewed as less flexible and more expensive than alternatives such as a restraining order granted under the Protection from Harassment Act 1997, described above.

Criminal Damage Act 1971

Under this, if a parent or carer destroys or damages property belonging to the school, or to a teacher, he orshe can be prosecuted for causing criminal damage. If the value of the damage is below £5,000, the case is tried in the magistrates' court, where the penalty is a fine up to £2,500 or up to three months imprisonment or both. If the damage is above £5,000, the case can be tried in the magistrates' court or the crown court. The penalty in the magistrates' court is a fine up to £5,000 or not more than six months imprisonment, or both. In the crown court, the penalty is an unlimited fine or ten years imprisonment, or both. Where the criminal damage is committed with an intent to endanger life, the maximum period of imprisonment is life. This includes cases of arson with the same degree of intent. There is a racially aggravated form, which carries higher maximum penalties (Crime and Disorder Act 1998, section 30).

Common Assault

Where a member of staff is assaulted by a parent or carer and minor injury is caused, the parent or carer may be charged with common assault in accordance with section 39 of the Criminal Justice Act 1988.

This can only be tried in the magistrates' court. Where there is a racial element to the offence, the parent or carer may be charged with the offence of racially aggravated assault contrary to section 29 of the Crime

and Disorder Act 1998. This can be tried either in the magistrates' court or the crown court. The maximum penalty for common assault is a fine of up to £5,000, or six months imprisonment, or both. The maximum penalty for racially aggravated assault is six months imprisonment or a fine up to £5,000, or both, in the magistrates' court. In the crown court it is an unlimited fine, or two years imprisonment, or both.

Assault Occasioning Actual Bodily Harm

Under section 47 of the Offences Against the Persons Act 1861, a parent or carer can be charged with assault occasioning actual bodily harm where more serious injury is caused to a member of staff (such asbroken teeth, extensive bruising or cuts requiring medical treatment). Again, there is a racially aggravated form of the offence. The first form is triable either way. In the magistrates' court, the maximum penalty is six months imprisonment, or a fine up to £5,000, or both. In the crown court, the maximum penalty is five years imprisonment. For the racially aggravated offence, the maximum sentence is the same in the magistrates' court. In the crown court,the maximum sentence is seven years, an unlimited fine or both.

Offences under the Public Order Act 1986

There are four separate relevant offences under this Act. The behaviour that they criminalise has someoverlap with the Protection from Harassment Act, but unlike that Act, one incident alone is sufficient to constitute a public order offence. Three of them (sections 5, 4A and 4) are heard within the magistrates'court.

Section 5 is the lower level of public disorder where a parent or carer causes a disturbance in or outsidethe school and causes alarm, harassment or distress.

Section 4A creates an intentional form of this offence.

Section 4 is more serious, where there is a fear or provocation of violence. The maximum sentence for section 5 is a fine up to £1,000. The maximum sentence for section 4 or 4A is a term of imprisonment not exceeding six months or a fine up to £5,000 or both. There is also a racially aggravated version of all threeof the above offences, under section 31 of the Crime and Disorder Act 1998, with higher maximum penalties.

Section 3 of the Act, affray, may be tried either in the magistrates' court or the crown court.
This offence is committed when a person uses or threatens unlawful violence such as would cause a reasonable person to fear for his safety; the threat cannot be made by the use of words alone. In the magistrates' court, the maximum penalty is six months, a fine up to £5,000, or both. In the crown court,the maximum sentence is three years, an unlimited fine or both.

In the circumstances outlined above, although the LA may not have the relevant power to take action itself,it should – as the employer – work with the school to provide staff with full support in ensuring that actionwill be pursued against an alleged offender, under the above legislation as appropriate.

Criminal Justice Act 1988

Section 139A of the Act (as amended by the Offensive Weapons Act 1996) makes it an offence to carry an offensive weapon or knife on school premises. Under section 139B a police officer may enter a school and search for a weapon; where one is found they may seize and retain it. A person who has a weapon on school premises will be guilty of an offence, unless he can prove a statutory defence. The maximum penalty on conviction on indictment for carrying a knife is two years imprisonment or an unlimited fine or both. The maximum penalty on conviction on indictment for carrying an offensive weapon is four years imprisonment or an unlimited fine or both.
The weapons which are caught under section 139A and 139B include any article made or adapted for use

for causing injury and any article which has a blade or is sharply pointed. A folding pocket knife with ablade under 3 inches long is, however, excepted although this does not prevent schools from imposing their own bans on pupils carrying them.
In general, where a school suspects a weapon to be on school premises the police should be called. Where the police have reasonable grounds for suspecting a weapon to be on a school's premises they can enter without permission from the school.

Non statutory remedies

Aside from the legal remedies, there are other strategies that can help in preventing conflicts with parents or stopping them escalating. These include mediation and conflict resolution. Schools might also be able to develop non-statutory acceptable behaviour contracts for some parents similar to those that have been developed by the Metropolitan Police mainly in respect of pupils. These require the agreement of the person to an acceptable level of behaviour.

Useful websites

Health and safety: advice on legal duties and powers for local authorities, school leaders, school staff andgoverning bodies February 2014
https://www.gov.uk/government/publications/health-and-safety-advice-for-schools

Health and Safety Executive guidance on risk assessmentshttp://www.hse.gov.uk/pubns/indg163.htm

Health and Safety Executive guidance on reporting school accidentshttp://www.hse.gov.uk/riddor/reportable-incidents.htm

The Health and Safety Executive RIDDOR web sitehttp://www.hse.gov.uk/riddor/

NAHT: Social Networking and Online Safety in School
http://www.naht.org.uk/welcome/advice/advice-home/parents-and-pupils-advice/social-networking-and- online- safety-in-schools/

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Document reviews

We are aware of the need to review our school's documents regularly so that we can take account of:
new initiatives, changes in the curriculum, developments in technology etc.

This policy was adopted in September 2022

and will be reviewed in September 2023.

Signed by:

Member of staff responsible for this policy

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Governor responsible for this policy

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