

Fylde Coast Academy Trust



Managing Violent and Abusive Parents, Carers and Visitors

‘Protecting and supporting FCAT Employees, Volunteers, Governors and the FCAT organisation’

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Person responsible for Review	Gary Fletcher

Statement

Fylde Coast Academy Trust academies are orderly, safe places, where relationships between staff and visitors, especially parents* / carers, demonstrate mutual respect and recognition of shared responsibility for student's 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 / visitors can cause severe disruption or worse, resulting in abusive or aggressive behaviour towards staff, students, or other members of the academy community.

FCAT expects, within its CORE VALUES, for its members of staff to behave professionally in these difficult situations and attempt to defuse the situation where possible, seeking the appropriate involvement and support from colleagues.

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

Where such behaviour does occur, FCAT will play a proactive role in taking all possible action to deal with it, in response to the wishes of the academy Head teacher.

We trust that parents/carers will assist our academies with the implementation of this policy to ensure that we provide the students with the best academy environment.

Key Points

Although fulfilling a public function, academies are private places. The public has no automatic right of entry. Parents of enrolled students have an **'implied licence'** to come onto the academy premises at certain stated times. It is for the individual academy to define and set out the extent of such access. Parents exceeding this would be trespassing.

Parental Access

Usually parental access to FCAT premises will be by appointment, or by invitation to an academy event. Parents of younger students will be allowed into the playground, or part of the playground, at the beginning and end of the academy day. Each individual academy has an agreed approach on parental access and makes it known to parents.

What the law says - Banning

Trespassing is a civil offence. FCAT can take civil action through the courts to stop persistent trespass. FCAT will write to advise persistent trespassers of the potential offence.

Academies proposing to implement a bar will do so reasonably, in writing, giving the person concerned a formal opportunity to express their views. Letters relating to barring will be signed by the Headteacher though in some instances the FCAT Executive may wish to write instead.

In practice this means that the bar, if immediate, will be provisional until parents have been given the opportunity to make formal representations. The bar will then be confirmed or removed. Alternatively, the academy can serve notice of intent, invite the parent to make representations within a certain deadline and then decide whether or not to bar. Any bar will be subject to review within a reasonable timescale to be stated by the academy. Allowing the parent a reasonable opportunity to make representations is an essential part of the process and has been upheld as necessary in Court.

The Department for Education does not become involved in individual cases since barring is not specifically empowered by the Education Acts and because section 547 of the Education Act 1996 relates to a criminal offence.

Section 547 of the Education Act 1996 makes it a criminal offence for a person who is on FCAT premises without lawful authority to cause or permit a nuisance or disturbance. Therefore trespassing on the premises does not constitute the offence in itself.

In the context of an abusive parent, this means that a parent would probably need to have been barred from the premises, or to have accessed the premises in a way that

exceeds their 'implied licence' (see above), before a section 547 offence could be committed. The parent would then also have to cause or permit a nuisance or disturbance to commit a section 547 offence.

If there are reasonable grounds for suspecting that someone has committed an offence under section 547 then the offender can be removed from site. The removal may be affected by a police officer or a person authorised by FCAT.

In order to support a peaceful and safe teaching and learning environment FCAT cannot accept parents, carers and visitors exhibiting the following:

- Conduct which undermines the safe and calm environment within the Trust either in an academy reception, classroom, around the academy site, immediately outside the academy or on an academy playing field.
- Speaking in an aggressive or threatening way
- Shouting at a person or on the telephone
- Physically intimidation including standing too close and shaking a fist
- Making threats
- Swearing
- Assault of any kind including pushing
- Spitting
- Derogatory and discriminatory comments
- Approaching someone else's child in order to discuss or chastise them because of the actions of this child towards their own child (such an approach to a child may be seen to be an assault on that child and may have legal consequences).
- Breaking the academy's security procedures
- Malicious threats and gossip spread verbally
- Dogs being brought on to academy premises.

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

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

** "Parent" has a very broad meaning in education law: see section 576 of the Education Act 1976. "Parent" means not just the child's natural parents, but includes individuals with "parental responsibility" for the child (as defined in the Children Act 1989) or who have care of the child.*

Malicious threats on social media or E mail (Cyber)

Staff in our academies may become targets of cyber abuse/bullying and, like other forms of bullying, it can have a significant impact on their health, well-being and self-confidence..

Cyber abuse/bullying may consist of threats, harassment, embarrassment, humiliation, defamation or impersonation. It may take the form of general insults, or prejudice based abuse, e.g. homophobic, sexist, and racist or other forms of discrimination. It may involve email, virtual learning environments, chat rooms, websites, social networking sites, mobile and fixed-point phones, digital cameras, games and virtual world sites.

Abuse can occur at any time and incidents can intrude into the victim's private life. The audience for such messages can be very large and can be reached rapidly. The content of electronically forwarded messages is hard to control and the worry of content resurfacing can make it difficult for the victim to move on.

FCAT operates a zero tolerance policy towards direct or indirect harassment or assault against any member of staff, volunteers, governors and the FCAT organisation itself.

This includes the use of social media and other forms of electronic communications to facilitate the act.

FCAT will actively pursue anyone who targets any staff member and/or Fylde Coast Academy Trust.

While there is not a specific criminal offence called cyber bullying, activities can be criminal offences under a range of different laws, including:

- The Protection from Harassment Act 1997
- The Malicious Communications Act 1988
- Section 127 of the Communications Act 2003
- Public Order Act 1986
- The Defamation Act 2013

Harassment

FCAT regards harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution.

Behaviour will fall within the scope of this policy if:

- it appears to be deliberately targeted over a significant period of time at one or more members of academy staff, without good cause;
- the way in which a complaint or other issue is pursued (as opposed to the complaint itself) if it causes on-going distress to academy staff;

- It has a significant and disproportionate adverse effect on the academy community.

Procedure to be followed

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

In imposing a ban the following steps will be taken:

1. 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, e.g. that police involvement or an injunction application may follow
2. Where an assault has led to a ban, a statement indicating that the matter has been reported to FCAT and the police will be included
3. The Executive / Lead governor will be informed of the ban
4. Where appropriate, arrangements for students being delivered to, and collected from the academy gate will be clarified.

The Banning Process

The Headteacher 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 FCAT 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 will be finite in length, as only the most serious misconduct would justify an indefinite ban.

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

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

What does a ban achieve?

- it confirms to a parent that the academy will not tolerate misbehaviour;
- shows FCAT take 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 the 1996 Education Act to enable Police removal and possible prosecution of those on school premises without permission

Parental Rights

Every attempt will be made to maintain normal communications with parents/carers. Even where a parent/carer has been banned from FCAT premises, they retain their right to an annual consultation in relation to the educational progress of their child/ren. However, FCAT 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 Ban extends to all FCAT sites.

Conducting a risk assessment

An assessment of risk to staff and others from abusive or violent visitors will be completed. It will involve raising a number of questions.

The risk assessment will:

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

Section 547, Education Act 1996

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 an academy normally has implied permission (**limited licence**) to be on the school's premises 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.

FCAT may take the lead in authorising the removal of a person believed to be causing or permitting a nuisance or disturbance and may bring proceedings against them.

Where the Principal / head teacher wishes this to happen FCAT will arrange this.

FCAT can independently authorise the removal of someone from the premises and may also authorise a person to bring proceedings against that individual.

Additionally, in all situations the police are authorised to remove someone from academy premises and to bring proceedings for an offence under this section.

It is not set down in law how a person should be authorised. Good practice suggests that this is done in writing.

FCAT will clarify who has been authorised to remove anyone causing a disturbance, and they should ensure they have received appropriate training.

If the police have been involved, FCAT will clarify whether the police intend to summon or charge and whether the Crown Prosecution Service has decided that there is sufficient evidence to prosecute.

