

# St Nicholas C of E Primary School



## Dealing with unacceptable behaviour on school premises

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From WCC model toolkit

## Introduction

Schools are private places even though they serve a public function. Parents of pupils who are on the school roll have an implied license to enter school premises. This means parents of enrolled pupils can have access to school premises at certain stated times, for example, a playground at the beginning and end of the school day. The school can set out the conditions and terms of this licence.

This implied license may extend to additional facilities secured by the schools for recreation, physical and social training.

Schools will act to ensure they remain a safe place for students, staff, and other members of their community and therefore the school has the power to withdraw the license if a parent is using abusive or insulting language that presents a risk to staff or pupils. **It is enough for staff to feel threatened by this behaviour.**

The vast majority of parents, carers and other visitors to our schools are supportive of the teachers, other members of staff, its pupils, their parents/carers and other visitors, and act in a respectable way, ensuring that the school is a safe and continues to provide an orderly environment in which pupils can learn. Occasionally, however, a negative attitude is expressed in an aggressive, verbally abusive, or physically abusive way towards these members of the school community which is unacceptable and will not be tolerated.

Our school require teachers and other members of staff to behave professionally in these difficult situations, attempting to defuse the situation wherever possible, and to seek the involvement of other members of staff as appropriate. However, all teachers and members of staff have the right to work without fear of harassment, violence, intimidation, or abuse.

Our school expects parents/carers and other visitors to behave in a reasonable way towards all members of the school community. This policy outlines the steps that will be taken where the behaviour displayed falls below the standard the school expects.

## Purpose and Scope

The purpose of this policy is to:

- Show how the school will deal with unacceptable behaviour on school premises.
- Set out arrangements which contribute to keeping the school a happy and safe place for staff, visitors, and children to work, learn and uphold common standards of decency through the creation of an environment that sets a good example to others.
- Set out the procedure for what to do should an incident occur.
- Establish who the school needs to contact and how to report the incident.
- Establish what follow up action is needed.

This policy fully applies to parents/carers of registered pupils at our school and any visitors to the school. All school staff will be made aware of the procedures set out in this policy.

## Responsibilities and Accountabilities

The Headteacher has a vital role in ensuring the emotional well-being and safety of staff members in school. They take their responsibilities seriously and monitor all incidents of inappropriate conduct such as abuse, threats, intimidating behaviour (including shouting at) or violence towards staff and pupils, advising and acting where necessary.

Members of the Governing Board are given a report from school at the end of each academic year which summarises the number, range and outcome of any incident recorded on the school's Incidents Report Form. Governors may also ask the Headteacher to include an update about the nature and range of incidents at any given point during the academic year either verbally, or as an inclusion in the Headteacher Report to Governors.

The Chair of Governors will write a reminder to parents and carers outlining the reasons and content of this policy in a newsletter at the beginning of each academic year ensuring there are regular reminders throughout the year.

Governors will be actively involved in the early management of situations and behaviours which will prevent incidents escalating and becoming unacceptable behaviour. This will involve proactive engagement with communities.

The Headteacher has the responsibility in the school to ensure that staff are protected and sets a good example to others and to manage "implied permission."

The Headteacher will ensure that the necessary arrangements are in place to comply with the requirements of this policy; provide reports to Governors and seek support where required.

Staff will ensure:

- Positive relationships with parents/carers are established
- Pupils are protected from harm and avoidable involvement in incidents which affect their educational success
- They take adequate steps to keep themselves safe from harm and report any incidents of the type covered in this policy

Parents/carers will be responsible for:

- Adhering to the values of the school and demonstrating respect for staff and others involved in providing education
- Behaving at all times in a manner which is cordial and collaborative and is non-abusive, nonthreatening and involves no violence
- Supporting the school in establishing positive relationships

## Unacceptable Behaviours

The types of behaviour which are unacceptable and will not be tolerated are (*this is not an exhaustive list but seeks to provide illustrations of such behaviour*):

- Conduct which undermines the safe and calm environment in a school, either in a school office, classroom, around the school site, immediately outside the school or on a school trip
- shouting, either in person or over the telephone
- using intimidating language or behaviour
- using threatening language or behaviour
- using abusive language or behaviour
- using insulting language or behaviour
- using aggressive or offensive hand gestures
- shaking or holding a fist towards another
- swearing
- pushing, shoving, or jostling
- hitting, slapping, punching, or kicking
- spitting
- derogatory comments on social media
- publishing inappropriate or abusive content on social media sites or in email communication
- approaching someone else's child in order to chastise them
- any other behaviour likely to cause anybody witnessing it (including the recipient) alarm, distress or to fear that violence may be used against them or others.

## Criminal Offences

Unacceptable behaviour by a parent/carer or visitor could include criminal offences. Some of these criminal offences are listed below:

- **Common Assault:** committed when a member of the school community has been assaulted and no injury or very minor injuries have been caused. The offence is more serious if it is racially aggravated by the words or behaviour used just before or during the assault.
- **Assault occasioning Actual Bodily Harm:** committed when a member of the school community has been assaulted and slightly more serious injuries have been caused falling short of fractures or deep wounds. The offence is more serious if it is racially aggravated by the words or behaviour used just before or during the assault.
- **Grievous Bodily Harm:** committed when a member of the school community has been assaulted and serious injuries have been caused such as fractures or deep wounds.

The offence is more serious if it is racially aggravated by the words or behaviour used just before or during the assault, and there are two forms of the offence; intention to cause the injury (the more serious of the two) and being reckless as to causing the injury.

- **Public Order Offences:** this group of offences are committed when a parent/carer or visitor has used threatening, abusive, or insulting words or behaviour likely to cause harassment, alarm, or distress; or likely to cause fear of violence; or with intent to cause fear of violence; or using or threatening unlawful violence likely to make those witnessing the incident fear for their safety.
- **Criminal Damage:** committed when a parent/carer or visitor has destroyed or damaged property belonging to the school or a member of the school community, intending to do so or being reckless as to doing so. The offence is more serious where the damage was caused by fire, or there was an intention or recklessness as to endangering life.
- **Possession of an Offensive Weapon or Bladed Article on School Premises:** committed when a parent/carer or visitor enters the school's premises with a knife or an offensive weapon. It does not matter if the parent/carer or visitor intended to use the knife or weapon.

Where the school believes that a parent/carer or visitor's conduct is unacceptable and could amount to a criminal offence, advice from external agencies (MASH, Police, Legal Advisers) will be sought. The school will cooperate fully with the external agencies including encouraging teachers and other members of staff to provide witness statements and to attend court to give evidence at a trial.

The school will alert the Local Authority and their Legal Advisors to the incident. At the time of reporting to the police, staff must be aware of the need to preserve evidence linked to any scene of crime.

Where a parent/carer or visitor's conduct amounts to a criminal offence, the school will, in all but exceptional cases, immediately withdraw their "implied permission" to enter and be on the school's premises.

## Measures to Avoid, Prevent and De-escalate Incidents Used By School

The Headteacher, Staff and Governors will be proactive and take steps to reduce the likelihood of unacceptable behaviour occurring. This will include:

- The development of constructive relationships with parents, carers, pupils, and the local community

- Engagement with stakeholders and the provision of regular communication drawing attention to the school's expectations

When an incident occurs, the school will undertake a risk assessment in order to ascertain which steps need to be taken, if any, which might help to avoid, prevent, minimise, or mitigate incidents where staff might be subjected to abuse, threats and violence and decide which other agencies may need to be involved.

Staff are advised, in the event of an incident to:

- Speak calmly and without raising the voice
- Be assertive but not aggressive
- Be polite but firm
- Seek assistance
- Think about an escape route, should the need arise
- Walk away or end the conversation by putting down the phone after warning of the intention to do so

In the event of an emergency, in the first instance, staff will take steps to make themselves and others safe and then request assistance from a senior member of staff if available or otherwise the nearest member(s) of staff.

The member of the SLT will request that the person causing offence leaves the premises. In exceptional circumstances the school reserves the right to escort anyone off the premises who is displaying aggressive or disruptive behaviour and to bar a parent from the school's premises without warning.

Should the person not leave the premises, then the member of the senior team will call the Police. The incident will be reported to the Local Authority, School's Legal Advisers and Chair of Governors who will provide reassurance to the victim and provide support to the school.

Following an incident, consideration should be given as to whether the member of staff concerned should be temporarily relieved of any duties or responsibilities or provide additional support or counselling. Where a member of staff suffers shock or injury, they should be given first aid, as necessary, and should consult a doctor as soon as practicable and secure a written medical statement concerning the injuries.

All parties involved should consider the needs, views, feelings and wishes of the victim/s at every stage. The school will ensure that sympathetic and practical help, support, and counselling is made available to the victim at the time of the incident and subsequently. In the longer term, support can be obtained from the member of staff's trade union or from Victim Support or school legal advisers.

In the event of a physical assault by a pupil, the Headteacher should consider the exclusion of the pupil involved in accordance with the Behaviour Policy and guidance from the DfE with support from the Local Authority and Legal Advisers.

The Local Authority and or Legal Advisers may write directly to the alleged perpetrator/s, advising them of the school's legal position and what action may be taken against them.

## Permission to Enter the School Premises

Parents / carers have '*implied permission*' to enter and be on the school premises for reasons relating to their child / children's education. This means that parents / carers are welcome to come to the school to drop off and collect their children, to speak to teachers and other members of staff about their children, or for meetings, parent consultations, celebration of learning events, assemblies, and social events. Parents/carers do not have a legal right to enter or be on the school's premises without a good reason.

In education law, the term "parent" includes the natural or adoptive parents of a pupil, as well as a non-parent with care of a pupil and a non-parent with parental responsibility of a pupil. For the purposes of this policy only, the term "parent" will also include a non-parent who does not have care of or parental responsibility for a pupil, but who is involved in looking after a pupil on a regular basis (for example, a childminder, non-resident partner of a parent or relative who takes the pupil to or from school, is involved with the care of the pupil in some other way, or a person whose emergency contact number we have been provided with).

Other visitors also have "implied permission" to enter and be on the school's premises if they have a reason, for example a courier or delivery person, or a member of the public attending the school's office to make enquiries about something. Members of the public without a good reason for entering or being on the school premises are trespassing.

The school has the right to withdraw the "implied permission" for a parent/carer or visitor to enter or be on the school's premises if their behaviour while they were previously on the school's premises was unacceptable. The withdrawal of the "implied permission" will be effective as soon as the parent/carer or other visitor has been told that they must leave and are prohibited from returning and will be confirmed in writing by recorded delivery if the home address is known. The full procedure that the school will follow is outlined in further detail below.

**Schools can bar someone from the premises if they feel that their aggressive, abusive, or insulting behaviour or language is a risk to staff or pupils. It is enough for a member of staff or a student to feel threatened.**

If a criminal offence has taken place, immediate 'implied permission' will be withdrawn, without a warning letter and other arrangements will be made for meetings and parent consultations.

Once the "implied permission" has been withdrawn, the school will contact the Police to remove the parent/carer or visitor if they appear on the school's premises. If the parent/carer or visitor causes a nuisance or disturbance while they are on the school's premises, they may also be prosecuted in the criminal courts under Section 547 of the Education Act 1996, be liable to pay a fine of up to £500.00 and have a criminal conviction recorded against them.

Where a parent/carer has had their “implied permission” to enter and be on the school’s premises withdrawn, the school will make alternative arrangements for the parent/carer’s children to be dropped off and collected from the school, and in relation to parents’ evenings and other meetings.

The initial decision to withdraw “implied permission” will be made by the Headteacher or, in the Headteacher’s absence from school, the Deputy Headteacher. The decision will be reviewed on a regular basis by the Chair of Governors, who can delegate this task to another Governor if required.

Stage 1 - Warning letter from the Headteacher before implied permission withdrawn:

- Where a parent/carer or visitor has behaved in a way that is unacceptable to the school for the first time, they are likely to receive a letter warning them that, if the behaviour is repeated, their “implied permission” to enter and be on the school’s premises will be withdrawn. The Headteacher will send a letter to the parent or visitor confirming the warning and the consequences of failing to heed it.
- However, where the unacceptable behaviour is serious and/or amounts to a criminal offence, it is likely that the parent/carer or visitor’s “implied permission” will be withdrawn immediately without warning under Stage 2.

Stage 2 – Letter from Headteacher withdrawing implied permission:

- Where a parent/carer or visitor has already received a warning letter under Stage 1 and has behaved in an unacceptable way again, or where a parent/carer or visitor has engaged in serious misconduct and/or conduct amounting to a criminal offence, their “implied permission” to enter and be on the school’s premises will be withdrawn. If possible, they will be verbally informed that they are prohibited from entering or being on the school’s premises immediately after the incident or as soon as practicable thereafter. In any event, the Headteacher will send a letter to the parent/carer or visitor confirming the withdrawal of their “implied permission” and the consequences of failing to comply
- The prohibition will initially last for **ten school days** from the date of the letter. The parent / carer or visitor will be invited to provide written comments **within five school days** of the date of the letter. By the **tenth school day** from the date of the letter, the Governing Board Review Committee will review the Headteacher’s decision in accordance with Stage 3 (whether or not any written comments have been received) having been provided with all documentation relating to the incident (and any previous incidents), the Headteacher’s record of the decision and the reasons for it.

Stage 3 – Review of Headteacher’s decision by Chair of Governors:

- The Governing Board Review Committee will, **within ten school days** of the date of the letter notifying the parent/carer or visitor of the decision regarding withdrawing their “implied permission” to enter and be on the school’s premises, review the decision made, having considered all documentation relating to the incident (and any previous incidents), the Headteacher’s record of the decision, the reasons for it, confirmation as to whether the parent/carer or visitor has complied with the instruction, and any written comments received from the parent/carer or visitor.
- The Chair of Governors will, by the **tenth school day** of the date of the letter, write to the parent/carer or visitor confirming whether the decision of the Headteacher has been confirmed or revoked, stating their reasons. Where the decision has been confirmed, the letter will confirm the date of the next review, which will be for a period of between **fifteen** and **thirty school days**, or until the last day of the term or half term period, at the Chair of Governor’s discretion, subject to a **maximum period of thirty school days**.
- Where the decision has been confirmed, the parent/carer or visitor will be invited to provide further written comments at **least five school days** before the date of the next review. These comments should be restricted to the parent/carer or visitor’s conduct since the decision was last confirmed or any new consequences of the decision and should not repeat comments provided previously which the Chair of Governors will already be in possession of.

#### Stage 4 – Further reviews of the decision

- Where the Headteacher’s decision has previously been confirmed under Stage 3, Governors will carry out a further review of the decision by the **review date**, having considered all documentation relating to the incident (and any previous incidents), the Headteacher’s record of the original decision, the reasons for it, confirmation as to whether the parent/carer or visitor has complied with the instruction since the last review, any written comments provided by the parent/carer or visitor previously, the record of the Governors’ previous review, and any further written comments received from the parent/carer or visitor following the last review.
- The Governing Board Review Committee must consider whether, in view of the length of time that the parent/carer or visitor has been prohibited from entering or being on the school’s premises, and in light of the parent/carer or visitor’s conduct since their “implied permission” was withdrawn, and in consideration of any genuine assurances given in their written comments as their future conduct, it is now appropriate to revoke the decision to withdraw their “implied permission” to enter and be on the school’s premises.
- The Chair of Governors (on behalf of the Review Committee) will, by the **review date**, write to the parent/carer or visitor confirming whether the decision has been further confirmed or revoked, stating their reasons.

- Where the decision has been further confirmed, the letter will confirm the date of the next review, which will be for a period of between fifteen and thirty school days, or until the last day of the term or half term period, at the Chair of Governor's discretion, subject to a **maximum period of thirty school days**.
- Where the decision has been further confirmed, the parent/carer or visitor will be invited to provide further written comments **at least five school days** before the date of the next review. These comments should be restricted to the parent/carer or visitor's conduct since the decision was last confirmed or any new consequences of the decision and should not repeat comments provided previously which the Chair of Governors will already be in possession of.

### **The procedure under Stage 4 will be followed in relation to all further reviews**

The procedure outlined above relates to parents/carers and visitors who had a valid reason for entering and being on the school's premises.

Sometimes, members of the public enter the school's premises when they have no good reason for doing so (for example, they do not have children registered as pupils at the school, and they are not delivering items or making valid enquiries at the school's office). Such people **do not** have "implied permission" to enter and be on the school's premises and are therefore trespassing. This means that, if they are causing a nuisance or disturbance on the school's premises, they can be prosecuted under Section 547 of the Education Act 1996. In those circumstances, the school will inform the third party that they are trespassing and ask them to leave the school's premises and, in appropriate cases, call the police and support any prosecution for criminal offences which follows.

In those circumstances, although third parties do not have "implied permission" to enter and be on the school's premises, for the avoidance of doubt, where the address of the third party is known, the Headteacher will write to the third party warning them of the consequences of reappearing on the school's premises.

### Dealing with Incidents Involving Threats from Weapons

If staff suspect a pupil is in possession of a weapon the school can search the child without consent using its powers of screening and searching. This would only happen in exceptional circumstances and should be conducted in the presence of a colleague or witness.

If involved in an incident where a member of staff is at risk of harm, they will take the necessary evasive steps. As soon as a member of staff is aware of an incident involving a weapon:

- they will carry out a search where appropriate giving due regard to the safety of the individual and those in the vicinity

- they should immediately inform the relevant senior member of staff
- they should not try to deal with the situation alone
- the senior member of staff must decide whether it is necessary to contact the police
- the school should consider whether to deal with the matter as a disciplinary issue

When a member of staff confiscates a weapon or knife it is important to:

- ensure that the weapon is secure and involve the police immediately on their arrival
- arrange for the weapon to be removed by a parent/carer if it is a pupil's weapon

In the event of a search, if the pupil refuses to cooperate and becomes difficult, the police should be called. No further action should be taken until the police arrive. In some exceptional circumstances, action may have to be taken immediately. If this is the case, the pupil should be isolated from other pupils if possible. A colleague or adult witness should be present. In the event that a pupil has been found in possession of a weapon, the Behaviour Policy must be adhered to.

## Managing Cases Involving Harassment

Situations can arise where staff find themselves subjected to a pattern of persistent, unreasonable behaviour from individual parents/carers which is not abusive or overtly aggressive, but which can be perceived as intimidating and oppressive. In these circumstances, staff may be faced with a barrage of constant demands or criticisms (on an almost daily basis) which, whilst not particularly taxing or serious, when viewed in isolation, can have the cumulative effect over time of undermining their confidence, wellbeing, and health.

In extreme cases, the behaviour of the parent/carer/visitor may constitute an offence under the Protection of Harassment Act 1997. If so, the police have powers to act against the offender.

If the actions of a parent/carer/visitor appear to be harassment, the Headteacher has the options of:

- writing and/or talking to the parent/carer explaining the gravity of the situation and possible consequences/outcomes
- using the school's legal services prohibiting the parent/carer/visitor from the school premises
- using the school's professional legal services who will write directly to the parent/s on behalf of the school

## Involving the Police and Providing Support for Victims

Cases of assault should be reported to the police and followed up with due care, attention, and rigour. Calling 999 should always be used when the immediate attendance of a police officer is required. The police support the use of 999 in all cases where:

- There is a danger to life
- There is a likelihood of violence
- An assault is, or believed to be, in progress
- The offender is on the premises
- The offence has just occurred, and an early arrest is likely

An assault on a member of staff occurring off-site is also the concern of the school provided that it arises through the course of, or out of the performance of, a member of staff's work. The procedures set out above should be followed by the Headteacher/the senior team as far as possible or appropriate.

In non-urgent cases, where the incident is not thought to be an emergency, but police involvement is nevertheless required, the local police station should be contacted so that an incident log can be created for possible further reference.

### **Calling for Police Assistance**

In an emergency, police assistance should be sought. In cases where a ban is in place but is ignored and the person comes onto the school site, the police should be notified immediately. (Staff will need to be aware of the ban and have agreed procedures in place should the person come onto the school site).

In situations where there is no immediate threat to staff, pupils, other members of the school community or the school's property, Head Teachers may still wish to make their local Community Police Officer (e.g., safer neighbourhood team) aware of the situation.

The police could consider warning the offender of formal action, which may include legal proceedings.

In the event of a subsequent prosecution and the requirement for staff/the victim to give evidence in court, the school's legal advisers can provide support if it is not available from Victim Support. Subsequent to any incident, staff have access to the Employee Assistance Programme.

The Headteacher may refer to the following acts and orders for more information:

### **Legal proceedings & 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 of a child attending a school normally has *implied permission* to be on the school's premises at certain times and for certain purposes but if the parent's behaviour is unreasonable this permission may be withdrawn, and they will become a trespasser.

A person who persists in entering the school premises and displaying unreasonable behaviour may be removed and prosecuted under s547.

## Legal remedies for violence or abuse against members of the school community

The options include:

Section 222 Local Government Act 1972

Civil Injunctions

Civil Injunctions are imposed under Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Other remedies are available under civil and criminal law. These are as follows:

Protection from Harassment Act 1997

Injunctions

Criminal Damage Act 1971

Common Assault

Assault Occasioning Actual Bodily Harm

Offences under the Public Order Act 1986

Criminal Justice Act 1988

The Headteacher will use the school's legal advisers to consult on the best course of action to undertake and can act on behalf of the school.

Following an incident, the following strategies may also be used:

- If appropriate, parents/carers will be invited to make an appointment to speak to their child's class teacher should an issue arise that they wish to discuss, a member of the senior team will be present at this meeting and the discussion will be recorded.
- A class teacher may refuse to speak to a parent/carer if the level of aggression increases during the meeting and is deemed to be unacceptable. In this case the meeting will be closed, and the parent/carer asked to leave the site.
- The Headteacher/member of the senior team may request an appointment with the parent/carer in place of the class teacher to discuss the incident. It is advisable to have a witness present at this meeting.
- Any member of staff has the right to call 999 and seek assistance should they be confronted by verbal abuse or the threat of physical assault against them.

## Recording and Reporting Incidents

Clear and detailed records of all events will be recorded

Any incident or adverse event will be recorded using an Incident Report Form. The form should be used to record any incident, for example involving:

- Trespass
- Abusive Social Media Comments
- Verbal abuse
- Sexual or racial abuse
- Threats
- Aggression
- Physical violence
- Intimidating behaviour
- Intentional damage to personal property

The form should be completed **as soon as possible**. For an incident involving or witnessed by a child, a member of staff should complete the form on their behalf. However, any discussion between one witness and another should not precede completion of this form, as this might lead to allegations of collusion.

Any racist comments will be recorded appropriately.

Any injuries to staff or children must be recorded using an Accident Form.

The recording and reporting of incidents are important because they can enable the school and employees:

- To meet their statutory duties in compliance with the Health & Safety at Work Act and Regulations, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) and Social Security Regulations.
- To collect evidence this may later be necessary if proceedings are brought against the alleged assailant and to prepare reports for the Board of Governors.
- To assist the school's insurers should any claim for compensation be made.
- To help in reviewing policies and informing future risk assessments.

In some instances, the school may need to carry out a risk assessment in relation to a specific individual whose behaviour has been, or may be, a cause for concern.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or as members of the Governing Board Review Committee.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or through a Subject Access Request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

## Reviewing the Procedure

The Governing Board will determine how often the procedure is reviewed.

The DfE suggests as good practice that it is reviewed regularly; every two to three years. This will enable the school to consider any new guidance issued by the DfE or any legislative changes.

Responsibility for reviewing the procedure may be delegated to a committee of the Governing Board, an individual governor or the Headteacher