

## Managing Aggressive Behaviour from Parents and Visitors to our Nursery School

### Purpose

All members of the school community have a right to expect that their school is a safe place in which to work and learn. Abuse, threatening behaviour or violence against school staff, or other members of the school community is unacceptable and will not be tolerated. Any incident will be treated seriously and a disruptive visitor may be banned from entering the school or even prosecuted.

Abuse, threatening behaviour or violence are not considered to be an acceptable part of any job, nor is it part of the duties of any employee to accept such behaviour. Throughout this document where the term 'visitor' is used it covers any abusive parent or visitor to the school and is not confined to adults.

The Governing Body of St Giles Nursery School is committed to reducing the risks of its school staff from acts of violence and aggression by:

- Demonstrating to staff that the potential for violence at work is recognised
- Issuing clear procedures/guidelines, which include preventative and protective measures
- Providing adequate training to staff who may be subject to violence or abuse to develop their ability to anticipate violent incidents and deal with them
- Providing appropriate equipment where applicable
- Clarifying violent incident reporting and monitoring procedures
- Encouraging proper reporting of incidents and near misses and ensuring that school staff do not avoid reporting violent incidents in the belief that an assault may suggest a failure on the part of the member of staff concerned
- Supporting staff who have been subject to violent, threatening or abusive behaviour and offering counselling where appropriate
- Allocating adequate resources to support this Policy
- Reviewing this Policy statement and procedures and guidelines regularly.

### Types of violence

In identifying types of violence the governing body recognises that staff can be intimidated or threatened by a variety of circumstances, not simply physical assault, which includes:

- Kicking
- Biting
- Punching
- Poking or pushing
- Spitting
- Scratching
- Head butting
- Tripping
- Actions that restrict movement
- Unwanted physical contact which results in no injury
- Use of weapons
- Use of missiles
- Swearing
- Other verbal or written abuse which causes personal offence or distress
- Sexual, racial or other harassment
- Bullying
- Intimidation

- Damage to personal property
- Abusive telephone calls, letters, faxes, emails, website entries
- Other aggressive behaviour
- Shouting
- Posturing
- Gestures
- Insults
- Innuendo
- Unreasonable demands or blackmail
- Deliberate silence

## **Procedures for Staff in dealing with Incidents involving Violent, Threatening or Abusive Visitors**

### Avoiding an Incident

Parents, or members of the public, may arrive in a tense, agitated state and how they are initially dealt with might well make the difference between a minor exchange of words and a violent confrontation.

Members of staff are entitled to support from their phase leader in handling a potentially difficult parent interview, so, if you have any concerns you should discuss them with your phase leader. Sensitivity towards parental difficulties is an asset. Many adults are still influenced by their own schooling and other childhood experiences, as well as their consequent expectations for their own children. Over anxious, or even ambitious, parents can feel very vulnerable.

Preparation is an essential ingredient in ensuring that interviews/meetings prove constructive rather than confrontational.

The Nursery School advises all staff not to engage in work related conversations with parents/carers etc outside of the school boundary. Staff that do risk breaching confidentiality guidelines and may also be putting themselves at unnecessary risk of abuse.

Prepare in advance by:

- Ensuring there is enough space in the room, whilst also making it appear intimate and relaxing (this can be achieved through lighting and warm colouring). People can need greater personal space than normal when upset or angry and the proximity of others can be more threatening
- Having an alarm readily available (a member of staff nearby/door open/mobile phone next to you switched on)
- Considering having a colleague present, or pre-arranging with a colleague to check that all is well, if you have reason to believe that the visitor has a previous history of aggression or violence, or appears to be aggressive or violent.
- Gathering information that might help
- Ensuring the layout of the room is not intimidating for visitors and allows you to escape quickly; if possible position your chair/desk with the door behind you
- Positioning seating at equal height so that the parent does not feel patronised, and, if possible, at a 45 degree angle as this is less threatening. Avoid barriers if it is safe to do so.
- Considering items in the room that could be used as potential weapons
- Remove an angry or upset person from an audience, or, if easier, remove the audience and don't leave them waiting unnecessarily. The fewer people that are involved in an incident, the easier it is for an aggressor to back down without losing face.

- Keep the discussion as calm and friendly as possible, paraphrasing what has been said and using sympathy and empathy where appropriate.
- Summarise what has been said and follow through. This will help to build trust and respect.

### **Minimise a parent/visitor's frustration by:**

- Being yourself. Do not hide behind authority, status or a job title. By using your name instead of a description of your status, you are presenting yourself as another human being. Later on, it may be important to explain what authority or status you have in order to reassure the visitor that you are in a position to act on their behalf.
- Keeping the visitor talking and explaining the problem, their perception of what has happened, why they feel aggrieved. Use verbal and non-verbal prompts (saying 'mmm' or 'yes' or nodding) to keep them talking. Use open questions to encourage them to talk and explain. Use positive body language, smile.
- Listening and allowing the visitor to express any complaint, without preventing them from finishing what they have to say. Listen empathetically without pre-judging or patronising. Listen also for the feelings, concerns and possible intentions behind their words
- Responding promptly, paying attention and showing that you do care about their problem. Don't keep leaving the room as this gives the message that you have other more important matters to deal with.
- Being polite, pleasant and reassuring and do not show anger. Resist arguing. It is very tempting to respond and become engaged in an argument, especially if you are the butt of aggression or accused in some way, but it is far more likely to result in conflict or confrontation than contribute to defusing the situation.
- Paying attention to your body language so it is as non-threatening as possible.
- Avoid aggressive or defensive stances, such as arms folded, hands on hips or waving fingers or arms. Try to relax your facial muscles and convey openness and empathy with the speaker. Make eye contact, but avoid constant eye contact that may be threatening or trigger aggression because it is perceived as staring
- Trying to explain clearly in jargon free language precisely what your difficulty is in giving the aggressive person what they want. Repeat it until you are sure you are understood because upset people do not always hear the first time
- Not making any promises which you know you cannot keep as this may make things worse for you or your colleagues at a later date.

Make sure that you are aware of the school's emergency action plan/'lockdown' procedures and when these should be implemented.

Handling an Incident – General Principles If someone becomes abusive or threatening, consider whether or not you can cope with the situation. You should not feel you have to cope with it alone: you should seek help from other people, or leave altogether. If a situation appears to be getting out of control, make an excuse and leave and immediately report the incident to the headteacher/designated person.

It is important that you:

- Know whether you are in a position to offer the parent a realistic and reasonable answer to their expectations
- Know whether you are competent to handle the situation
- Be confident you have back up
- Be assured you can summon help
- Have a plan of how to approach the problem.

First keep calm, relax, allow yourself time to think and decide the best course of action. Ask yourself if what has occurred so far in the exchange means that someone else, specially briefed by you, would be better placed to handle the situation. Colleagues may have particular skills or experience that you do not have. The situation may be such that it requires specialist help, such as the police to eject a person; if so, you should get help quickly, before the situation deteriorates.

Warning Signs Someone who is potentially, or about to become, violent can give out signs and signals that constitute a recognisable warning:

- Agitation
- Tapping the table
- Loud speech/shouting
- Muscle tension in face, hands, limbs; fidgeting, hand-wringing; clenching fists
- Drawing breath in sharply
- Colour of face: pale is dangerous – the body is ready for action; a red face is likely to indicate a bark worse than the bite, but this could change
- Finger- wagging or jabbing
- Inability to be still, even pacing about
- Swearing
- Staring eyes
- Sweating
- Oversensitivity to ideas, suggestions
- Rapid mood swings.

Over the Telephone If a parent, carer or member of the public begins to exhibit aggressive or abusive behaviour, e.g. use of foul language or verbal threats) towards any member of staff during a telephone call, the member of staff should:

- Calmly state that the language used is unacceptable and that they will end the call if it continues.
- Try to establish the name and contact details of the complainant (and the nature of the complaint if possible) and state that a member of the Leadership Team will return their call as soon as possible.
- End the call. Make notes of what was said immediately on termination of the call and then report the incident to a member of the Leadership Team. A member of the Leadership Team

will contact the complainant to establish the nature of the complaint and try to resolve the issue.

### Written Abuse

If a member of staff receives written correspondence, e.g. letter, e-mail or text of a threatening or abusive nature from a parent, carer or member of the public, this shall be reported immediately to a member of the Leadership Team and a copy retained as evidence. The receiving member of staff will not reply to the correspondence without first agreeing the response with the Head Teacher or, in preference, the Head Teacher will respond on their behalf. Whilst the Nursery School will make every effort to resolve any issue raised by the complainant, consideration may also be given to involving the police, especially where threats of violence have been made. Every effort must be made to minimise the likelihood of written abuse through not communicating using personal email or social media direct mail. Only use the secure school email for communicating with parents and other staff (on nursery school related matters).

### **It should always be remembered that:**

- The physical safety of employees is more important than the security of buildings or property.
- When violence is threatened it is important that reasonable effort is made to control the situation.
- If a situation is out of control it is better to retreat and get away if possible.
- In controlling an incident, involvement of members of the public should be avoided
- If an implement has been involved in an attack, this should be retained, provided this can be done without any risk.
- Physical intervention or restraint should always be regarded as an absolute last resort.

### **Action to be taken following an incident**

- Seek medical attention, if required.
- Report verbally to your headteacher as soon as possible. Other staff may be at risk from the same person.
- Complete an Incident Report Form and pass to your headteacher for investigation, having sought Union advice, if appropriate (Appendix E).
- Take time with your headteacher to discuss the incident and your feelings.
- Ask for assistance if you need it.
- Consider Police involvement, if they are not already involved.
- Seek advice on your entitlement to claim financial compensation, if appropriate.

In all cases of assault causing actual injury the employee sustaining the injury is advised to make a formal complaint to the Police against the assailant, unless this is considered inappropriate. This decision, although personal, should be discussed with the Headteacher.

Employees have joint responsibility with their employer to review any incidents and identify the need for appropriate training and counselling, and specific strategies to reduce the level of risk.

Support Occupational Health advice and telephone-based/face-to-face professional counselling is available through the Lincolnshire County Council. Employee Support and Counselling Service: 01522 555440. [Emp.supportandcounselling@lincolnshire.gov.uk](mailto:Emp.supportandcounselling@lincolnshire.gov.uk)

### Guidance for Headteachers

People with responsibility for staff management need to be committed to the objective of reducing violence and risks of violence to employees and ensuring that all staff receive appropriate training.

It is important to ensure that new members of staff are aware of this policy and procedures as part of their induction to the school and that they have access to appropriate training.

Staff should be aware that they can expect support from their Headteacher in managing parent interviews well.

A formal notice should be displayed at the entrance(s) to the school informing visitors of the school's expectations about behaviour and/or that they may face prosecution for violent, threatening and abusive behaviour.

### Role of Lincolnshire Police

If Headteachers have any concerns or fears regarding a potentially violent, threatening or abusive visitor, they should not hesitate to contact the police in advance for help and advice. Lincolnshire Police are keen to support schools in the prevention of such incidents and will not consider any issue too small, if a school has concerns. They will provide advice and support, including being present on the premises when a visit is made, if it is agreed this would be helpful.

### Action following an incident

Where there has been any kind of affray, where an assault\* has resulted in actual injury, or where an employee has been seriously threatened, the police should be called.

*\*An assault occurs when a person suffers, or is put in immediate fear of, personal injury by the deliberate or reckless act of another.*

Any incidents of a less serious or ambiguous nature should still be discussed with the police.

In all cases of assault causing actual injury the employee sustaining the injury is advised to make a formal complaint to the police against the assailant, unless this is considered inappropriate. This decision, although personal, should be discussed with the Headteacher. Assault is a criminal offence which may result in prosecution at court.

Support from Lincolnshire Local Authority  
Lincolnshire **School Liaison Officer**: 01522 554884

## **Contacting the Police**

For non-urgent, preventative advice and support the non-emergency number for Lincolnshire Police is . Whenever there is an emergency and urgent support is required, the emergency 999 number should be used.

## **Action to be taken following an incident**

- Provide access to a private area for as long as necessary where the member of staff can sit with a friend or colleague.
- Provide assistance, if necessary, for the member of staff to go home/visit their GP/attend hospital etc. A medical assessment of any injury should be made as soon as practicable and, in case of visible injuries, it is helpful to obtain photographs.
- Make time for the employee to talk to you.
- Explain the employee's right to involve the police if they so wish.
- Contact the Police as above under 'Role of Lincolnshire Police'.
- Provide the opportunity for the member of staff to consult his/her trade union representative before submitting their completed Incident Report Form/Statement (Appendix E).
- Report the incident.
- Carry out a thorough investigation into the incident.
- Obtain written statements from witnesses as soon as possible after the incident (the sooner the better).
- All evidence obtained should be retained to support any action taken.
- Maintain regular contact with the person if they are off work because of the incident.
- Make the member of staff aware of the availability of occupational health advice and Employee Support and Counselling).
- Review risk assessments and procedures following an incident and amend if necessary without delay.
- Ensure other relevant staff are informed of the incident and of any changes to working practices.

## **Reporting Procedures**

A great deal of crime and other incidents often go unreported, sometimes because they are considered too trivial to report or, there is a view that no action will be taken when incidents do occur. Consequently, failure to report incidents and near misses gives a false picture of the real situation. As the employer, the Governing Body has a duty to ensure a safe and secure workplace, but cannot help if it is unaware of problems.

The Headteacher and staff must ensure that all incidents are properly reported and acted upon so that recurrence can be prevented. It is important to record the circumstances that led to violence as this may help identify what events may have triggered the incident and what systems or procedures may need revision.

As soon as practicable after the incident, a written statement/Incident report Form (Appendix E) should be prepared by the member of staff concerned which includes the

circumstances leading up to the incident. It needs to contain sufficient detail to help identify appropriate preventive measures, and to help assess whether those measures were successful. Suggested details include information on:

- Where the incident occurred, including physical environment; the time of day;
- Activity at the time of the incident
- Details of the perpetrator
- The relationship between the victim and the perpetrator
- An account of what happened
- The outcome
- If preventive measures have been introduced, did they help?

The Headteacher should inform the Chair of Governors in confidence of each incident. Where required the LCC should also be informed.

The school will need to retain proper evidence so that it can be used to support any action taken. Recording details of incidents will also help in reviewing the school's policy and should inform future risk assessments.

Follow up The Headteacher will need to make a judgement as to whether the visitor is likely to become involved in such an incident again, or whether there were unique circumstances in this specific case. If it is likely that the behaviour will be repeated a warning letter should be sent, explaining that the behaviour is unacceptable and will not be tolerated on the school premises. Depending on the circumstances, it may be helpful to discuss the warning letter with the LCC Legal Team.

For future visits to the school, advance notice of an intention to visit could be required and an independent witness could be present.

In all cases of assault causing actual injury the employee sustaining the injury should be advised to make a formal complaint to the police against the assailant, unless this is considered inappropriate.

The Headteacher/Governing Body/LCC have the power to ban anyone from coming onto school premises for a specified period of time. This decision will be communicated to the person concerned. When the period elapses, the Headteacher/Governing Body/LA will review whether the visitor's ban from the school premises should continue or whether it should be lifted.

If abusive behaviour is repeated, the visitor should be declared unwelcome and they can be ordered off the premises as they then become a trespasser under Section 547 of the Education Act 1996. This power is usually delegated by the Local Authority to the Headteacher and caretaker.

#### Banning a parent/visitor from the school

The school reserves the right to impose a temporary or permanent ban from the school premises on any parent/carer or member of the public who has demonstrated aggressive or abusive behaviour towards any member of staff, student, visitor or volunteer at the school. This decision shall be made by the Headteacher in consultation with the Chair of Governors and the length of any ban shall be proportionate to the nature and circumstances of the



incident. In the case of a parent/carer, prior to a ban being imposed (except in urgent situations), the Headteacher/Chair of Governors shall write to the individual indicating that a ban from the premises is being considered, stating the reasons for this and the date by which any written representations by the individual should be received by the school before the decision is made. In urgent situations, the Headteacher may impose an immediate temporary ban in writing and provide the parent/carer the opportunity to make written representations prior to formalising any extension to the ban. Where the decision to impose a ban is made, notification of the ban shall be in writing and shall clearly state:

- The reason for the ban being imposed
- The date of commencement of the ban
- A date by which any written representations by the individual should be received by the School
- A date for review of the ban and how this will be arranged (including any reparation that may be required by the School, e.g. a written apology)
- Provision to be made (if a parent or carer) for access to their child during the school day, e.g. should an emergency occur and the process to be followed should the parent/carer wish to contact the school or need to attend meetings at the School
- What action will be taken to remove the individual from the premises should the ban be breached\* The banned individual will be invited to make written representations and to attend a review meeting (accompanied by a friend or relative if required) with the Headteacher and/or a panel of Governors/police representative (this may take place away from the school site if appropriate). The Panel will review the ban and consider whether to lift it, make it permanent or continue it for a specified period. The Headteacher may remove the ban at any time prior to the review date if appropriate resolution has been achieved. Any ban imposed will not prevent or affect the outcome of the school's investigation into any complaints raised by the individual concerned. These will be handled as per the school's Complaints Policy/Procedure.

#### Review and Monitoring

This policy will be reviewed by the Governing Body every three years.

All incidences of aggressive or abusive behaviour directed towards staff, students, visitors or volunteers by a Parent/Carer or member of the Public will be recorded and reported to the Governing Body to inform review of this policy.

Written with Advice and Guidance from NAHT Managing Violent and Abusive Visitors to Schools (G104)

Appendices:

Statement of principles

Incident report form

Warning letter from the Headteacher

Banning letter – parent/carer

Banning letter – public

Confirmation of ban – parent/carer

Withdrawal of ban – parent/carer

Extension of ban – parent/carer

Formal end of ban from LA – parent/carer

Legal remedies

Useful websites

## **Annex 1 - website**

### **St Giles Nursery School Policy on managing aggressive behaviour from parents and visitors to our nursery school**

Statement of principles The Governing Body of St Giles Nursery 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- defence.

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 at members of the school staff, either in person or over the telephone;
- physically intimidating a member of staff, e.g. 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, e.g. 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 Headteacher from the school 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 the local authority and the police will be included
3. The Chair of Governors/Lincolnshire County Council will be informed of the ban
4. Where appropriate, arrangements for pupils being delivered to, and collected from the school gate will be clarified.

### **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 and consistency.

This Policy will be reviewed annually.

## Annex 2

### 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.

<b>Date of incident</b>		<b>Time of incident</b>	
<b>Name of person reporting incident</b>		<b>Date incident reported</b>	
<b>Member of staff recording incident</b>		<b>Date incident recorded</b>	
Name(s) of person(s) causing incident : (where name(s) is/are unknown, provide other details of which may allow their identification)			
Please select status	Parents	carers	visitors      trespassers

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

### Names of any witnesses

Initial action/outcome (e.g. Informal conciliation; police intervention; warning or banning letter issued)

### Summary of subsequent actions taken by the school, including risk assessments

### Linked incidents (if any)

**(Warning letter, from the head teacher: to parent/carer with child/ren at the school)**

Recorded delivery

Dear

I have received a report about your conduct at the school on (enter date and time).

**(Add factual summary of the incident and of its effect on staff, pupils, other parents.)**

I must inform you that the local authority/ governing body (delete as appropriate) will not tolerate conduct of this nature on its premises and will act to protect its staff and pupils.

Therefore if, in the future, I receive any reports of conduct of this nature I will be forced to consider removing your licence to enter the school grounds and buildings. If you do not comply with that instruction I will be able to arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted under this section, you are liable to a fine of up to £500.

Nevertheless, I wish to give you an opportunity to give me in writing any comments or observations of your own in relation to the report which I have received about your conduct. These comments may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct. To enable me to take a decision on this matter at an early point, you are asked to send me any written comments you wish to make by (state date ten working days from the date of letter).

Yours sincerely,

Head Teacher

**(Banning Letter, from the LCC or governing body: to parent/carer with child/ren at the school)**

Recorded delivery

Dear

I have received a report from the head teacher at (insert name) School about your conduct on (enter date and time).

**(Add factual summary of the incident and of its effect on staff, pupils, other parents.)**

I must inform you that the local authority/ governing body (delete as appropriate) will not tolerate conduct of this nature on its premises and will act to protect its staff and pupils. On the advice of the head teacher I am therefore instructing that until ..... (add date) you are not to reappear on the premises of the school. If you do not comply with this instruction I may arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted under this section, you are liable to a fine of up to £500.

Arrangements have been made for your (delete as appropriate) son(s)/daughter(s) (insert child/rens names) to be collected, and returned to you, at the school gate by a member of the school's staff.

The withdrawal of permission for you to enter the school premises takes effect straightaway. However, I still need to decide whether it is appropriate to confirm this decision. Before I do so, I wish to give you an opportunity to give me in writing any comments or observations of your own in relation to the report which I have received from the head teacher. These comments may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct. To enable me to take a decision on this matter at an early point, you are asked to send me any written comments you wish to make by (state date ten working days from the date of letter).

If on receipt of your comments I consider that my decision should be confirmed, or extended, you will be supplied with details of how to pursue a review of the circumstances of your case.

In any event, the decision to withdraw your licence to enter the school premises will be reviewed by ..... (complete as appropriate). That review will take account of any representations that you may have made and of your subsequent conduct.

Yours sincerely,

Chair of governing body

**(Banning Letter, from the LA or governing body: to member of the public)**

Recorded delivery

Dear

I have received a report from the head teacher at (insert name) school about your conduct on (enter date and time).

**(Add factual summary of the incident and of its effect on staff, pupils, other parents.)**

I must inform you that the authority/ governing body (delete as appropriate) will not tolerate conduct of this nature on its premises and will act to protect its staff and pupils. On the advice of the head teacher I am therefore instructing that you are not to reappear on the premises of the school. If you do not comply with this instruction I may arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted, you are liable to a fine of up to £500.

Yours sincerely,

Chair of governing body



**(Letter updating a banning letter, from the LA or governing body, confirming ban: to parent/carer with child/ren at the school)**

Dear

On (give date) I wrote to you informing you that on the advice of the head teacher, I had withdrawn permission for you to come onto the premises of (insert name) School until ..... (insert date). To enable the local authority/governing body (delete as appropriate) to determine whether to confirm this decision, or to impose it for a longer period, I gave you the opportunity to give your written comments on the incident concerned by (give date).

I have not received a written response from you / I have now received a letter from you dated ..... (insert the date), the contents of which I have noted. (delete either sentence as appropriate)

In the circumstances, and after further consideration of the head teacher's report, I have determined that the decision to withdraw permission for you to come onto school premises should be confirmed/extended. (delete as appropriate) I am therefore instructing that until ..... (insert date) you are not to come onto the premises of the school without the prior knowledge and approval of the head teacher. If you do not comply with this instruction I may arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted, you are liable to a fine of up to £500.

Notwithstanding this decision the head teacher and staff at (insert name) school remain committed to the education of your child/children (delete as appropriate), who must continue to attend school as normal insert in the case of a primary school: under the arrangements set out in my previous letter.

The authority/ governing body (delete as appropriate) will take steps to review the continuance of this decision by (give date). When deciding whether it is necessary to extend the withdrawal of permission to come onto the school's premises, the authority/ governing body (delete as appropriate) will take into account the extent of your compliance with the decision, any appropriate expressions of regret and assurances of future good conduct received from yourself and any evidence of your co-operation with the school in other respects.

**(Include where the incident has arisen within the context of a parental complaint against the school:)**

Finally I would advise you that I have asked the head teacher to ensure that your complaint (give brief details) is considered under the appropriate school procedure. You will be contacted about this by the school in due course.

If you wish to pursue the matter further, you have a right to a review of the circumstances of this case by the school's governing body.

Yours sincerely,

Chair of governing body

**(Letter updating a banning letter, from the LA or governing body, withdrawing ban: to parent/carer with child/ren at the school)**

Dear

On ..... (insert date) I wrote to you informing you that, on the advice of the head teacher, I had temporarily withdrawn permission for you to come onto the premises of (insert name) School. To enable me to determine whether to confirm this decision for a longer period, I gave you the opportunity to let me have your written comments on this incident by ..... (insert date)

I have not received a written response from you / I have now received a letter from you dated ..... (insert date), the contents of which I have noted. (delete either sentence as appropriate)

In the circumstances, and after consulting with the head teacher, I have decided that it is not necessary to confirm the decision, and I am therefore restoring to you the permission to come onto the school premises, with immediate effect.

Nevertheless I remain very concerned at the incident which occurred on ..... (insert date), and I must warn you that if there is any repetition of your behaviour on that occasion, I shall not hesitate to withdraw permission for you to come onto the premises.

Yours sincerely,

Chair of governing body

**(Letter, from the LA or governing body, following formal review of a banning letter, extending ban: to parent/carer with child/ren at the school)**

Dear

I wrote to you on ..... (insert date) withdrawing permission for you to come onto the premises of (insert name) School until ..... (insert date). In that letter I also advised you that I would take steps to review this decision by ..... (insert date).

I have now completed the review. However, after consultation with the head teacher, I have determined that it is not yet appropriate for me to withdraw my decision. (Give a brief summary of reasons)

I therefore advise that the instruction that you are not to come onto the premises of (insert name) school without the prior knowledge and approval of the head teacher remains in place until ..... (insert date).

I shall undertake a further review of this decision on ..... (insert date).

(Insert if the letter is from the governing body) If you are dissatisfied with this decision, you have a right to request a review of the decision by the governing body.

Yours sincerely,

Chair of governing body

**(Letter, from the LA or governing body, following formal review of a banning letter, ending ban: to parent/carer with child/ren at the school)**

Dear

I wrote to you on ..... (insert date) informing you that I had withdrawn permission for you to come onto the premises of (insert name) School until ..... (insert date). In that letter I also advised you that I would take steps to review this decision by ..... (insert date).

I have now completed the review. After consultation with the head teacher, I have decided that it is now appropriate to change that decision and I am therefore restoring to you the permission to come onto the school premises, with immediate effect.

I trust that you can now be relied upon to act in full co-operation with the school and that there will be no further difficulties of the kind which made it necessary for me to prevent you entering the premises.

I should point out that if there is any repetition of your behaviour, I shall not hesitate to withdraw permission for you to come onto the premises once more.

Yours sincerely,

Chair of governing body

## **Legal remedies, for violence or abuse against members of a school community**

As well as invoking section 547 of the Education Act 1996, the following two vehicles may be used by an LA on a school's behalf.

Section 222 Local Government Act 1972 Section 222 empowers a local authority to prosecute or defend proceedings where it is considered expedient for promoting or protecting the interests of those living in its area. It would potentially allow the local authority to prosecute an abusive parent under one of the other options mentioned here or, alternatively, to bring civil proceedings against the parent.

Anti-social behaviour orders (ASBOs) (under review) Anti-social behaviour orders are imposed under the Crime and Disorder Act 1998.

An anti-social behaviour order can be sought by the local authority or chief officer of police and can be made in respect of anyone aged 10 or over who has acted in an anti social manner (a manner which caused or is likely to cause harassment, alarm or distress) and an ASBO is necessary to protect others in the same area from repetition of similar behaviour.

The order can prohibit the defendant from doing anything described in the order provided those prohibitions are necessary to protect others from anti social behaviour. ASBOs last for a minimum of two years (but can be discharged sooner with the consent of both parties) and carry a penalty for breach of a fine up to £5,000, a prison sentence of up to six months, or both (if imposed by the magistrates' court), or an unlimited fine, or up to five years imprisonment, or both (if the conviction was in the crown court).

In the circumstances above we would expect LAs or governing bodies to take the lead on taking relevant action under the above legislation as appropriate. The LA or governing body has responsibilities as an employer (The Health and Safety at Work Act 1974, sections 2 and 3) to ensure a safe place of work for its staff. School staff have every right to expect that where they wish action to be taken, the LA or governing body will do this. LAs or governing bodies should thus ensure that they are familiar with the relevant legislation and their powers under it.

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 phone calls 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 months

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imprisonment, 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 Disorder Act 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 or she 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 as broken 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 some overlap 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 outside the 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 three of 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 action will 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 a blade 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**

The Department for Education's school security website.

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/RR419#downloadableparts>

The Department for Education's publication Health & Safety: advice on legal duties and powers for local authorities, head teachers, staff and governing bodies.

<http://www.education.gov.uk/schools/adminandfinance/healthandsafety/f00191759/departmental-health-and-safety-advice-on-legal-duties-and-powers-for-local-authorities-headteachersstaff-and-governing-bodies>

Guidance on Police-School Protocols: Principles and guidance on Safer School Partnerships.

<http://www.justice.gov.uk/downloads/youth-justice/prevention/SaferSchoolPartnershipsGuidancefinal0509.pdf>

**Health and Safety Executive (HSE) guidance on risk assessments.**

<http://www.hse.gov.uk/pubns/raindex.htm>

**Health and Safety Executive (HSE) guidance on reporting school accidents.**

<http://www.hse.gov.uk/pubns/edis1.htm>

The HSE RIDDOR website. <http://www.hse.gov.uk/riddor/index.htm>

NAHT guidance "Social Networking Websites" <http://www.naht.org.uk/welcome/advice/advice-home/parents-and-pupils-advice/guidance-onsocial-networking/?locale=en>