



Dealing with threatening and abusive behaviour policy

Date of ratification:

Date of next review:

Signed Headteacher: _____ Date: _____

Signed CoG: _____ Date: _____

At Kobi Nazrul Primary School we are very fortunate to have a parent body which is supportive and friendly. We recognise that the success of the school is dependent on the strong partnership between all members of the school community: children, parents, staff and governors. This partnership must be based on a polite, positive and respectful relationship. For this reason, we welcome and encourage parents/carers to participate fully in the life of our school.

The purpose of this guidance is to provide a reminder about the expected conduct from our staff, parents, carers and visitors and what to do if their conduct is abusive or aggressive. We ask that all members of the community follow these principles:

- We all respect the caring ethos of our school.
- All staff and parents work together for the benefit of all children
- All members of the school community should be treated with respect and, therefore, we must all set a good example in our own speech and behaviour.

In this context, threatening, violent or abusive behaviour, against any members of our school community, is unacceptable. All members of our community have a right to expect the school to be a safe place. Where the behaviour of parents or visitors falls below expected standards, the school will act in accordance with this guidance. All members of the school community are expected to:

- Demonstrate a good example for the children in how they speak and behave
- Work together so they can resolve any concerns
- Respect the environment of the school so that it remains clean and tidy.

In order to support a peaceful and safe school environment the school will not accept parents, carers and visitors exhibiting the following:

- Conduct which undermines the safe and calm environment in school, either in a school office, classroom, around the school site, or immediately outside the school
- Derogatory and discriminatory comments, which may include reference to faith, colour, race, gender or sexual orientation
- Spitting
- The use of loud or offensive language, such as swearing, or displaying an unacceptable amount of anger and aggression.
- Threatening physical violence to a member of the school community
- Assault of any kind including pushing
- Damaging school property
- Abusive telephone calls, emails, letters or other forms of written communication
- Shouting at a person or shouting on the telephone at a person
- Defamatory comments about members of the school community on social media sites
- The use of physical aggression towards another adult or child
- Physical intimidation including standing too close or shaking a fist

The Public Order Act 1986 defines “disorderly conduct” as:

Verbal abuse, threatening abusive or insulting words or behaviour or any disorderly behaviour whereby a person is caused alarm, harassment or distress. “Threatening behaviour” is when a person fears that violence, or threat of violence, is likely to be provoked. The school has a responsibility to ensure that any act of actual or threatened violence is referred to the police immediately. In a school context this could mean someone shouting at a member of staff, either in person or on the phone; acting aggressively, including using intimidating body language, as well as actual violence. It also covers comments posted on social networking sites or situations where members of staff are approached off school premises. Unacceptable behaviour may result in the Police being informed of the incident.

Access to the school is decided by Governors and the Headteacher. Parents and carers are welcomed into the school; however, they do not have any right of access. Anyone deemed to have behaved in an unacceptable way may be banned from the school premises.

Visitors and parents/carers are asked to act in a manner in line with the school’s Safeguarding and Child Protection Policy, which includes a sign-in process, visitor identification, and supervision while on school grounds. All visitors will be notified of these requirements by staff in the office/ at the front desk

Guidance on actions and procedures (Summary):

1. If someone is becoming aggressive or abusive, try and draw them away from an area where there are children present and seek immediate help from another member of staff.
2. The member of staff should report what has happened to a member of the Senior Leadership Team (SLT) and record the event this should then be sent/ given to the Headteacher
3. A member of the SLT should try and resolve the situation through discussion and mediation
3. If this does not resolve the matter and the unacceptable behaviour continues, the person should be asked to leave the premises. If they fail to do so, the Police should be called
4. The Headteacher and Governors may then decide to ban the person for a period of time
6. They will be informed in writing of the ban and the reasons for it and given an opportunity within a reasonable time period to express their views either in writing or in person
7. If a decision is taken to implement a ban, a further letter will be sent with the length of time of the ban, the review date, and the action that will be taken if they breach the ban. The letter will detail the arrangements that have been made for the parent/carer to receive appropriate information about their child’s education and for drop off and collection of their child

Further advice:

Staff conduct:

Staff are advised to communicate with parents, whatever the circumstances, in the following manner:

- Speak calmly and without raising your voice
- Be assertive but not aggressive
- Be polite but firm
- Seek assistance if necessary
- Politely terminate the conversation if necessary, explaining your reasons In the event of an emergency, staff should request assistance from a member of the Senior Leadership Team, if they are available otherwise the nearest member(s) of staff. The member of the Senior Leadership Team will request that the person causing offence leave the premises. Should the person not leave the premises then they should be informed that the police will be called. The incident should then be recorded.

Recording incidents:

Any incident relating to the following must be recorded and sent to the Headteacher:

- Trespass
- Verbal abuse
- Sexual or racial abuse
- Threats
- Aggression
- Physical violence
- Any racist comments
- Any injuries to staff or children
- Intentional damage to personal property or the school's property

Further advice:

Procedures for dealing with abusive visitors or parents:

Step 1 - Verbal warning The Headteacher or appropriate member of Senior Leadership Team will speak to the parents involved. It will be put to them that such behaviour is unacceptable and an assurance will be sought that such an incident will not be repeated. It will be stressed on this occasion that repetition of such an incident will result in further more serious action being taken. If the Headteacher has been subject to abuse this will be done by the Chair of Governors (or other appointed independent governor, if the Chair is involved in the incident in any way). NB: Any serious incidents or violent conduct would immediately proceed to step 5.

Step 2 – Written warning If a second incident occurs involving the same person or persons, the Headteacher will write to the adult(s) informing them once again that this conduct is unacceptable. As for Step 1, if the Headteacher has been subject to abuse this will be done by the Chair or other appointed governor. At any stage, the school may report serious incidents of abusive and threatening behaviour to the Local Authority or the Police. The school has a responsibility to ensure that any act of actual or threatened violence is referred to the police immediately.

Step 3 – Final written warning If a third incident occurs involving the same person or persons, the Chair or other appointed independent governor, will write to the adult(s) giving a final warning that this abusive and threatening behaviour is unacceptable, and that a repetition of this conduct will leave the governors no option but to take further action.

Step 4 – Governors’ Letter If such an incident recurs, or if an initial incident is considered serious enough by the Headteacher, the Chair of Governors (or other appointed governor) would be involved to enforce any action deemed necessary. This may result in a person or persons being excluded from school premises. The Headteacher / Governing Body will contact the Local Authority and seek legal advice before issuing a letter banning an individual from the premises.

Step 5 – Involvement of the police. If, following a decision to ban a person from the school premises, that person nevertheless persists in entering school premises and is displaying unreasonable behaviour, then the person may be removed from the school premises as a trespasser under Section 547 of the Education Act 1996 and charged with an offence under the Public Order Act 1986. All parents, even if excluded from school premises, have a right to seek an appointment to speak to school staff about their child’s educational progress. Other members of the public have no right of access to the school premises. In the case of an incident involving another member of the public steps 1 and 2 as above will be followed. At step 3 the Headteacher will write again and at step 4 the Headteacher will send the banning letter.

Support for staff:

Following an incident staff may feel that they need support. Peer support will be given and access to the Employee Assistance Programme which we provide to all staff. In the longer term, support can also be obtained from the member of staff's trade union. The school will ensure that sympathetic and practical help, support and counselling are made available to the member of staff at the time of the incident and subsequently if required.

Harassment:

Situations can arise where staff find themselves, or other adults, subjected to a pattern of persistent and unreasonable behaviour from individual parents, which is not abusive or overtly aggressive but may 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, well-being and health. In extreme cases, the behaviour of the parent may constitute an offence under the Protection from Harassment Act 1997. If so, the school will take appropriate action, such as writing to or meeting the parents, involving the Police if necessary.

A formal complaint may also be made to the Governing Body who would consider inviting the parent to a meeting to discuss such conduct or writing to them to say that they are not welcome on the school premises. If a parent's behaviour is unreasonable, the parent's implied permission to be on the school premises may be withdrawn and they will become a trespasser (see the section on Trespass). The School may also decide to use the following possible legal measures: • Section 222 Local Government Act 1972 • Protection from Harassment Act 1997 • Criminal Damage Act 1971 • Section 39 of Criminal Justice Act 1988 • Section 47 of the Offences against the Persons Act 1861 • Offences against the Public Order Act 1986 • Section 31 of the Crime and Disorder Act 1998 • Criminal Justice Act 1988

Trespass:

Trespass is not, generally, a criminal offence. Schools are not public places and anyone who enters without permission of the Headteacher (who has day to day management of the school) is trespassing, unless there is a recognised "right of way" across the school site. Some groups of people, such as parents, have an "implied licence" to enter school premises. A number of people may have good reason to be on the school premises and therefore possess an "implied licence" e.g. • Registered pupils of the school during school hours or by agreement of the Headteacher e.g. after school clubs and sports. Pupils who have been excluded could, however, be trespassers. • Parents or guardians responsible for a pupil at the school. • Governors, Ofsted inspectors, Local Authority staff, Site Staff, contractors, and those using facilities provided as part of a school "let" etc. Signs will be put in place to indicate that all visitors should report to reception. The existence of good school security measures will also assist in minimising the incident of trespass. Examples of security measures include: appropriate signs, reception area, signing in system, badges for visitors, access control and maintaining boundary fences in good order.

Nuisance:

If a trespasser refuses to leave the school premises or enters after being required to leave or causes a disturbance, their behaviour may give rise to a criminal offence under Section 547 of the Education Act 1996. As a general rule, anything done by trespassers where it disrupts the routine of the school or the duties of its staff will be an offence. Where an individual has an "implied licence" to enter school premises this can be withdrawn by the Headteacher, provided authority to do so is delegated to the Headteacher by the governing body. Publicising this through signs or the school prospectus is helpful and prudent since this can clarify the circumstances in which consideration would be given to barring someone from the site. Recent case law (Wandsworth Borough Council v A, 2000) makes it clear that if the person to be barred has an "implied licence" to enter the premises, he or she should first be given an opportunity to make representation as to why a ban should not be imposed before a final decision is taken to withdraw the

licence to enter. A ban will be effective immediately. A refusal to accept a ban from school premises may lead to consideration being given to applying to the court for an injunction and/or to the taking of action under Section 547 of the 1996 Act.

Removing trespassers from the site:

It is possible to remove from the school premises people who are suspected of committing an offence under section 547. Police constables or a person authorised by the Local Authority may do this. The Headteacher will need to use their discretion in determining whether they, or other staff, are able to safely escort a trespasser from the site. Although they would be entitled to use reasonable force, this should be avoided and the police called if the situation is impossible to control. School staff should not put themselves at risk. Anyone taking this action must be able to justify their actions and show that the action taken was appropriate and proportionate in the circumstances. Therefore, there should be reasonable cause to suspect the person of committing, or having committed, an offence under Section 547.

Warning letters:

Different considerations apply in relation to people such as parents who can lawfully enter school premises as opposed to trespassers. With regard to those who have implied permission to enter, a two-stage approach will need to be taken when working with them. Section 547 will only become relevant once a parent's "lawful authenticity" to enter the premises has been terminated. A parent of a child registered at a school will not be on school premises "illegally" (i.e. a trespasser) until his or her "implied licence" to enter the school premises has been terminated and until then he or she cannot be guilty of an offence under this section. For example, if a parent causes a nuisance and the Headteacher thinks a ban should be imposed, the following steps should be taken:

- A warning should be given (in writing) and the parent given the opportunity to answer the accusations made (see warning letter below).
- If a ban is then imposed (and it will only be at this point that the parent will become a trespasser if he or she enters the premises). This should be confirmed in writing and notice given that a breach of the ban may result in an offence being committed under Section 547 and an action taken under that section to remove the person from the premises (though only if entry onto the premises is coupled with causing a nuisance) or in an application being made to the court for an injunction (see banning letter below). If the nuisance or disturbance has been caused by an individual with no right implied or otherwise to enter the premises then immediate action can be taken under Section 547 as that person is by definition a trespasser. No warning would need to be given.