



# HCAT Managing Parent and Visitor Conduct Policy 2020



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# Managing Parent and Visitor Conduct Policy

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## **Section 1 - Principles, Expectations and Aims**

### **HCAT Policy on managing aggressive behaviour from parents and visitors to Schools within our Trust**

#### **Statement of principles**

The governing body of Horizon Community College encourages close links with parents and the community. It believes that pupils benefit when the relationship between home and College is a positive one.

The vast majority of parents, carers and others visiting our College are keen to work with us and we are fortunate to have a very supportive parent body. Our parents and carers recognise that education children is a process that involves partnership between parents, carers, teachers and the College community. Our Parents/Carers will understand the importance of being positive role models and having a good working relationship with the College to equip children with the necessary skills for adulthood. Therefore, we continue to welcome and encourage Parents/Carers to participate fully in the life of our College.

However, on the rare occasions when a negative attitude towards the College is expressed, this can result in aggression, verbal and or physical abuse towards members of College 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 College staff.

#### **We expect Parents, Carers and Visitors to:**

- Respect the College values and its caring ethos
- Act as positive role models by demonstrating respect towards other individuals and the College building and setting a good example in both speech and conduct
- Understand that both Teachers and Parents need to work together for the benefit of the students
- Seek advice from College staff to clarify a child's version of events with the College view to help resolve a situation
- Ensure the behaviour of their child/children is acceptable in all public places and the community

**The aim of the policy is to provide a reminder to all parents, carers and visitors about the expected conduct. 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 College staff, either in person or over the telephone
- Abusive or threatening e-mails or text/voicemail/phone messages or other written communication
- physically intimidating a member of staff, e.g. standing very close to her/him;
- the use of aggressive hand gestures
- threats of actual bodily harm or physical aggression to Staff, Governors, Visitors, other Parents/Carers or Students
- harassment
- Disruptive behaviour which interferes/threatens to interfere with any activity within College
- swearing; Offensive language, swearing, use of profane language, displaying anger/aggression
- pushing
- hitting, e.g. slapping, punching and kicking
- spitting
- smoking and consumption of alcohol or other drugs whilst on College premises
- breaching the College's security procedures, accessing the premises without permission from relevant staff
- Damaging or destroying College property
- Recording conversations or meetings with staff without permission from the Principal / Head of School / College. Any sharing of recordings will breach GDPR regulations, in which case the College will seek legal advice
- Offensive, derogatory or defamatory comments regarding the College or any of the Students/Parent/Staff on Facebook or other social media sites. Any concerns you may have must be made through the appropriate channels by speaking to the relevant member of staff, so they can be dealt with effectively
- Approaching a student to discuss or chastise them because of the actions of this student towards their own child
- Dogs being brought on to premises (guide dogs are an exception)

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

If any of the above behaviour occurs on the College site, we may deem it is necessary to contact the appropriate authorities and if necessary, ban the offending adult from entering the College grounds. Please note - gross misconduct may result in an immediate ban from College premises.

We would expect that parents would make all persons responsible for collecting students aware of this policy.

Staff members must report any incidents to their line manager in the first instance. This must be followed up with a verbal and written statement.

## **Procedure to be followed**

If a parent/carer behaves in an unacceptable way towards a member of the College community, the Principal / Head teacher / Head of School or appropriate senior staff will seek to resolve the situation through discussion and mediation. If necessary, the College'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 Principal / Head teacher / Head of School from the College premises for a period of time, subject to review. In some instances, acts may result in an immediate ban without warning.

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 act 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 CEO / Trust Board will be informed of the ban
4. Where appropriate, arrangements for pupils being delivered to, and collected from the College gate will be clarified

## **Conclusion**

The CEO / Trust Board may take action where behaviour is unacceptable or there are serious breaches of health and safety legislation.

In implementing this policy, the College will, as appropriate, seek advice from the Multi Academy Trust Health and Safety and Legal departments, to ensure fairness and consistency.

This Policy will be reviewed annually.

## **Section 2 - College Policy for Dealing With Incidents**

The main aim of this policy is to provide a safe environment by minimising the risk of such incidents (whether they involve pupils, parents or others) and enabling incidents which do occur to be quickly and effectively dealt with. Where a partnership has been established, policy and procedures for dealing with violence, threatening and abusive behaviour by parents should be developed within the context of this.

### **Section 3 - Conducting a Risk Assessment**

This does not need to be a complicated process, but simply involves raising a number of questions to which you want answers.

A risk assessment should:

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

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

This should identify what the risks are (e.g. abuse, threatening behaviour, violence, and from whom), and who is likely to be at risk (e.g. reception staff, teachers). Identifying what the risks are and who is at risk are the crucial initial steps before considering how to manage these risks and how they can be minimised. In some cases, potential violence can be reduced and even prevented if members of staff have the skills to spot conflict before it leads to aggression and to use techniques to reduce aggression before violence occurs.

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

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

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

### **Section 4 - The Banning Process**

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

Crucial elements:

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

### **The length of a ban**

The ban should be finite in length, as only the most serious misconduct would justify an indefinite ban. The duration needs to be sufficient to convey a clear message about the seriousness of the associated misconduct, but not so long as to be disproportionate. The aim should always be to restore “normal” relations as soon as is reasonably practicable. Even if a ban is permanent, it should be reviewed periodically, taking account of subsequently demonstrated patterns of behaviour.

### **What does a ban achieve?**

- it confirms to a parent that the College will not tolerate misbehaviour
- shows the College takes health and safety of its staff, visitors and pupils seriously
- it provides a key element in making it easier to use legal remedies to prevent repeated misconduct, including use of S547 of the 1996 Education Act to enable Police removal and possible prosecution of those on College premises without permission
- it may form the basis for an application for an injunction to curtail repeated instances of misbehaviour

## **Section 5 - Parental Rights**

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

## **Section 6 - Appendix Section**

### **Incident Report Form**

### **Appendix 1**

Relevant incidents include trespass, nuisance or disturbance on College premises, verbal abuse, sexual or racial abuse, threats, aggression, harassment, 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>Incident Report form</b>			
<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>	
<b>Name(s) of person(s) causing incident</b> - (where name(s) is/are unknown, provide other details of which may allow their identification)			
<b>Status(es)</b> (parents/carers/visitors/trespassers)			
<b>Full description of incident</b> (e.g. names of persons involved; location; nature of any injuries; attendance of emergency services)			
Names of any witnesses Statuses			
<b>Initial action/outcome</b> (e.g. Informal conciliation; police intervention; warning or banning letter issued)			

<b>Summary of subsequent actions taken by the College, including risk assessments</b>
<b>Linked incidents (if any)</b>

**LETTER 1**

**Appendix 2**

Date

Address

Dear Parent/Carer,

At XXXXXXXXX College we encourage Parents and Carers to play a pro-active and supportive role in their child's education, working alongside staff in a positive manner. We also have a duty of care for all Staff and Students and we strive to ensure they have a safe and protective environment in which to work.

I have received a report about your conduct on (enter date and time).  
[Add summary of the incident and of its effect on staff, students, other parents.]

I am writing to inform you that the College will not tolerate conduct of this nature (on its premises) and will act to defend its Staff and Students. If the College staff have any further concerns about your behaviour, formal procedures will be followed.

Yours sincerely,

Associate Principal / Head of School (delete as necessary)

**LETTER 2**

**Appendix 3**

Date

Address

Dear Parent/Carer,

At XXXXXXXX College we encourage Parents and Carers to play a pro-active and supportive role in their child's education by working alongside staff in a positive manner. We also have a duty of care for all Staff and Students and we strive to ensure they have a safe and protective environment in which to work.

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

[Add summary of the incident and of its effect on staff, students, other parents.]

We have already contacted you on \_\_\_\_\_. On the advice of the Principal I am, therefore, informing you that should the College staff have any further concerns about your behaviour, you will be asked not to enter the premises and you could be prosecuted under Section 547 of the Education Act 1996. If convicted under this section, you are liable to a fine of up to £500.

Yours sincerely,

Associate Principal / Head of School (delete as necessary)

Date

Address

Dear Parent/Carer,

I have received a report from the Vice-Principal about your conduct on (enter date and time).

[Add summary of the incident and of its effect on staff, students, other parents.]

I must inform you that the College will not tolerate conduct of this nature on its premises and will act to defend its staff and students. I am, therefore, instructing that (for a temporary period) you are not to reappear on the premises of the School / College. If you do not comply with this instruction, we have no choice but 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.

The withdrawal of permission for you to enter the College premises takes effect straightaway. However, I still need to decide whether this decision will be permanent. 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 concerns raised by the College. To enable me to take a decision on this matter as early as possible, 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, you will be supplied with details of how to pursue a review of the circumstances of your case.

Yours sincerely,

Principal / Head of School

## **Section 7 - Legal remedies, for Violence or Abuse Against Members of a College Community**

As well as invoking section 547 of the Education Act 1996, the following vehicles may be used.

### **Section 547, Education Act 1996**

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

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

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

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

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

### **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.

### **Criminal Behaviour Orders**

A Criminal Behaviour Order (CBO) is an order which is available on conviction for any criminal offence by any criminal court, introduced by the Anti-social Behaviour, Crime and

Policing Act 2014 (ABCPA 2014, s.22) with effect from 20 October 2014. It replaces the former powers of the court to make orders such as an ASBO or a drinking banning order on conviction.

A CBO is an order designed to tackle the most serious and persistent anti-social individuals where their behaviour has brought them before a criminal court. The anti-social behaviour to be addressed does not need to be connected to the criminal behaviour, or activity which led to the conviction. However, if there is no link the court will need to reflect on the reasons for making the order.

A CBO can deal with a wide range of anti-social behaviours following the offender's conviction, for example threatening violence against others in the community, or persistently being drunk and aggressive in public. However, the order should not be designed to stop reasonable, trivial or benign behaviours that have not caused, or are not likely to cause anti-social behaviour.

The Multi Academy Trust 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 Multi Academy Trust will do this.

### **Protection from Harassment Act 1997**

The Protection from Harassment Act 1997 was originally introduced to deal with the problem of stalking. However, it covers a much wider range of behaviour, including behaviour which alarms or distresses the victim.

The Act gives both criminal and civil remedies.

There are two criminal offences:

- pursuing a course of conduct amounting to harassment
- a more serious offence where the conduct puts the victim in fear of violence

Harassing a person includes alarming the person or causing the person distress.

A "course of conduct", which can include speech, must normally involve conduct on at least two occasions. There are special provisions to cover harassment targeting two or more people to persuade (for example certain kinds of protest action against companies) and harassment of an individual carried out by two or more people.

In addition to the criminal offences, a civil court can impose civil injunctions in harassment cases as well as awarding damages to the victim for the harassment. Breach of such an injunction is a criminal offence.

## **New stalking offences**

In 2012 the Coalition Government added two specific criminal offences of stalking to the 1997 Act following widespread concern that the Act was not dealing adequately with this problem. Further information on this is available in a Library Briefing Paper on Stalking.

## **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 pocketknife 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/departamental-health-and-safety-advice-on-legal-duties-and-powers-for-local-authorities-headteachers-staff-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-on-social-networking/?locale=en>