



Managing aggressive behaviour and misconduct of parents and visitors

Tees Valley Education Trust

Version:	1.1
Next review date:	August 2023
Directorial lead:	Helen Hall
Operational lead:	Louise Stogdale
Document reviewer:	Gillian Wilson
Statutory (Y/N):	N
Published on website (Y/N):	N
Type of document:	Guidance
Approved by:	SLT

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Introduction

This policy should be used to assist Headteachers and Trustees in cases where the behaviour of visitors to an academy gives cause for concern. In particular, this policy deals with situations where visitors are being threatening, abusive or aggressive towards other members of the academy community. Such behaviour clearly cannot be tolerated.

Staff and pupils have a right to expect their school to be a safe place in which to work and learn. This document includes advice on a range of possible measures that can be taken to ensure appropriate protection for TVED academies.

The Department for Education advises that schools should have a written policy setting out the behaviour expected of parents/visitors, and the procedures to be followed when a school wishes to restrict a parent's access to the premises. In addition, this policy provides suggestions as to how to deal with difficult or abusive telephone calls and abuse using cyber technology, an increasing area of challenge for schools.

In this policy, the definition in the Education Act 1996 of the word parent is somewhat extended and includes an individual who has care of the child whether or not s/he is the natural parent or has parental responsibility for the child. This includes step parents. Where an individual does not fall within this broad definition, the principles of this guidance should still be applied (but the wording of the model letters should be amended accordingly).

Headteachers are encouraged to make all staff aware of this policy and also to consider it in relation to their school's emergency plan and lock down procedures.

Rationale

At TVED, we believe staff, children, parents and visitors are entitled to a safe and protective environment in which to learn, work and visit. Behaviour that will cause harassment, alarm or distress to users of the premises is contrary to the aims of the academy.

Aims

- That all members of the academy community treat each other with respect

Expectation

- That all adults set a good example to children at all times, teaching them how to respect and get along with all members of the academy and the wider community
- That no members of staff, parents or children are the victims of abusive behaviour or open to threats from other adults on the academy premises, the wider community or online. Incidents of rudeness will be logged with the Head Teacher of each academy.
- Physical attacks and threatening behaviour, abusive or insulting language (verbal or written), to staff, trustees, parents and carers, children and other users of the academy premises will not be tolerated and will result in withdrawal of permission to be on the academy site
- Any parent or visitor who is asked to leave the academy premises will have the right to appeal the decision by writing to the Chair of the Trust Board

Legal

Persons Causing Nuisance / Disturbance on School Premises - Section 547 of the Education Act 1996

School premises are private property and parents and visitors have been granted permission from the school to be on school premises. However, in case of abuse or threats to staff, pupils or other parents, school may ban parents from entering school.

It is also an offence under section 547 of the Education Act 1996 for any person (including a parent) to cause a nuisance or disturbance on school premises. The police may be called to assist in removing the person concerned.

School is not responsible for organising arrangements for children in the above circumstances. Parents will need to provide alternative arrangements for bringing children on and off the school site for the duration of the ban.

Examples of unacceptable behaviour or conduct

Types of behaviour that are considered serious and unacceptable and will not be tolerated towards any member of the school community are:

- Shouting, either in person or over the telephone
- Inappropriate posting on Social Networking sites which could bring the school into disrepute or be deemed as bullying
- Verbal intimidation - speaking in an aggressive/threatening tone
- Physically intimidating, e.g. standing very close or making physical threats
- The use of aggressive hand gestures/exaggerated movements and posturing
- Shaking or holding a fist towards another person
- Swearing
- Pushing
- Hitting e.g. slapping, punching or kicking
- Spitting
- Racist or sexist comments including sexual innuendo
- The electronic recording of meetings at the academy without the express permission of all parties. (information obtained without such permission will not be admissible in any proceedings).

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

Risk assessment

In the event of a parent or visitor behaving in an inappropriate way, each situation will need to be considered individually by the Headteacher or a designated member of staff. The following factors should be taken into account as a risk assessment, before deciding on the most appropriate course of action:

- Has the adult been verbally aggressive/threatening/intimidating?
- Has the adult been physically aggressive/threatening/intimidating?
- What evidence is there? What do witnesses say happened?
- Does the adult have a known previous history of aggression/violence? (Information can only be sought from the police when an official complaint has been made).
- Do members of the school staff/community feel intimidated by the adults behaviour?
- Have pupils witnessed aggressive/threatening/intimidating behaviour from the adult?
- Have pupils been approached inappropriately by the adult?
- Has the adult been abusive to school staff, pupils or visitors?
- Has the adult been persistently abusive to school staff, pupils or visitors?
- Was the adult provoked in any way prior to their behaviour, and/or does the adult claim to have been provoked?
- Is there evidence of provocation?
- How frequently have the behaviours occurred?
- Is there a risk (low, medium or high) that the behaviour may be repeated?

Options for Headteachers

After evaluating all available information, and any other relevant factors, there are several actions the Headteacher may wish to take. These can include:

Inviting the adult to a meeting to discuss events

This could be helpful where a planned and structured meeting has either not been held before or has previously been productive. Skilled facilitators may need to be used. A full restorative meeting may be considered, but if it is not safe to bring all the parties together at a meeting, a restorative process can still take place through the exchange of information. The safety and well-being of those attending such a meeting must be carefully considered. A 'neutral' venue in another setting may also be considered appropriate. It is strongly recommended that members of academy staff should be accompanied by at least one other colleague at any such meeting. Consideration should be given to the seating arrangements, and care taken to ensure exits cannot be blocked by the adult, who could potentially become aggressive. The main points of discussion and any agreed actions should be noted, and a follow-up letter sent to confirm academy expectations and any agreed actions. Some parents may covertly record meetings and then seek to use the information obtained to support their case, and therefore the academy should state explicitly that information obtained without permission will not be permissible. Always recap at the end of the meeting the main points discussed and agreed actions.

Clarifying to the parent what is considered acceptable behaviour by the school

In some instances it may be appropriate simply to ensure the adults clear about behaviour standards expected by the academy. This could be explained at a meeting, or by letter, however any verbal explanation should be followed by a written confirmation of the discussion and the standards of behaviour outlined.

Forming strategies to manage future situations of potential conflict

It is sometimes possible to identify situations of potential conflict and to plan for these in a way that minimises potential risks. For example, where a parent persistently engages in arguments with staff in corridors at the beginning or end of the school day, the parent could be informed that any discussions with school staff must be held by prior appointment. Alternatively, the parent may be asked not to approach the class teacher, but should instead arrange to meet the Headteacher (or other member of the senior leadership team), who will deal with their concerns. In more serious cases, a further option may be to advise the parent that in future their concerns should be dealt with by written communication. Any such arrangements should be confirmed in writing to the parent.

Withdrawing permission for the parent to enter the school site and/or buildings

In more serious cases of actual or threatened aggression/violence, or persistent abuse/intimidation, Headteachers may need to consider whether it is safe for the parent to continue to come onto the school site or enter the buildings. **In such circumstances, it is strongly recommended that Headteachers first consult with Trust Chief Operational Officer and/or CEO.**

Calling for police assistance

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

In situations where there is no immediate threat to staff, pupils, other members of the academy community or the property, Headteachers may still wish to make their local community police officer aware of the situation. The police could give consideration to warning the offender of formal action, which may include legal proceedings.

Legal proceedings

Where individuals persist in coming onto the school site even when permission to do so has been withdrawn, it is possible for legal proceedings to be pursued. The options include:

Prosecution under section 547 of the Education Act 1996

This requires substantial evidence to be gathered and presented by the police. Clearly it is not a quick process, and whilst in most cases the threat may prove to be a sufficient deterrent, prosecution can only be seen in the last resort as a punitive measure.

Appropriate behaviour contracts

These are voluntary agreements made between people involved in anti-social behaviour, and the agency/school concerned. They are flexible in terms of content and format, and can be an effective means of encouraging young adults, children and parents to take responsibility for unacceptable behaviour. The person named does not always agree with the contract, but it can be used as evidence at a later stage for an application for an anti-social behaviour order. Conditions can be put on the contract, eg not to enter academy grounds.

Anti-social behaviour orders (Crime and Disorder Act 1998)

These are most likely to be used where the offender (aged over 10) has acted in a manner which causes harassment, alarm or distress, and is needed to protect others in the same area from similar behaviour. Anti-social behaviour orders (ASBOs) may be sought by the local authority or the chief officer of police. ASBOs are designed to deal with persistent bad behaviour, and the police will need to show that other options have been tried, or are unsuitable.

Restraining orders (Protection from Harassment Act 1997)

Section 2 of the Protection from Harassment Act 1997 provides for criminal or civil prosecution, for cases where someone causes alarm or distress to another person on more than two occasions. Section four provides for criminal or civil prosecution where people have been put in fear of violence on at least two occasions. In each case the sanctions include both criminal penalties (fines, imprisonment or community sentences) and a restraining order. These orders are generally quicker and easier to obtain, but are part of a criminal conviction.

Prosecution for criminal damage/assault

Prosecutions for causing deliberate damage or injury may occasionally be the most appropriate course of action. If the police are called, the option to make criminal allegations is readily available, and they may arrest suspected offenders there and then. Official allegations should only be made if there is no intention of later withdrawing the complaint. Criminal proceedings can be initiated at a later date. All possible steps should be taken to prevent the loss of evidence. In particular witnesses should be asked to make a record of exactly what they saw and heard at the earliest opportunity.

Legal advice should be sought from Trust Legal team.

Whilst the emphasis will usually be on ensuring safety and security of persons and property, and therefore the injunction route is likely to be the most effective deterrent legal action, it does not necessarily guarantee against the behaviour of the more persistent offender.

Record keeping and sharing information

There should be clear and detailed records of all events which must be kept up to date. Any witness statements (where appropriate) and notes of any subsequent meetings held to discuss the events should also be retained. Notes should be signed and dated and if the adult(s) concerned are linked to children on roll at the academy, then events/incidents should be recorded on CPOMS.

Any physical evidence should be bagged and labelled, and witnesses should be asked to make a record of exactly what they saw and heard at the earliest opportunity.

It is also advisable to ensure that in every case, even where a formal letter is not required, parents receive a written confirmation of the events and the Headteacher's response.

If the police are asked to deal with an incident as a criminal investigation, there are a number of actions that may thwart this process. Witness details should not be made known to suspected offenders or their families. Groups of witnesses or suspects should not be left together, or allowed to discuss what happened, before the police interview them. If in doubt always seek the advice of the police officer first.

A record should also be kept on CPOMS and the child(ren)'s SIMS database to make all staff aware of any dangers in approaching the parent in the future, especially if home visits need to be undertaken.

If the parent/family are known to other professional services, incidents of misconduct on academy premises may also need to be shared with those services, to determine if there are any safeguarding measures which need to be put in place for the protection of its employees.

Depending upon the nature of the alleged misconduct, the Headteacher may also need to make a SAFER referral to the Local Authority, if it is deemed necessary in order to protect the child(ren).

Inappropriate use of cyber technology and social networking platforms

Academy staff may become targets of cyber abuse/bullying and, like other forms of bullying, it can have a significant impact on their health, well-being and self-confidence. Protecting staff from abuse is best done within a prevention framework, including whole school policies and appropriate practices.

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

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

TVED operates a zero tolerance policy towards direct or indirect harassment or assault against any member of staff, pupils or volunteers. This includes the use of social media and other forms of electronic communications to facilitate the act.

Social media websites are being used increasingly to fuel campaigns and complaints against schools, Headteachers, school staff, and in some cases, other parents/pupils.

The Trust considers the use of social media websites being used in this way as unacceptable and not in the best interests of the children or the whole academy community.

Any concerns must be made through the appropriate channels by speaking to the class teacher, Senior Leader, the Headteacher or the Chair of Trustees, so they can be dealt with fairly, appropriately and effectively for all concerned.

In the event that any pupil or parent/carer of a child/ren being educated at any TVED Academies is found to be posting libellous or defamatory comments on Facebook, or other social network sites, they will be reported to the appropriate 'report abuse' section of the network site. All social network sites have clear rules about the content which can be posted on the site and they provide robust mechanisms to report contact or activity which breaches this. The academy will also expect that any parent/carer or pupil removes such comments immediately.

In serious cases the academy will also consider its legal options to deal with any such misuse of social networking and other sites. Additionally, and perhaps more importantly, is the issue of cyber bullying and the use by one child or a parent to publicly humiliate another by inappropriate social network entry. TVED will take and deal with this as a serious incident of bullying.

Cyberbullying and the law

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

- The Protection from Harassment Act 1997
- The Malicious Communications Act 1988
- Criminal Justice and Public Order Act 1994
- Section 127 of the Communications Act 2003
- Public Order Act 1986
- The Defamation Acts 1952 and 1996

It is the duty of every employer to ensure, so far as reasonably practicable, the health, safety and welfare at work of all employees. Incidents that are related to employment, even those taking place outside the hours or place of work may fall under the responsibility of the employer.

Effectively tackling abuse using cyber technology

The Academy behaviour policy and procedures should explicitly refer to and outline how the academy will deal with cyber abuse/ bullying of both staff and pupils. They should include:

- rules on the use of equipment, software and network access provided by the academy.
- Staff being aware of the TVED acceptable use policy
- the use of staff and pupil owned equipment and internet access routes, where they are used on school premises and within school hours, eg mobile phones, digital cameras and laptops
- acceptable behaviour including behaviour outside of school e.g. use of social networking services and other sites, with regard to harming others and bringing the academy or Trust into disrepute.

Responding to incidents

- Staff should never retaliate i.e. personally engage with cyberbullying incidents.
- Keep any records of abuse – texts, emails, voice mails, or instant messages. Take screen prints of messages or web pages. Record the time, date and address of the site.
- Inform the appropriate person e.g. Headteacher, or Deputy Head at the earliest opportunity.
- Where the perpetrator is known to be a current pupil or member of staff, this should be dealt with through the academy's own behaviour management / disciplinary procedures.
- Monitoring and confiscation must be appropriate and proportionate - parents, employees and learners should be made aware in advance of any monitoring (for example, of email or internet use) or the circumstances under which confiscation might take place.
- A designated member of the leadership team should contact the police where it appears that a law has been broken – for example, where death threats, assault, or racially motivated criminal offences are involved. Where a potential criminal offence has been identified, the school should ensure that any internal investigation does not interfere with police inquiries. Academy staff are able to report incidents directly to the police.
- If a potential criminal offence has been committed and the school is not able to identify the perpetrator, the police may issue a Regulation of Investigatory Powers Act 2000 (RIPA) request to a service provider, enabling them to disclose the data about a message or the person sending it.

Getting offensive content taken down

Where online content is upsetting / inappropriate and the person(s) responsible for posting is known, the quickest way to get material taken down is likely to be to ensure that the person who posted it understands why the material is unacceptable, and to request that they remove it.

If the person responsible has not been identified, or will not take the material down, the academy will need to contact the host (i.e. the social networking site) to make a request to get the content taken down. The material posted may breach the service provider's terms and conditions of use and can then be removed.

It is important to be clear about where the content is – for example by taking a screen capture of the material that includes the URL or web address. If you are requesting they take down material that is not illegal, be clear how it contravenes the site's terms and conditions.

In cases of actual/suspected illegal content, the academy should always contact the police.

Support for employees

If a member of staff is subjected to serious physical and/or verbal abuse there are a variety of sources of potential support available to them. In the first instance, staff are encouraged to speak with the Headteacher and discuss their concerns.

The Trust has an employee assistance service, where staff can obtain confidential specialist support by calling the helpline (see Academy Business Manager for contact). The helpline is available 24 hours a day, 365 days a year and can be called as often as needed.

The staff associations/trade unions may also be a source of assistance.

The Department for Education advises that schools should have a written policy setting out the behaviour expected of parents/visitors on the premises and the procedures that will be followed when the school wishes to restrict a parent's access to school premises.

Displayed prominently in each TVED academy front office is a sign stating:

Tees Valley Education employees are here to help but also have the right to be treated with respect.

Violence, abuse and threatening behaviour against academy staff or other members of the academy community will not be tolerated.

The Trust will take appropriate action against anyone who verbally abuses, threatens or commits violence to any of its staff.

Letters

Letter 1:

An initial warning letter which can be sent by the Headteacher when it is felt that further serious incidents may warrant a ban from the academy site.

Letter 2:

It is suggested that this letter is sent by the CEO/Chair of the Trust Board when, after full consideration, it is felt a ban is necessary.

Normally this would follow from a warning (letter 1), **though there may be occasions where it is appropriate to move directly to a ban – it is strongly recommended that the Chief Operating Officer is consulted in such cases.**

At this point consideration should also be given to any practical issues, in particular to ensure that the pupil(s) concerned can be properly accompanied to and collected from school, and to ensure there can be an effective exchange of necessary information between the academy and parent.

At this stage, the ban takes effect immediately, but as the letter indicates, the parent must be enabled to make representations. A period of a week is recommended to allow for this, at the end of which the Chair of the Trust Board should consider any representations made, then make a decision to either confirm the ban or discontinue it.

Letter 3:

This letter confirms the outcome of the review of the ban by the Chair of the Trust Board. In the event that the decision is made to confirm the ban, a date should be included for a further review. This should be for a reasonable period, possibly extending up to three months, but preferably not longer than six months.

If the parent is dissatisfied with this decision, it is suggested in the model letter that the matter is then appropriately considered by a panel of academy trustees (3 or 5 members).

Letter 4:

This letter can be used to confirm the outcome of further reviews of decisions where the ban has been extended. When a review is due to take place it is advisable to notify the parent in advance and invite them to make any representations.

Policy issued: September 2019

Policy review date: September 2021