



## **Threatening, Abusive and Intimidating Behaviour Policy**

**November 2022**

### **Policy Statement**

At Cotsford Primary School we are very fortunate to have children, parents/carers, staff and governors who are supportive and friendly. We recognise that the success of the school is dependent on a strong partnership between all members of the school community. This partnership must be based on a polite, positive and respectful relationships.

The purpose of this guidance is to provide a reminder about the expected conduct from our 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
- Both staff and parents/carers need to work together for the benefit of the pupils.
- 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 in which to work and learn. Where the behaviour of any stakeholder falls below expected standards, the school will act in accordance with this guidance.

In order to support a peaceful and safe school environment the school cannot accept the following on the school site:

- Conduct which undermines the safe and calm environment in a school, either in a school office, classroom, around the school site, immediately outside the school grounds or on a school playing field.
- Using 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.
- Damaging school property.
- Abusive or intimidating telephone calls, Dojo messages, emails, letters or other forms of written communication.
- Defamatory comments about school staff or governors on social media sites.
- The use of physical aggression towards another adult or child. This includes physical punishment of your own child.
- Approaching someone else's child in order to chastise them.

Cotsford Primary School would find the following conduct unacceptable: 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.

Cotsford Primary School operates a Zero Tolerance Policy towards breaches of the above principles.

### **Our School's measures to avoid, prevent and minimise incidents:**

Staff are happy to meet with parents or visitors with general enquiries, give support and advice but it is recognised that sometimes a meeting through an appointment is more appropriate and we will endeavour to meet at the earliest opportunity.

Where parents or visitors do not conduct themselves in an appropriate manner during meetings or discussions the meeting will be terminated and the parent/ carer/visitor asked to leave the premises.

Where conduct has been such as to warrant it, the police will be informed. The school will instigate proceedings (through the Legal Services Department) to ban persons acting in such a manner from the school premises (see below).

A record will be maintained in school of all incidents involving intimidating or threatening behaviour towards staff.

The school will notify parents of this policy on a regular basis and display the poster in prominent positions around the school.

### **Staff Conduct**

The policy is to be read in conjunction with the staff Code of Conduct.

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

- Greet every visitor warmly
- Speak calmly and without raising your voice
- Use positive body language
- Do their best to meet any reasonable request made in a professional manner
- 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 Incidences**

Any incident must be recorded by email to the Headteacher.

- Trespass

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

## **Procedures for Dealing with Abusive Parents/Carers**

### **Step 1 - Verbal warning/written 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. The Headteacher may choose to escalate the incident to a written warning or an exclusion from school premises at any stage, dependent upon the severity of the incident.

If the Headteacher has been subject to abuse this will be facilitated by the Chair of Governors (or other appointed independent governor, if the Chair is involved in the incident in any way).

NB: Any incidents of violent conduct would immediately proceed to step 3.

### **Step 2 – Written warning**

If a second incident occurs involving the same person or persons, meaning the verbal warning has been ineffective, the adult will receive a letter from the Headteacher setting out the detail of the unacceptable behaviour and stating that the school is considering banning the parent because of it. This letter will set out the proposed length of the ban but it will also invite the adult to make their representations to the Headteacher as to why they should not be banned. If, after the adult has made their representations to the Headteacher and the Headteacher still considers a ban is necessary, a further letter will then be sent to the adult confirming that the ban will take effect.

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 – Involvement of the police**

If following a decision to ban a person from the school premises, that person nevertheless persists in entering school premises arrangements will be made to remove them from the premises. If whilst on the premises the person displays unreasonable behaviour, such a person may be removed from the school premises as a trespasser under Section 547 of the Education Act 1996 and could be charged with an offence under the Public Disorder 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 a letter will be sent informing them that they

should not be on the premises and that legal action may be taken against them if they continue to enter the site. There is no requirement for the headteacher to allow the individuals to make any representations. The police will be contacted if they are causing a nuisance or disturbance on the premises.

### **Support for Staff**

Following an incident staff may feel that they need support. SLT and Peer support will be given. 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.

### **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 which 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 could 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. Within the context of a school, 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
- Ofsted inspectors, Local Authority staff, Site Staff, contractors, and those using facilities provided as part of a school “let” etc.

### **Nuisance and Disturbance**

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. 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. The Police 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.

## **Harassment, Threatening, Abusive or Disorderly Behaviour**

Such offences are covered by the Public Disorder act 1986. The Protection from Harassment Act 1997 provides further safeguards with respect to incidents of harassment.

Headteachers are more likely to involve the police in such matters and the police may be able to take action under this Act.

Further advice for Headteachers can be obtained from Norfolk County Council Legal Services.

Further advice for parents can be obtained from private law firms or Citizens Advice Bureau.