



ST. THOMAS MORE CATHOLIC PRIMARY SCHOOL

AGGRESSIVE BEHAVIOUR (Parents and Visitors) POLICY

MISSION STATEMENT

I have come so that they may have life and have it to the full - John 10:10

As a Catholic school, God is at the heart of all we do. We believe that each person is made in His image, deserving to be treated with respect and dignity.

Showing respect, love and care for everyone and everything, we aim to develop harmony between pupils, parents, the school and Parish and grow as a Christian community.

We aim to embed the virtues in every child to believe in themselves to be the best that they can be and leave school as well-rounded individuals who care about themselves, others, and the world.

This policy must be read in conjunction with the
Safeguarding and Child Protection Policy

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1. Rationale and Statement of Principles

The Local Governing Committee (LGC) of St Thomas More Catholic Primary School encourages close links with parents/ carers 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 Local Governing Committee 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/carers and other visitors to behave in a reasonable way towards members of school staff. If a parent/carer behaves in an unreasonable way towards a child, this will be reported in line with our Safeguarding Policy.

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 either on the school site or around the outside perimeter of the school:

- Making threats to harm staff, other parents or pupils
- shouting at members of the school staff or other parents/carers, either in person or over the telephone
- physically intimidating a member of staff or another parent/carer, e.g. standing very close to her/him
- the use of aggressive hand gestures
- threatening behaviour verbally and physically
- shaking or holding a fist or finger towards another person
- swearing
- pushing
- hitting, e.g. slapping, punching and kicking
- spitting
- racist or sexist comments
- breaching the school's security procedures
- aggressive or threatening behaviour towards staff or their families via social media

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

~~Unacceptable behaviour may result in the Local Authority (LA) and the police being informed of the incident.~~

2. Procedure to be followed

If a parent/carer or visitor behaves in an unacceptable way towards a member of the school community, the Head Teacher or appropriate senior member of 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/carer or visitor will be reported by the Head Teacher to the Chair of Governors and this may result in a ban from the school premises for a period of time, subject to review.

In imposing a ban the following steps will be taken:

1. **Where a verbal or physical 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.**
2. The Chair of Governors will be informed of the incident by the Head Teacher and will issue a ban if recommended. Where appropriate, the Local Authority will be informed of the ban.
3. The parent/carer or visitor 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.**
4. Where appropriate, arrangements for pupils being delivered to, and collected from the school gate will be clarified.

3. Reporting

All information will be recorded and held on file within the shared drive. The Headteacher will update and monitor the chronology and this would be shared with key members of the local governing committee and Senior Leadership Team if required.

Information will then be shared with the Chair of Governors and data shared.

Conclusion

The Little Way Partnership itself may take action where behaviour is unacceptable or there are serious breaches of our Home-School Agreement or Health and Safety legislation. In implementing this policy, the school will, as appropriate, seek advice to ensure fairness and consistency.

APPENDICES

Managing Violent and Abusive Visitors to Schools

Appendix 1- 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, 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.

Appendix 2 -

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/carer under one of the other options mentioned here or, alternatively, to bring civil proceedings against the parent/carer.

Criminal Behaviour Order (CBO)

You can get a civil injunction, Community Protection Notice (CPN) or Criminal Behaviour Order (CBO) as punishment for antisocial behaviour. Civil injunctions, CPNs and CBOs have replaced Antisocial Behaviour Orders (ASBOs) in England. Antisocial behaviour includes: drunken or threatening behaviour, vandalism and graffiti. A court may give a civil injunction or a CPN if it gets reports of persistent antisocial behaviour. You can only get a CBO if you've been convicted of a crime. You can get a civil injunction or CBO if you're 10 or over and a CPN if you're 16 or over.

Protection from Harassment Act 1997

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/carer 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 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 offences. 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/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/carer and minor injury is caused, the parent/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/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/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/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/carers 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/departentalhealthandsafety-advice-on-legal-duties-and-powers-for-local-authorities-headteachers-staffandgoverning-bodies>

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

<http://www.justice.gov.uk/downloads/youthjustice/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-onsocialnetworking/?locale=en>