BUCKINGHAMSHIRE COUNCIL

Buckingham Primary School and Nursery

Disruptive Visitors Policy

Adopted by Governors Full GB: **July 2024**

Date of next review: **July 2027**

Buckingham Primary School's Policy covering Incidents involving Violent, Threatening or Abusive Visitors

All members of the school community have a right to expect that their school is a safe place in which to work and learn. Abuse, threatening behaviour or violence against school staff, or other members of the school community is unacceptable and will not be tolerated. Any incident will be treated seriously and a disruptive visitor may be banned from entering the school or even prosecuted.

Abuse, threatening behaviour or violence are not considered to be an acceptable part of any job, nor is it part of the duties of any employee to accept such behaviour. Throughout this document where the term 'visitor' is used it covers any abusive parent or visitor to the school and is not confined to adults.

The Governing Body of Buckingham Primary School is committed to reducing the risks of its school staff from acts of violence and aggression by:

- Demonstrating to staff that the potential for violence at work is recognised
- Issuing clear procedures/guidelines, which include preventative and protective measures
- Providing adequate training to staff who may be subject to violence or abuse to develop their ability to anticipate violent incidents and deal with them
- Providing appropriate equipment where applicable
- Clarifying violent incident reporting and monitoring procedures
- Encouraging proper reporting of incidents and near misses and ensuring that school staff do not avoid reporting violent incidents in the belief that an assault may suggest a failure on the part of the member of staff concerned
- Supporting staff who have been subject to violent, threatening or abusive behaviour and offering counselling where appropriate
- Allocating adequate resources to support this Policy
- Reviewing this Policy statement and procedures and guidelines regularly.

Types of violence, abuse and intimidation

In identifying types of violence, abuse or intimidation, the governing body recognises that staff can be intimidated or threatened by a variety of circumstances, not simply physical assault, which includes:

- Threatening behaviour
- Abusive telephone calls, letters, emails, facebook entries, swearing, shouting insults etc
- Intimidating behaviour causing fear or emotional upset.

Model Procedures for Staff in dealing with Incidents involving Violent, Threatening or Abusive Visitors

These procedures have been drawn up following an assessment of risk to staff and others from abusive and violent visitors. They will be reviewed on a regular basis.

Avoiding an Incident

Parents, or members of the public, may arrive in a tense, agitated state and how they are initially dealt with might well make the difference between a minor exchange of words and a violent confrontation.

Members of staff are entitled to support from their manager in handling a potentially difficult parent interview, so, if you have any concerns you should discuss them with your manager. Sensitivity towards parental difficulties is an asset. Many adults are still influenced by their own school and other childhood experiences, as well as their consequent expectations for their own children. Over anxious, or even ambitious, parents can feel very vulnerable.

Preparation is an essential ingredient in ensuring that interviews prove constructive rather than confrontational.

Not to accommodate the meeting if the visitor appears to be under the influence of drink/drugs, but refer to Headteacher.

Always try to:

- Prepare in advance by:
    - Gathering information that might help
    - Ensuring the layout of the room is not intimidating for visitors and allows you to escape quickly; if possible position your chair/desk with the door behind you
    - Positioning seating at equal height so that the parent does not feel patronised, and, if possible, at a 45 degree angle as this is less threatening. Avoid barriers if it is safe to do so.
    - Considering items in the room that could be used as potential weapons
    - Ensuring there is enough space in the room, whilst also making it appear intimate and relaxing (this can be achieved through lighting and warm colouring). People can need greater personal space than normal when upset or angry and the proximity of others can be more threatening
    - Having an alarm readily available
    - Ensure a colleague is present, or pre-arrange with a colleague to regularly check that all is well, if you have reason to believe that the visitor has a previous history of aggression or violence, or appears to be aggressive or violent.
    - School hours meetings with parents to only take place within the back office and not within the main school, as if they storm out within the main school then that will put everyone else at risk.
    - Have a mobile phone/radio/phone nearby if need to ask for someone to join the meeting or help

- Remove an angry or upset person from an audience, or, if easier, remove the audience and don't leave them waiting unnecessarily. The fewer people that are involved in an incident, the easier it is for an aggressor to back down without losing face.
- Keep the discussion as calm and friendly as possible, paraphrasing what has been said and using sympathy and empathy where appropriate.
- Summarise what has been said and follow through. This will help to build trust and respect.
- Minimise a parent/visitor's frustration by: -

    - Being yourself. Do not hide behind authority, status or a job title. By using your name instead of a description of your status, you are presenting yourself as another human being. Later on, if may be important to explain what authority or status you have in order to reassure the visitor that you are in a position to act on their behalf.
    - Keeping the visitor talking and explaining the problem, their perception of what has happened, why they feel aggrieved. Use verbal and non-verbal prompts (saying 'mmm' or 'yes' or nodding) to keep them talking. Use open questions to encourage them to talk and explain
    - Listening and allowing the visitor to express any complaint, without preventing them from finishing what they have to say. Listen empathetically without pre-judging or patronising. Listen also for the feelings, concerns and possible intentions behind their words
    - Responding promptly, paying attention and showing that you do care about their problem. Don't keep leaving the room as this gives the message that you have other more important matters to deal with
    - Being polite, pleasant and reassuring and do not show anger. Resist arguing. It is very tempting to respond and become engaged in an argument, especially if you are the butt of aggression or accused in some way, but it is far more likely to result in conflict or confrontation than contribute to defusing the situation.
    - Paying attention to your body language so it is as non-threatening as possible. Avoid aggressive or defensive stances, such as arms folded, hands on hips or waving fingers or arms. Try to relax your facial muscles and convey openness and empathy with the speaker. Make eye contact, but avoid constant eye contact that may be threatening or trigger aggression because it is perceived as staring
    - Trying to explain clearly in jargon free language precisely what your difficulty is in giving the aggressive person what they want. Repeat it until you are sure you are understood because upset people do not always hear the first time
    - Not making any promises which you know you cannot keep as this may make things worse for you or your colleagues at a later date.

Handling an Incident – General Principles

If someone becomes abusive or threatening, consider whether or not you can cope with the situation. You should not feel you have to cope with it alone: you should seek help from other people, or leave altogether. If a situation appears to be getting out of control, make an excuse and leave and immediately report the incident to the headteacher/ designated person.
It is important that you:

- Know whether you are in a position to offer the parent a realistic and reasonable answer to their expectations
- Know whether you are competent to handle the situation
- Be confident you have back up
- Be assured you can summon help
- Have a plan of how to approach the problem.

First keep calm, relax, allow yourself time to think and decide the best course of action. Ask yourself if what has occurred so far in the exchange means that someone else, specially briefed by you, would be better placed to handle the situation.

Colleagues may have particular skills or experience that you do not have. The situation may be such that it requires specialist help, such as the police to eject a person; if so, you should get help quickly, before the situation deteriorates.

Warning Signs

Someone who is potentially, or about to become, violent can give out signs and signals that constitute a recognisable warning: -

- Agitation
- Tapping the table
- Loud speech/shouting
- Muscle tension in face, hands, limbs; fidgeting, hand-wringing; clenching fists
- Drawing breath in sharply
- Finger- wagging or jabbing
- Inability to be still, even pacing about
- Swearing
- Staring eyes
- Sweating
- Oversensitivity to ideas, suggestions
- Rapid mood swings

It should always be remembered that:

- The physical safety of employees is more important than the security of buildings or property
- When violence is threatened it is important that reasonable effort is made to control the situation
- If a situation is out of control it is better to retreat and get away if possible
- In controlling an incident, involvement of members of the public should be avoided
- If an implement has been involved in an attack, this should be retained, provided this can be done without any risk
- Physical intervention or restraint should always be regarded as an absolute last resort

Action to be taken following an incident

- Seek medical attention, if required
- Report verbally to your headteacher/manager as soon as possible. Other staff may be at risk from the same person
- Complete an Incident Report Form and pass to your headteacher/manager for investigation, having sought Union advice, if appropriate (Appendix C)
- Take time with your headteacher/manager to discuss the incident and your feelings
- Ask for assistance if you need it
- Consider Police involvement, if they are not already involved
- Seek advice on your entitlement to claim financial compensation, if appropriate

In all cases of assault causing actual injury the employee sustaining the injury is advised to make a formal complaint to the Police against the assailant, unless this is considered inappropriate. This decision, although personal, should be discussed with the headteacher/manager.

Employees have joint responsibility with their employer to review any incidents and identify the need for appropriate training and counselling, and specific strategies to reduce the level of risk.

Support

Occupational health advice and telephone-based professional counselling is available through the Local Authority's Employee Assistance Programme (0800 058 1486).

Guidance for Headteachers/Managers

People with responsibility for staff management need to be committed to the objective of reducing violence and risks of violence to employees and ensuring that all staff receive appropriate training.

It is important to ensure that new members of staff are aware of this policy and procedures as part of their induction to the school and that they have access to appropriate training.
Staff should be aware that they can expect support from their manager/headteacher in managing parent interviews well.

A formal notice should be displayed at the entrance(s) to the school informing visitors of the school's expectations about behaviour and/or that they may face prosecution for violent, threatening and abusive behaviour. (there is an example at Appendix A).

Role of Local Authority

Advice and support is available from the Local Authority through the School Improvement Service and the Legal Team and in LA maintained schools, the Local Authority will take a proactive role in taking all possible action to deal with incidents, in response to the wishes of the school.

Role of Thames Valley Police

Preventative Action
If headteachers or managers have any concerns or fears regarding a potentially violent, threatening or abusive visitor, they should not hesitate to contact the Police in advance for help and advice. Thames Valley Police are keen to support schools in the prevention of such incidents and will not consider any issue too small, if a school has concerns. They can provide advice and support, including being present on the premises when a visit is made, if it is agreed this would be helpful.

Action following an Incident
Where there has been any kind of affray, where an assault* has resulted in actual injury, or where an employee has been seriously threatened, the Police should be called.

**An assault occurs when a person suffers, or is put in immediate fear of, personal injury by the deliberate or reckless act of another.*

Any incidents of a less serious or ambiguous nature should still be discussed with the Police.

In all cases of assault causing actual injury the employee sustaining the injury is advised to make a formal complaint to the Police against the assailant. Any opposition to reporting, although personal, should be discussed with the headteacher. Assault is a criminal offence which may result in prosecution at court.

Contacting the Police

For non-urgent, preventative advice and support the non-emergency number for

Thames Valley Police is 101. Whenever there is an emergency and urgent support is required, the emergency 999 number should be used.

Action to be taken following an incident

- Provide access to a private area for as long as necessary where the member of staff can sit with a friend or colleague.
- Provide assistance, if necessary, for the member of staff to go home/visit their GP/attend hospital etc. A medical assessment of any injury should be made as soon as practicable and, in case of visible injuries, it is helpful to obtain photographs.
- Make time for the employee to talk to you.
- Explain the employee's right to involve the Police if they so wish.
- Contact the Police as above under 'Role of Thames Valley Police.
- Provide the opportunity for the member of staff to consult his/her trade union representative before submitting their completed Incident Report Form/Statement (Appendix C).
- Report the incident by calling the Local Authority's Contact Centre having made use of the checklist of information required, included in Appendix D.
- Carry out a thorough investigation into the incident.
- Obtain written statements from witnesses as soon as possible after the incident (the sooner the better).
- All evidence obtained should be retained to support any action taken.
- Maintain regular contact with the person if they are off work because of the incident.
- Make the member of staff aware of the availability of occupational health advice and telephone-based professional counselling through the Employee Assistance Programme (0800 058 1486).
- Review risk assessments and procedures following an incident and amend if necessary without delay.
- Ensure other relevant staff are informed of the incident and of any changes to working practices.

Reporting Procedures

A great deal of crime and other incidents often go unreported, sometimes because they are considered too trivial to report or, there is a view that no action will be taken when incidents do occur. Consequently, failure to report incidents and near misses gives a false picture of the real situation. As the employer, the governing body has a duty to ensure a safe and secure workplace, but cannot help if it is unaware of problems.

Managers and staff must ensure that all incidents are properly reported and acted upon so that recurrence can be prevented. It is important to record the circumstances that led to violence as this may help identify what events may have triggered the incident and what systems or procedures may need revision.

As soon as practicable after the incident, a written statement/Incident report Form (Appendix C) should be prepared by the member of staff concerned which includes the circumstances leading up to the incident. It needs to contain sufficient detail to help identify appropriate preventive measures, and to help assess whether those measures were successful. Suggested details include information on:

- Where the incident occurred, including physical environment; the time of day;
- Activity at the time of the incident
- Details of the perpetrator
- The relationship between the victim and the perpetrator
- An account of what happened
- the outcome
- If preventive measures have been introduced, did they help?

The Headteacher should inform the Chairman of Governors in confidence of each incident. The Local Authority will be informed via the Contact Centre report, but, in addition, a telephone call to the School Improvement Area Offices will provide an immediate alert.

The school will need to retain proper evidence so that it can be used to support any action taken. Recording details of incidents will also help in reviewing the school's policy and should inform future risk assessments.

Follow up

The Headteacher will need to make a judgement as to whether the visitor is likely to become involved in such an incident again, or whether there were unique circumstances in this specific case. If it is likely that the behaviour will be repeated a warning letter should be sent, explaining that the behaviour is unacceptable and will not be tolerated on the school premises (this should be copied to the Legal Team. Depending on the circumstances, it may be helpful to discuss the warning letter with a School Improvement Manager, or the Legal Team.

For future visits to the school, advance notice of an intention to visit could be required and an independent witness could be present.

In all cases of assault causing actual injury the employee sustaining the injury should be advised to make a formal complaint to the Police against the assailant, unless this is considered inappropriate.

The Local Authority has the power to ban anyone from coming onto school premises for a specified period of time and will liaise with the headteacher, taking into account their views in making such a decision. This decision will be communicated to the person concerned. When the period elapses, the Local Authority will review whether the visitor's ban from the school premises should continue or whether it should be lifted, in liaison with the Headteacher. The Local Authority will take a lead in this role and should be contacted if a disruptive person enters the school and the headteacher considers action is necessary.

For foundation or voluntary aided schools, the Local Authority can take action with the governing body's consent, or the governing body itself can authorise the banning of a parent from school premises or take further action.

If abusive behaviour is repeated, the visitor should be declared unwelcome and they can be ordered off the premises as they then become a trespasser under Section 547 of the Education Act 1996. This power is usually delegated by the Local Authority to the Headteacher and caretaker.

In Buckinghamshire Community, Community Special and Voluntary Controlled Schools the view is taken that the governing body and headteacher have control of the occupation of the school premises, so the headteacher is the authorised person for the purposes of Section 547 of the Education Act.

WELCOME TO BUCKINGHAM PRIMARY SCHOOL.
PLEASE SIGN THE VISITORS BOOK AS SOON AS YOU ENTER THE BUILDING.

We are always pleased to receive visitors, guests and parents to our school. We are very proud of our Learning Community.

We have high expectations of good behaviour from our pupils and believe it is the duty of all adults to model such behaviour in their lives.

We ask you, therefore, whilst you are part of our Learning Community to reflect our core values and behave with care, courtesy and consideration.

Thank You

Appendix B

BUCKINGHAM PRIMARY SCHOOL RISK ASSESSMENT FOR DISRUPTIVE VISITORS

SCHOOL: Buckingham Primary School SECTION/LOCATION: Whole School

NAME(S) OF ASSESSOR(S): Jane Butcher
DATE OF ASSESSMENT: Sept 2016

JOB TYPE/WORK ACTIVITY: Dealing with disruptive visitors

FREQUENCY/DURATION: when occurs in course of school life (Reception duties, SEN annual reviews, parents' evenings, PTA events, open days, children's' performances, sports days)

What are the hazards?	Who might be harmed and how? (Who is at special risk?)	What are you already doing to control the risk? (Current control measures) (Include those for people at special risk)	What further action is necessary? (Further control measures)	Action by whom	Action by when	Date Completed	Risk Factor taking all controls into consideration. (Residual Risk)		
							Likelihood	Severity	Risk Level
Verbal abuse Physical Assault/Injury Psychological Distress Emotional Distress Damage to property	Pupils Visitors Governors Contractors Staff	Lone Working Guidelines Parent code of conduct Parental Communications Policy Ensure front line staff are trained in managing disruptive behaviours. E.g. de-escalation technique, personal safety etc. Ensure there is an arrangement for summoning help and support in case of crisis management Ensure there is easy access to escape route Ensure communication is accessible and open at all times Ensure Lock down Emergency Plan is communicated to whole school community and all are aware of the procedures Organise meetings during school time, inform people concerned of the	Re-visit risk assessment after incident amend as required	All staff	All staff	Ongoing	2	1	2

What are the hazards?	Who might be harmed and how? (Who is at special risk?)	What are you already doing to control the risk? (Current control measures) (Include those for people at special risk)	What further action is necessary? (Further control measures)	Action by whom	Action by when	Date Completed	Risk Factor taking all controls into consideration. (Residual Risk)		
							Likelihood	Severity	Risk Level
		planned procedure on that day. If possible, avoid impromptu meetings. Prepare the designated room for meetings where possible weapons are removed e.g. flower vase If possible, remove the distressed individual to a "designated room" for time-out to diffuse situation and to control risk to other people in the vicinity. If possible, know the history of the person visiting the school (meetings), if known with past violent behaviour; arrange colleagues support. Keep notes of the meetings to include unwanted behaviours. If crisis occurs, follow the school's lock down procedure and the school's arrangement in summoning outside help. e.g. police DO NOT ATTEMPT to eject distressed visitor out of the building or to physically restrain them. After the event, record details of the incident and report it on ANT County's on-line reporting method. If serious incident happens, ensure HSE is involved. De-brief every person involved in the incident Suggest alternative therapy if needed Evaluate the school's Policies and procedures which are relevant in the incident, amend as required							

Control Measures Acceptable Yes **Revision Date: September 2023**

SIGNED OFF BY: Alan Martin **DATE: September 2023**

Note: Further controls need to be in place and monitored satisfactorily before signing off this document

KEY TO GENERAL RISK ASSESSMENT FORM:

Likelihood of hazard happening:

Low, unlikely to happen = Score 1

Medium, could happen = Score 2

High, will almost certainly happen = score 3

Severity:

Minor e.g. cuts, bruises = Score 1

Major e.g. broken bones hospitalisation = score 2

Serious e.g. life threatening or fatal = score 3

Overall Risk = **Likelihood x Severity** -

Score: 6 & 9 = High, urgent action required

Score: 3 & 4 = Medium, action to an agreed timetable

Score: 1 & 2 = low, or tolerable risk no action may be required

In completing the risk assessment either numbers or the descriptive words (high, medium, low) may be used in the risk level column.

Potential hazard **- item, substance or activity with the potential to cause harm.**
A single hazardous activity can have many potential elements of harm, and it is important that those completing the risk assessment identify this, e.g. working with electricity (hazard) anticipated harm would be fire, explosion, electrocution and burns.

Control Measures – eliminate hazard, substitute with less hazardous alternative, prevent access to the hazard, control the amount of exposure, training, written instructions, personal protective equipment, welfare facilities, safety signs.

Appendix C: Incident report form

This includes trespass, nuisance or disturbance on school premises, verbal abuse, sexual or racial abuse, threats, aggression, physical violence and intentional damage to personal property

This form should be completed as fully as possible (please use a continuation sheet if necessary). For an incident involving or witnessed by a pupil, a member of staff should complete the form on their behalf. However, any discussion between one witness and another should not precede completion of the form, as this might lead to allegations of collusion.

Date of incident _____

Day of week _____

Time _____

1. Member of staff reporting incident

Name _____
Work address (if different from school address)_____
_____
Position _____

2. Personal details of person assaulted/verbally abused (if appropriate)

Name _____
Work address (if different from school address)/home address (if pupil) _____
_____

Job/Position (if member of staff) _____
Dept/Section/Class _____
Age _____ Sex _____

3. Details of trespasser/assailant(s) (if known)

_____

4. Witness(es) if any

Name _____
Address _____
Age (approx) _____ Sex _____

Other information
Relationship between member of staff/pupil and trespasser/assailant, if any

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5. Details of incident
a) **Type of incident** (e.g. if trespass, was the trespasser causing a nuisance or disturbance and how; if assault, give details of any injury suffered, treatment received etc)

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b) **Location of incident** (attach sketch if appropriate)

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c) **Other details:** describe incident, including, where relevant, events leading up to it; relevant details of trespasser/assailant not given above; if a weapon was involved, who else was present

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6. Outcome: (e.g. whether police called; whether trespasser was removed from premises under section 547; whether parents contacted; what happened after the incident; any legal action)

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7. Other information (to be completed as appropriate)

a) Possible contributory factors

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b) Is trespasser/assailant known to have been involved in any previous incidents YES/NO

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c) Give date and brief details of (b) if known

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d) Had any measures been taken to try to prevent an incident of this type occurring? If so, what? Could they be improved?

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e) If no measures had been taken beforehand, could action now be taken? If so, what?

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f) Name and contact details of police officer involved, and incident number or crime reference number, as appropriate

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g) Any other relevant information

Signed _____
Date _____
Please return as soon as possible to:

Appendix D – Checklist of information Call centre will require

This checklist can be used to gather information that you will need before contacting the **Contact Centre** on **0845 3708090** or **01296 395000** - Monday to Friday 8am to 6.30pm

☐ **Accident** ☐ **Incident** ☐ **Near Miss**		
Date of occurrence:	**Time of occurrence**:	
Name of injured/affected person:		
Job Title:	☐ **Male** ☐ **Female**	**Age**
☐ **Employee** ☐ **Pupil** ☐ **Visitor** ☐ **Contractor** ☐ **Volunteer** ☐ **Other**		
Describe incident/accident/near miss:		
Exact location of accident/incident/near miss:		
Name of assailant:		
Cause of injury: ☐ Burns/scalds ☐ Electrical ☐ Exposure to harmful substance ☐ Lifting/Handling ☐ Slip/trip/fall ☐ Sport/play ☐ Struck against object ☐ Struck by falling/moving object ☐ Incident involving vehicle ☐ Machinery		
Cause of incident: ☐ physical assault ☐ property damage ☐ threat ☐ verbal abuse		
Was the incident intentional? ☐ yes ☐ no		
Was there a defect in premises, plant, machinery or system of work? ☐ yes ☐ no		
Was there a discriminatory connotation e.g. age, race, religion etc? ☐ yes ☐ no		
Description of injury (including physical/emotional):		
Treatment: ☐ First aid/medical ☐ Hospital ☐ Medical Centre ☐ Paramedic		
Follow up: ☐ sent to hospital ☐ kept in hospital ☐ sent back to work ☐ sent home ☐ none ☐ paramedics attended ☐ sent to GP ☐ sent to optician/dentist ☐ went home then to hospital		
Witnesses details:		
Corrective action taken:		
Completed by:		
Headteacher/ Deputy Headteacher:		
Reported to BCC: ☐ yes ☐ no	**Reported to HSE:** ☐ yes ☐ no	

Please Note: This checklist should not be forwarded to the Health and Safety Team

Appendix E

Education Act 1996, Section 547 - Nuisance or disturbance on school premises.

(1) Any person who without lawful authority is present on premises to which this section applies and causes or permits nuisance or disturbance to the annoyance of persons who lawfully use those premises (whether or not any such persons are present at the time) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) This section applies to premises, including playgrounds, playing fields and other premises for outdoor recreation, of—

(a) any school maintained by a local education authority,

(aa) any special school not so maintained, and

(ab) any independent school.

(b). . . . . .

(2A) This section also applies to any premises which are—

(a) provided by a local education authority under section 508, and

(b) used wholly or mainly in connection with the provision of instruction or leadership in sporting, recreational or outdoor activities.

(3) If—

(a) a police constable, or

(b) (subject to subsection (5)) a person whom the appropriate authority has authorised to exercise the power conferred by this subsection,
has reasonable cause to suspect that any person is committing or has committed an offence under this section, he may remove him from the premises in question.

(4) In subsection (3) “the appropriate authority” means—

(a) in relation to premises of a foundation, voluntary aided or foundation special school, a local education authority or the governing body,

(b) in relation to—

(i) premises of any other school maintained by a local education authority, and

(ii) premises provided by a local education authority as mentioned in subsection (2A), a local education authority, and

(c) in relation to premises of a special school which is not so maintained or of an independent school, the proprietor of the school.**]**

(5) A local education authority may not authorise a person to exercise the power conferred by subsection (3) in relation to premises of a foundation, voluntary or foundation special school without first obtaining the consent of the governing body.

(6) No proceedings for an offence under this section shall be brought by any person other than—

(a) a police constable, or

(b) an authorised person.

(7) In subsection (6) "authorised person" means—

(a) in relation to an offence committed on premises of a foundation, voluntary aided or foundation special school, a local education authority or a person whom the governing body have authorised to bring such proceedings,

(b) in relation to an offence committed—

(i) on premises of any other school maintained by a local education authority, or

(ii) on premises provided by a local education authority as mentioned in subsection (2A),
a local education authority, and

(c) in relation to an offence committed on premises of a special school which is not so maintained or of an independent school, a person whom the proprietor of the school has authorised to bring such proceedings.

(8) A local education authority may not bring proceedings for an offence under this section committed on premises of a foundation, voluntary or foundation special school without first obtaining the consent of the governing body.

Legal remedies for violence or abuse against members of the school community (taken from the DfES Legal Toolkit for Schools 0504 – 2002)

As well as invoking section 547 of the Education Act 1996, the following two vehicles may be used by an LEA on a school's behalf. There is further information on some of the remaining remedies in this Annex in School Security Dealing with Troublemakers (DfEE and Home Office 1997). This is available free from the Department's Publications Despatch Centre 0845 602 2260 or on www.dfes.gov.uk/schoolsecurity/dwthome.shtml

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

Anti-Social Behaviour Orders

Anti-social behaviour orders are imposed under the Crime and Disorder Act 1998.

An anti-social behaviour order can be sought by the local authority or chief officer of police and can be made in respect of anyone aged 10 or over who has acted in an anti social manner (a manner which caused or is likely to cause harassment, alarm or distress) and an ASBO is necessary to protect others in the same area from repetition of similar behaviour.

The order can prohibit the defendant from doing anything described in the order provided those prohibitions are necessary to protect others from anti social behaviour. ASBOs last for a minimum of two years (but can be discharged sooner with the consent of both parties) and carry a penalty for breach of a fine up to £5,000, a prison sentence of up to six months, or both (if imposed by the Magistrates' Court), or an unlimited fine, or up to five years imprisonment, or both (if the conviction was in the Crown Court).

In the circumstances above we would expect LEAs or governing bodies to take the lead on taking relevant action under the above legislation as appropriate.

The LEA or governing body 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 LEA or governing body will do this. LEAs or governing bodies should thus ensure that they are familiar with the relevant legislation and their powers under it.

Other remedies are available under civil and criminal law. These are as follows:

Protection from Harassment Act 1997

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 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 offence. 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 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. Aggravated offences also apply to religion, sexual orientation, transgender, disability see section 31 Crime and Disorder Act 1988 for religion and section 146 Criminal Justice Act 2003.

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 LEA 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 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.

References

Personal Safety for Schools; Diana Lamplugh & Barbara Pagan; 1996; Ashgate Publishing limited

Violence in the education sector; Education Service Advisory Committee; 1007; HSE Books
Personal Safety at Work Guidance for all Employees; The Suzy Lamplugh Trust; 1994

Violence at Work , a guide for employers; Health and Safety Executive; 1996

Working with Parents, guidance for schools; Buckinghamshire County Council Education Psychology Service, Website: http://www.buckscc.gov.uk/bcc/schools/support/educational_psychology/resources.page

Useful Websites

A Legal Toolkit for Schools, DfES 0504-2002, website: http://publications.education.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DfES+0504+2002

Abusive behaviour on school premises, website: http://www.teachernet.gov.uk/wholeschool/healthandsafety/schoolsecurity/abusivebehaviour/

Steve Clark's Personal Safety Training, website: http://www.personalsafety.org.uk/

NASUWT section on Violence, Health and Safety Representatives Handbook pg 66., webpage link: www.nasuwt.org.uk,