

Rodney House School



Parent/Carer Code of Conduct

Reviewed: December 2018

Signed by Governor:

Rationale

All staff are proud to work at Rodney House and embrace supporting all our parents and carers. We are proud to welcome and work with visitors and other professionals. We are passionate and respectful of all our multi agency work, for and with families. We proactively encourage parents and carers to be involved in their child's education, school life and the wider whole school community. We aim to maintain close contact with all families and ensure relevant information, resources and support is offered to all. We are committed to working with the multi-agency team to ensure the best possible opportunities for all of our children. We are understanding of the needs of the pupils and continue to support families in a variety of ways. We are dedicated to ensuring that our children are safe at all times and are given the best possible opportunities to make outstanding progress in all aspects of their learning.

At Rodney House Specialist Support School we positively welcome all parents, carers and visitors into our school. We recognise that educating children is a process that involves partnership between parents, class teachers and the whole wider school community. As partners, our parents and carers understand the importance of a good working relationship with school, to ensure their child makes the best possible progress.

Class staff will be in contact with families in a variety of ways: home/school diaries, telephone conversations, face to face meetings, sharing good work through the use of notes/awards/certificates sent home, coffee mornings and newsletters. They will support families by from sharing pupil progress and attainment, supporting with sleep/behaviour/feeding/sensory issues, to discussing and generating resources that can be shared at home. For these reasons we continue to welcome and encourage parents/carers to participate fully in the life of our school.

This policy describes the management systems and arrangements in place to create and maintain a safe learning environment for all our children, multi-agency staff, other visitors and school staff.

Aims

The aim of this policy is to provide a reminder to all parents, carers and other family members/visitors to our school about expectations of acceptable conduct, and share the procedures should an incident occur. This is so that we can continue to flourish, progress and achieve in an atmosphere of mutual respect and understanding. We are mindful that we at Rodney House, may make mistakes and parents and carers may feel the need to raise issues regarding a child in school. This policy provides guidance to all parents and carers visiting Rodney House School.

It includes guidance and a statement of practice on:

- What to do when an incident occurs whether face to face, or over the telephone.

- Who to contact in an emergency.
- How to record incidents and who to report the incident to.
- What follow up action may need to be taken?
- How will parents and carers be informed?

Guidance

Parents and carers are welcome to come into class on request. We recognise that some children behave differently at school than at home, and ask parents to accept that their presence in class may be upsetting for their child. The wellbeing of all the children is valued equally, therefore the teacher will assess the risk of disruption when arranging a visit by parents.

However, on occasion, the behaviour of a few parents, carers and visitors can cause disruption to school life, and very occasionally resulting in abusive or aggressive behaviour towards staff or other members of the school community. This will not be tolerated. The school reserves the right to take any necessary actions to ensure that members of the school community are not subjected to abuse. If a parent or carer has a concern to raise or a grievance to be investigated, they are advised to follow the school complaints procedure which is in the Welcome Pack and also on the school website. Parents and carers are also advised to get in touch with the Information and Advice Service (IAS) Manchester:

0161 209 8356 (Monday to Friday 10am-3pm)

parents@manchester.gov.uk

Unacceptable behaviour may result in the Local Authority and the Police being informed of the incident.

As well as the guidance set out in our Home-School Agreement, the Head Teacher and Governing Body expect parents, carers and visitors to:

- Respect the caring ethos of our school
- Understand and respect that both teachers, parents and visitors need to work together for the benefit of the children.
- Demonstrate that all members of the school community should be treated with respect and, therefore, set a good example in their own speech and behaviour (including when using home to school transport, bringing children to or collecting children from school, whether on foot or by car).
- Work together with school staff to proactively resolve any issues of concern.
- Avoid using staff as threats to condone children's behaviour or use as a punishment.

In order to support a peaceful and safe school environment the school will not tolerate parents, carers other family members and visitors exhibiting the following:

(This is not an exhaustive list but seeks to provide illustrations of such unacceptable behaviour)

- Disruptive behaviour which interferes or threatens to interfere with the operation of the school, classroom, main reception area or any other area of the school grounds, including outside of the main school building.
- Using loud/or offensive language, verbally threatening staff and/or pupils, swearing, cursing, using profane language or displaying temper, including while on the telephone.
- Threatening to do actual bodily harm to a member of school staff, Governor, other multi agency professionals, visitor, fellow parent/carer or pupil regardless of whether or not the behaviour constitutes a criminal offence.
- Threatening to/damaging or destroying school property.
- Abusive or threatening e-mails or text/voicemail/phone messages or other written communication.
- Defamatory, offensive or derogatory comments regarding the school or any of the pupils/parent/staff, at the school on Facebook or other social sites. (see below for further information)
- Any concerns you may have about the school must be made through the appropriate channels: see the complaints procedure.
- The use of physical aggression towards another adult or child. This includes physical punishment against your own child on school premises.
- Smoking and consumption of alcohol or other drugs whilst on any part of the school grounds.
- Racist and/or sexist comments or any comments that demean children/people with differing abilities

Should any of the above behaviour occur the school may feel it is necessary to contact the appropriate authorities and if necessary, ban the offending adult from entering the school grounds. All schools are classed as private property and Section 547 of the Education Act makes it clear that it is a criminal offence for a person who is on school premises, without lawful authority, to cause or permit a nuisance or disturbance. (DFE 2012 Advice on school security - access and barring)

Section 547, Education Act 1996

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

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

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

The LA may take the lead in authorising the removal of a person believed to be causing or permitting a nuisance or disturbance and may bring proceedings against them. Where the head teacher wishes this to happen we would expect the LA to do this.

Additionally, in all situations the police are authorised to remove someone from school premises and to bring proceedings for an offence under this section.

Schools wishing action to be taken against someone they believe has committed an offence under section 547 should contact their LA as appropriate. If the police have been involved the school should clarify whether the police intend to summons or charge and whether the Crown Prosecution Service has decided that there is sufficient evidence to prosecute. In most cases it will be in the public interest to prosecute if there is sufficient evidence to support a prosecution.

Procedures if an incident arises.

If an incident arises, the member of staff should follow these procedures-

- When an incident occurs whether face to face, or over the telephone, staff will initially try to defuse the situation, then let a member of the SLT know straight away. If the situation is face to face and continues, staff should request support immediately from another member of staff, preferably a member of the SLT, if possible. The meeting may then continue possibly in a less public area. The staff member should add the details of the incident onto the school behaviour logging system as soon as possible.
- If a parent/carer behaves in an unacceptable way towards a member of the school community, the class teacher, Head Teacher or other SLT member will seek to resolve the situation through discussion and mediation. The staff member should add the details of the incident onto school system as soon as possible.
- If a parent/visitor shows any unacceptable behaviours as outlined above they will receive a warning letter that will clearly state a factual summary of their unacceptable behaviours and inviting them to discuss the incident. 1st warning letter
- If a parent/visitor again shows aggressive behaviours a second letter will be sent out stating for the named person to write to the Head any comments and observation they have re the incident before the Head makes a decision regarding barring from school premises and informing the police. 2nd warning letter
- A third letter barring the parent/visitor from school will be sent out if inappropriate behaviour continues.

In imposing a ban the following steps will be taken:

1. The parent/carer will be informed, in writing, that she/he is banned from the premises, subject to review, and what will happen if the ban is breached, eg that police involvement or an injunction application may follow
2. Where an 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
3. The chair of governors/LA will be informed of the ban

Comments posted by parents/carers on social media.

The use of social media, for some parents and carers, is often an important part of everyday life. Parents, carers and visitors are **reminded** that it is **against** school policy to post pictures of pupils other than their own children on social networking sites. They should not make any **comments** in regard to other **pupils**, the **school**, **school staff** or any other **member of the school community**. If any parents or carers would like to discuss a concern, they should do this through the Head Teacher rather than posting them on social networking sites.

Parents should not try to 'friend' or contact any member of staff. Parents will not post anonymously or named, comments that can be damaging to any staff member or anyone from the school community.

The Head teacher will contact the Police for legal action where necessary.

Parental Rights

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

Legal remedies, for violence or abuse against members of a school community

As well as invoking section 547 of the Education Act 1996, the following two vehicles may be used by an LA on a school's behalf.

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 (ASBOs) (under review)

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), of 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 LAs or governing bodies to take the lead on taking relevant action under the above legislation as appropriate.

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

Protection from Harassment Act 1997 (under review)

This Act is more informally described as anti-stalking legislation, although it is 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 act, if a parent or carer destroys or damages property belonging to the school, or to a teacher, he or she can be prosecuted for causing criminal damage. If the value of the damage is below £5,000, the case is tried in the magistrates' court, where the penalty is a fine up to £2,500 or up to three months imprisonment or both. If the damage is above £5,000, the case can be tried in the magistrates' court or the crown court. The penalty in the magistrates' court is a fine up to £5,000 or not more than six

months imprisonment, or both. In the crown court, the penalty is an unlimited fine or ten years imprisonment, or both. Where the criminal damage is committed with an intent to endanger life, the maximum period of imprisonment is life. This includes cases of arson with the same degree of intent. There is a racially aggravated form, which carries higher maximum penalties (Crime and Disorder Act 1998, section 30).

Common Assault

Where a member of staff is assaulted by a parent or carer and minor injury is caused, the parent or carer may be charged with common assault in accordance with section 39 of the Criminal Justice Act 1988. This can only be tried in the magistrates' court.

Where there is a racial element to the offence, the parent or carer may be charged with the offence of racially aggravated assault contrary to section 29 of the Crime and Disorder Act 1998. This can be tried either in the magistrates' court or the crown court. The maximum penalty for common assault is a fine of up to £5,000, or six months imprisonment, or both. The maximum penalty for racially aggravated assault is six months imprisonment or a fine up to £5,000, or both, in the magistrates' court. In the crown court it is an unlimited fine, or two years imprisonment, or both.

Assault Occasioning Actual Bodily Harm

Under section 47 of the Offences Against the Persons Act 1861, a parent or carer can be charged with assault occasioning actual bodily harm where more serious injury is caused to a member of staff (such as broken teeth, extensive bruising or cuts requiring medical treatment). Again, there is a racially aggravated form of the offence. The first form is triable either way. In the magistrates' court, the maximum penalty is six months imprisonment, or a fine up to £5,000, or both. In the crown court, the maximum penalty is five years imprisonment. For the racially aggravated offence, the maximum sentence is the same in the magistrates' court. In the crown court, the maximum sentence is seven years, an unlimited fine or both.

Offences under the Public Order Act 1986

There are four separate relevant offences under this act. The behaviour that they criminalise has some overlap with the Protection from Harassment Act, but unlike that act, one incident alone is sufficient to constitute a public order offence. Three of them (sections 5, 4A and 4) are heard within the magistrates' court.

Section 5 is the lower level of public disorder where a parent or carer causes a disturbance in or outside the school and causes alarm, harassment or distress.

Section 4A creates an intentional form of this offence.

Section 4 is more serious, where there is a fear or provocation of violence. The maximum sentence for section 5 is a fine up to £1,000. The maximum sentence for section 4 or 4A is a term of imprisonment not exceeding six months or a fine up to £5,000 or both. There is also a racially aggravated version of all three of the above offences, under section 31 of the Crime and Disorder Act 1998, with higher maximum penalties.

Section 3 of the act, affray, may be tried either in the magistrates' court or the crown court. This offence is committed when a person uses or threatens unlawful violence such as would cause a reasonable person to fear for their 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 they 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 covered 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.

Useful websites

The Department for Education's school security website.

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/RR419#downloadableparts>

The Department for Education's publication Health & Safety: advice on legal duties and powers for local authorities, head teachers, staff and governing bodies.

<http://www.education.gov.uk/schools/adminandfinance/healthandsafety/f00191759/departamental-health-and-safety-advice-on-legal-duties-and-powers-for-local-authorities-headteachers-staff-and-governing-bodies>

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

<http://www.justice.gov.uk/downloads/youth-justice/prevention/SaferSchoolPartnershipsGuidancefinal0509.pdf>

Health and Safety Executive (HSE) guidance on risk assessments.

<http://www.hse.gov.uk/pubns/raindex.htm>

Health and Safety Executive (HSE) guidance on reporting school accidents.

<http://www.hse.gov.uk/pubns/edis1.htm>

The HSE RIDDOR website.

<http://www.hse.gov.uk/riddor/index.htm>

NAHT guidance "Social Networking Websites"

tw<http://www.naht.org.uk/welcome/advice/advice--home/parents-and-pupils-advice/guidance-on-social-networking/?locale=en>

We trust that parents and carers, other family members and visitors will assist our school with the implementation of this policy and we thank you for your continuing support.