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## Introduction

**This document was first issued in June 2005, and is now being reissued in January 2016 to take account of new guidance from the Department of Education, and to provide new information on a range of issues.**

This guidance aims to assist headteachers and governing bodies in cases where the behaviour of visitors to the school gives cause for concern.

In particular, the guidance deals with situations where visitors are being threatening, abusive or aggressive towards other members of the school community. Such behaviour clearly cannot be tolerated. Staff and pupils have a right to expect their school to be a safe place in which to work and learn. This document includes advice on a range of possible measures that can be taken to ensure appropriate protection for schools.

The Department for Education advises that schools should have a written policy setting out the behaviour expected of parents/visitors, and the procedures to be followed when a school wishes to restrict a parent's access to the premises. Our Trust policy (Appendix A) and a poster (Appendix B) are included and clearly specify the expected conduct and behaviour of visitors.

In addition, the guidance provides suggestions as to how to deal with difficult or abusive telephone calls and abuse using cyber technology, an increasing area of challenge for schools.

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

Headteachers and school governors are encouraged to make all staff aware of this guidance and also to consider the guidance in relation to their school's emergency plan.



## **Risk assessment**

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

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



## **Options for headteachers**

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

### **Inviting the parent to a meeting to discuss events**

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

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

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

### **Forming strategies to manage future situations of potential conflict**

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

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

In more serious cases of actual or threatened aggression/violence, or persistent abuse/intimidation, headteachers may need to consider whether it is safe for the parent to continue to come onto the school site or enter the buildings.



**In such circumstances, it is essential that headteachers first consult with the Chief Executive Officer.**

Cases of actual assault should be also reported to police.

A legal case in 1999, involving Wandsworth London Borough Council, established:

1. That the parent of a school child has a licence to enter the child's school premises.
2. That the licence may be terminated, but that public law requires that the parent must first be given an opportunity to make representations about this.
3. That failure to afford an opportunity to make representations would provide a defence against any subsequent proceedings for trespass (if the ban is breached).

Model letters are attached as **Appendix C** to this document, and are provided for headteachers and governors to adapt as necessary.

### **Calling for police assistance**

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

In situations where there is no immediate threat to staff, pupils, other members of the school community or the school's property, headteachers may still wish to make their local community police officer (e.g. neighbourhood support team, youth intervention officer) aware of the situation.

The police could give consideration to warning the offender of formal action, which may include legal proceedings.



## Legal proceedings

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

### **Prosecution under section 547 of the Education Act 1996**

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

### **Appropriate behaviour contracts**

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

### **Criminal Behaviour Orders (Crime and Disorder Act 1998)**

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

### **Restraining orders (Protection from Harassment Act 1997)**

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

### **Prosecution for criminal damage/assault**

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



The Trust will seek legal advice on behalf of individual schools whenever necessary.

Individual cases should always be discussed with the Chief Executive Officer, who will work with headteachers and our legal advisers to decide the most appropriate response.

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



## Record keeping

There should be clear and detailed records of all events which must be kept up to date. Any witness statements (where appropriate) and notes of any subsequent meetings held to discuss the events should also be retained. Notes should be signed and dated.

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

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

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

A model form is attached as **Appendix D** to this document, and is provided for headteachers and governors to adapt as necessary.

## Support for employees

If a member of staff is unfortunate enough to be one of the very small, minority subject to serious physical and/or verbal abuse there are a variety of sources of potential support available to them.

In such circumstances the immediate and ongoing support of colleagues will be invaluable.

All Northern House School Academy Trust staff are members of employee assistance services which offer free, confidential support. The helpline is 0800 116 4368 and is available 24 hours a day, 365 days a year and can be called as often as needed. There is also a website all staff can visit for free, confidential support: [www.sandwellschoolslifestylesupport.co.uk](http://www.sandwellschoolslifestylesupport.co.uk)

The staff associations/trade unions are also likely to be a source of assistance.

Headteachers should contact the Finance and Business Manager if they wish to discuss the support available for a member of their staff.





## Appendix A

### Model policy for the expected behaviour of parents/visitors to the school

The Department for Education advises that schools should have a written policy setting out the behaviour expected of parents/visitors on the premises and the procedures that will be followed when the school wishes to restrict a parent's access to school premises. Schools may find the following wording useful when drawing up their policy:

**We welcome visitors to our school. We will act to ensure it remains a safe place for pupils, staff and all other members of our community. If a parent/carer has concerns we will always listen to them and seek to address them.**

**However, abusive, threatening or violent behaviour will not be tolerated. If such behaviour occurs we will follow the procedures outlined in the Northern House School Academy Trust policy document 'Keeping Our Schools Safe'.**

Schools may also wish to inform parents that no meeting at the school may be electronically recorded without the express permission of all parties, and that information obtained without such permission will not be admissible in any proceedings.



## Appendix B

## school logo

**We welcome visitors to our school.**

**We will act to ensure it remains a safe place for pupils, staff and all other members of our community.**

**If you have concerns we will always listen to them and seek to address them.**

**Please be aware, however, that abusive, threatening or violent behaviour will not be tolerated in this school.**

**Visitors behaving in this way are likely to be removed from the premises and prosecuted.**



## Appendix C - Model Letters

### Model letter 1:

This is an initial warning letter which can be sent by the headteacher when it is felt that further serious incidents will warrant a ban.

### Model letter 2:

It is suggested that this letter is sent by the chair of governors when, after full consideration, it is felt a ban is necessary.

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

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

At this stage, the ban takes effect immediately, but as the letter indicates, the parent must be enabled to make representations. A period of a week is recommended to allow for this, at the end of which the chair of governors should consider any representations made, then make a decision to either confirm the ban or discontinue it (see model letters 3a and 3b).

### Model letters 3a/b:

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

If the parent is dissatisfied with this decision, it is suggested in the model letter that the matter is then appropriately considered by a panel of school governors.

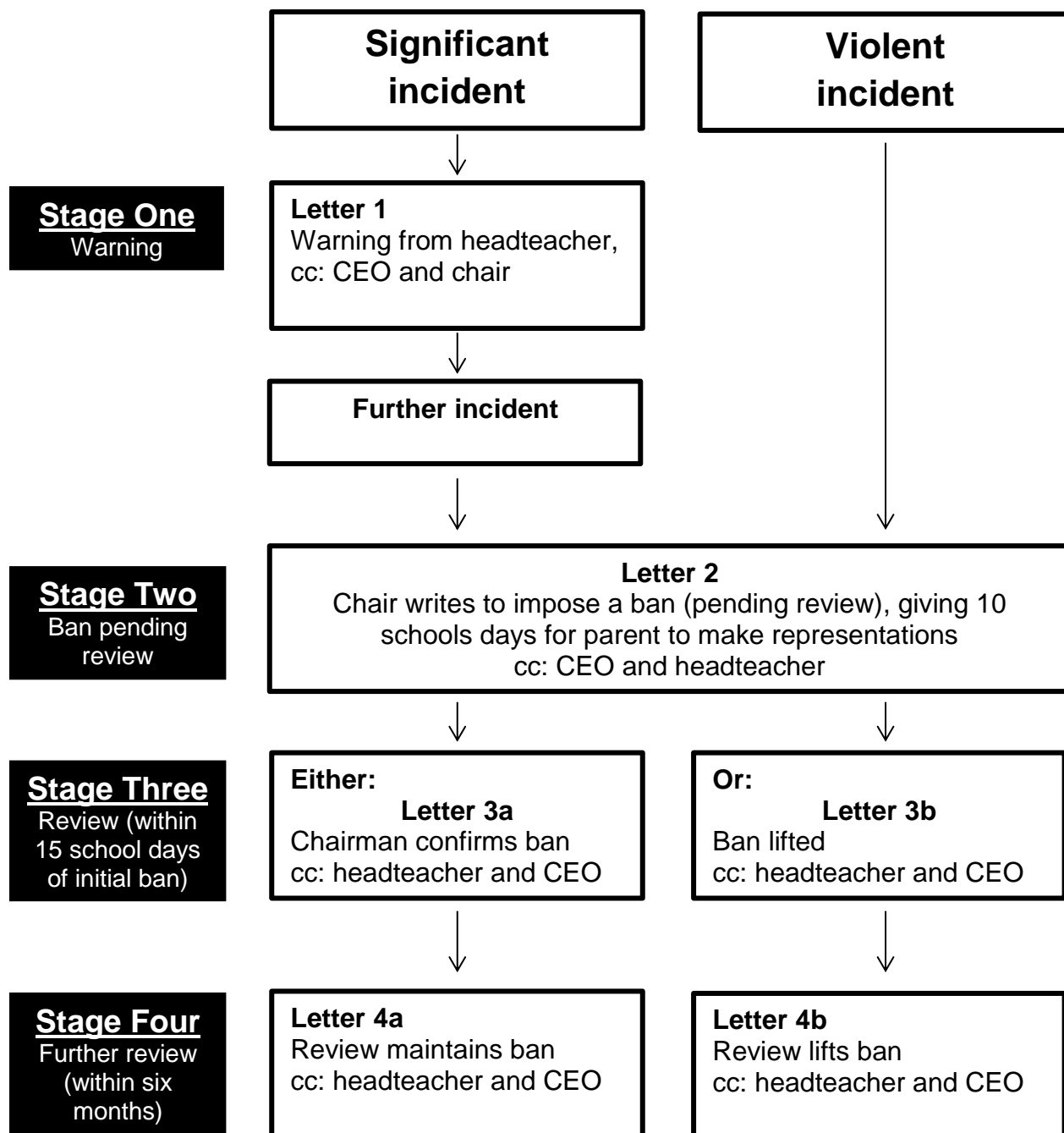
### Model letter 4a/b:

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

A flowchart showing the process to be followed for a ban is shown overleaf.



**Flowchart for process to ban a parent from the school premises**





## Appendix C

### Letter 1 - Warning (sent by the headteacher)

Dear

In line with expectations of adult visitors to the school, as outlined in our policy, I am writing to advise you formally that your behaviour towards .....on ..... was totally unacceptable and I have taken advice on how to proceed.

**Or**

I am very concerned about the unsatisfactory nature of our meeting/telephone conversation on..... and I have taken advice on how to proceed.

#### **(add summary of incident and its effect on staff and pupils)**

I have now been able to investigate the incident further and I understand that.....

**Or**

As I witnessed your behaviour myself there is no need for me to investigate the incident further.

**Optional** I am not prepared to continue to accept such behaviour. If parents are unhappy about any aspect of their child's education they can arrange to have a meeting with me at an appropriate place and time.

**Optional** In the circumstances I must ask you not to approach any of my staff directly until further notice, though you will still be able to make contact through me.

For the future I must inform you that any repetition of such behaviour towards any of the school staff, pupils or others connected with the school will be followed by an immediate withdrawal of permission for you to enter the school premises.

I am copying this letter to the Chair of Governors and the Chief Executive Officer of our Trust. Should you wish to discuss the contents of this letter please make an appointment to see me via the school office.

Yours sincerely

Headteacher

cc: Chair of Governors

cc: Chief Executive Officer



## Appendix C

### Letter 2 – Withdrawn permission pending review (sent by Chair of Governors)

Dear

I have received a report from the headteacher of .....School about your conduct on..... at .....

**(add summary of incident and its effect on staff and pupils)  
(optional reference to first letter from headteacher)**

I must inform you that the governors, in line with our policy, will not tolerate conduct of this nature on the school premises and will act to defend school staff and pupils. On the advice of the Headteacher, I am therefore instructing you that until I have reviewed this incident, you are not to reappear on the school premises. If you do not comply with this instruction I shall arrange for you to be removed from the premises. If you cause a nuisance or disturbance on the premises you may be prosecuted under section 547 of the Education Act 1996; if convicted under this section, you are liable to a fine of £500.

For the duration of this decision you may bring your child(ren) to school and collect them at the end of the school day, but you must not go beyond the school gate.

**For primary children** – arrangements have been made for your child(ren) to be collected and returned to you at the school gate by a member of the school staff).

Special arrangements can be made for you to meet with the headteacher, if necessary, but this may only be with the written permission of the governors.

The withdrawal of permission for you to enter the school premises takes effect immediately and will be in place for 15 school days in the first instance. I still need to decide whether it is appropriate to confirm this decision. Before I do so, I wish to give you an opportunity to give me in writing any comments or observations of your own in relation to the report that I have received from the headteacher. These comments may be to challenge or explain the facts of the incident, to express regret and give assurances about your future good conduct. To enable me to take a decision on this matter, please send me any written comments you wish to make by **(date 10 school days from date of letter)**.

If on receipt of your comments, I consider that my decision should be confirmed, you will be supplied with details of how to pursue a review of your case.

I am copying this letter to the headteacher and the Trust's Chief Executive Officer.

**Keeping Schools Safe from Abuse, Threats and Violence  
Guidance for Schools**

2016/01/05 [Version Number: 01]

Northern  
House  
School



Yours sincerely

Chair of Governors

cc: Headteacher

cc: Chief Executive Officer



## Appendix C

### Letter 3a - Withdrawal of permission confirmed (sent by Chair of Governors)

Dear

On..... I wrote to inform you that on the advice of the headteacher I had withdrawn permission for you to come onto the premises of .....School. To enable me to determine whether to confirm this decision for a longer period, I gave you the opportunity to give your written comments on the incident concerned by..... .

I have not received a written response from you/I have received a letter from you dated....., the contents of which I have carefully considered.

In the circumstances, and after further consideration of the headteacher's report, I have determined that the decision to withdraw permission for you to come onto school premises should be confirmed. I am therefore instructing that, until further notice, you are not to come onto the premises of the school without the prior knowledge and approval of the headteacher.

If you do not comply with this instruction I shall arrange for you to be removed from the premises of the school. If you cause a nuisance or disturbance on the premises, you may be prosecuted under Section 547 of the Education Act 1996; if convicted under this section, you are liable to a fine of up to £500.

Even though we have taken this decision, the headteacher and staff at ..... School remain committed to the education of your child(ren), who must continue to attend school as normal (**insert for primary age children**) under the arrangements set out in my previous letter.

This decision will be reviewed again..... (**insert review date which should be within a reasonable period and no longer than six months**). When deciding whether it will be necessary to extend the withdrawal of permission to come onto the school premises, consideration will be given to the extent of your compliance with the decision, any appropriate expressions of regret and assurance of future good conduct received from you; and any evidence of your co-operation with the school in other respects.

If you wish to pursue the matter further you have a right to complain to a panel of school governors who have not been involved previously and who will consider the circumstances of the decision to withdraw permission for you to come on to the school site. You can make your complaint by writing to the Clerk to the Governors, c/o ..... School.

**(Where the incident has arisen in the context of a parental complaint against the school, the following may be inserted)**





2016/01/05 [Version Number: 01]

Finally, I would advise you that I have asked the headteacher to ensure that your complaint that.....is considered under the appropriate stage of the school's parental complaints procedure. The school will contact you about this in due course.

Yours sincerely

Chair of Governors

cc: Headteacher

cc: Chief Executive Officer



## Appendix C

### Letter 3b - Restore permission after review by Chair of Governors (sent by Chair of Governors)

Dear

On ..... I wrote to inform you that on the advice of the headteacher I had temporarily withdrawn permission for you to come onto the premises of ..... School. To enable me to determine whether to confirm this decision for a longer period, I gave you the opportunity to give your written comments on the incident concerned by .....

I have not received a written response from you/I have received a letter from you dated....., the contents of which I have carefully considered.

In the circumstances, and after consulting further with the headteacher, I have decided that it is not necessary to confirm the decision and I am therefore restoring your permission to come onto the school premises, with immediate effect.

**(Optional)** I must warn you, however, that if it should become necessary in the future I shall not hesitate to withdraw permission for you to come onto the school premises once again.

Yours sincerely

Chair of Governors

cc: Headteacher

cc: Chief Executive Officer



## Appendix C

### Letter 4a - Continue ban after second review (sent by Chair of Governors)

Dear

I wrote to you on .....confirming that permission for you to come onto the premises of ..... School had been withdrawn until further notice. I also advised you I would take steps to review this decision by .....

I have now completed the review. However, after consultation with the headteacher, I have determined that it is not yet appropriate for me to withdraw my decision. **(Add brief summary of reasons).**

I therefore advise that the instruction that you are not to come onto the premises of ..... School, without the prior knowledge and approval of the headteacher remains in place until further notice. If you do not comply with this instruction I shall arrange for you to be removed from the premises and you may be prosecuted under section 547 of the Education Act 1996; if convicted under this section, you are liable to a fine of up to £500.

I shall undertake a further review of this decision by ..... **(insert review date which should be within a reasonable period and no longer than six months).**

In the meantime you can write to me with a statement of your views, which I will consider.

Yours sincerely

Chair of Governors

cc: Headteacher

cc: Chief Executive Officer



## Appendix C

### Letter 4b - Restore permission after later review (sent by Chair of Governors)

Dear

I wrote to you on ..... confirming that permission for you to come onto the premises of ..... School had been withdrawn until further notice. I also advised you I would take steps to review this decision by .....

I have now completed the review. After consultation with the headteacher I have decided that it is now appropriate to restore permission for you to come onto the school premises with immediate effect.

I trust that you will now work together with the school and there will be no further difficulties of the kind which made it necessary to restrict your access to the school premises.

**(Optional)** I must warn you, however, that if it should become necessary in the future I shall not hesitate to withdraw permission for you to come onto the school premises once again.

Yours sincerely

Chair of Governors

cc: Headteacher

cc: Chief Executive Officer



## Appendix D

### Incident recording form

Page 1

|  |  |
|--|--|
| <b>Date and time of incident</b>                                   |  |
| <b>Details of person(s) assaulted/verbally abused</b>              |  |
| Name   |  |
| Address and telephone number                                       |  |
| Role   |  |
| <b>Details of perpetrator</b>                                      |  |
| Name   |  |
| Address and telephone number                                       |  |
| Relationship to the school   |  |
| <b>Details of witnesses</b>  |  |
| Witness 1:<br>Name, contact details and relationship to the school |  |
| Witness 2:<br>Name, contact details and relationship to the school |  |
| Witness 3:<br>Name, contact details and relationship to the school |  |



## Appendix D

### Incident recording form

Page 2

|   |  |
|---|--|
| <p><b>Description of the incident</b></p> <p>(include relevant events leading up to the incident, details of those present, whether weapons were involved etc.)</p> |  |
| <p><b>Location of incident</b></p> <p>(attach sketch if appropriate)</p>  |  |
| <p><b>Outcome</b></p> <p>(were police called, what happened after the incident)</p>   |  |



## Appendix D

### Incident recording form

Page 3

#### Other information to be recorded as appropriate

|   |  |
|---|--|
| <b>Any possible contributory factors</b>  |  |
| <b>Is the perpetrator known to have been involved in any previous incidents?</b><br><br>(If yes, give details)  |  |
| <b>Were measures in place to try to prevent an incident of this type occurring? Could these be improved?</b><br><br><b>If no measures were in place, could action be taken now?</b> |  |
| <b>Name and contact details of police officer(s) involved.</b><br><br><b>Incident number/ crime reference number</b>  |  |
| <b>Any other relevant information</b>   |  |

|                                   |  |
|-----------------------------------|--|
| Form completed by (name and role) |  |
| Date form completed               |  |



## Appendix E

### Dealing with abusive telephone calls

Sometimes staff may have to deal with challenging, abusive, aggressive or threatening telephone calls. It is unacceptable for any member of staff to be subjected to such abuse but staff may not know how to handle such a telephone call. This guidance has been produced to assist staff if they are faced with such a situation.

To reduce the likelihood of callers becoming abusive staff should conduct themselves in a courteous and professional manner and make every attempt to meet the needs of the caller. Staff should also have the confidence that it is acceptable to end an abusive telephone call.

#### Always

- Remain calm and polite
- Stay in control of the situation
- Actively listen – repeat information back to caller to test understanding of the issue and gain their agreement
- Inform caller you are trying to help them
- Be positive and say what you can do
- Be clear and avoid using jargon
- If necessary, apologies for an error and take action to put it right
- If you have to go and get some information, let the caller know why you are putting them on hold and do not leave them on hold for a long time. Update them as necessary
- Make notes of the conversation
- Follow the procedure below if appropriate
- Refer the caller to the headteacher, deputy etc.

#### Never

- Respond in the same manner as an abusive caller
- Take it personally
- Allow yourself to be bullied
- Slam the phone down

#### Script for abusive calls

##### **When the caller starts to raise their voice/be abusive:**

Mr/Mrs/Ms...please don't raise your voice/swear at me, I am not raising my voice/being rude to you. If you continue to raise your voice/be rude to be then I will be forced to terminate the call.

##### **When the caller continues to raise their voice/be abusive:**

Mr/Mrs/Ms...I understand you are upset/frustrated however I am not prepared to continue to be shouted/sworn at so you can either call back when you have calmed down or if you prefer you can put your views in writing.





**If, despite the two warnings above, the caller continues to raise their voice/be abusive:**

Mr/Mrs/Ms...I advised you earlier during the call about raising your voice/swearing and you have continued to do this, so I am afraid I am going to have to terminate this call. **Hang up.**

**Further actions:**

Make a written note of telephone call or use the incident report form (**Appendix D**) and report the incident to your line manager.



## **Appendix F**

### **Abuse/bullying using cyber technology**

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

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

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

Northern House School Academy Trust endorses the decision of any school to operate a zero tolerance policy towards direct or indirect harassment or assault against any member of staff, volunteers and governors. This includes the use of social media and other forms of electronic communications to facilitate the act.

### **Cyberbullying and law**

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

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

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

### **Effectively tackling abuse using cyber technology**

School behaviour policies and procedures should explicitly refer to and outline how the school will deal with cyber abuse/ bullying of both staff and pupils. They should include:

- Rules on the use of equipment, software and network access provided by the



school

- The use of staff and pupil owned equipment and internet access routes, there they are used on school premises and within school hours, e.g. mobile phones, digital cameras and laptops
- Acceptable behaviour including behaviour outside of school e.g. use of social networking services and other sites, with regard to harming others and bringing the school, to disrepute.



## **Appendix F**

### **Responding to incidents**

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

### **Getting offensive content down**

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

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



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

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