

Pickwick Academy Trust



Dealing with Unacceptable Behaviour on School Premises

Reviewed: April 2018

Policy Ratified by the Board: November 2017

Next Review Date: April 2020

AIMS

This policy will detail how our Pickwick Academy Trust will deal with unacceptable behaviour in our Schools' premises by:

- Setting out arrangements which contribute to keeping the School a happy and safe place for staff, visitors and children to work, learn and uphold common standards of decency through the creation of an environment that sets a good example to others.
- Setting out the procedure for what to do should an incident occur.
- Establishing who the School needs to contact and how to report the incident.
- Establishing what follow up action is needed.

1. INTRODUCTION

The vast majority of parents, carers and other visitors to our School are supportive of its teachers, other members of staff, its pupils, their parents/carers and other visitors, and act in a respectable way, ensuring that the School is a safe and continues to provide an orderly environment in which pupils can learn. Occasionally, however, a negative attitude is expressed in an aggressive, verbally abusive or physically abusive way towards these members of the School community which is unacceptable and will not be tolerated.

The School requires its teachers and other members of staff to behave professionally in these difficult situations, attempting to defuse the situation wherever possible, and to seek the involvement of other members of staff as appropriate. However, all teachers and members of staff have the right to work without fear of harassment, violence, intimidation or abuse.

The School expects parents/carers and other visitors to always behave in a reasonable way towards all members of the School community. This policy outlines the steps that will be taken where the behaviour displayed falls below the standard the School expects and will not be tolerated.

The types of behaviour which are unacceptable and will not be tolerated are:

- shouting, either in person or over the telephone;
- using intimidating language or behaviour;
- using threatening language or behaviour;
- using abusive language or behaviour;
- using insulting language or behaviour;
- using aggressive or offensive hand gestures;
- shaking or holding a fist towards another;
- swearing;
- pushing, shoving or jostling;
- hitting, slapping, punching or kicking;
- spitting;
- derogatory comments on social media
- any other behaviour likely to cause anybody witnessing it (including the recipient) alarm, distress or

to fear that violence may be used against them or others.

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

Other criminal offences

Unacceptable behaviour by a parent/carer or visitor can also amount to several other forms of criminal offence. Some of these criminal offences are listed below:

- **Common Assault**

This is committed when member of the School community has been assaulted and no injury or very minor injuries have been caused. The offence is more serious if it is racially aggravated by the words or behaviour used just before or during the assault.

- **Assault occasioning Actual Bodily Harm**

This is committed when a member of the School community has been assaulted and slightly more serious injuries have been caused falling short of fractures or deep wounds. The offence is more serious if it is racially aggravated by the words or behaviour used just before or during the assault.

- **Grievous Bodily Harm**

This is committed when a member of the School community has been assaulted and serious injuries have been caused such as fractures or deep wounds. The offence is more serious if it is racially aggravated by the words or behaviour used just before or during the assault, and there are two forms of the offence; intention to cause the injury (the more serious of the two) and being reckless as to causing the injury.

- **Public Order Offences**

This group of offences are committed when a parent/carer or visitor has used threatening, abusive or insulting words or behaviour likely to cause harassment, alarm or distress; or likely to cause fear of violence; or with intent to cause fear of violence; or using or threatening unlawful violence likely to make those witnessing the incident fear for their safety.

- **Criminal Damage**

This is committed when a parent/carer or visitor has destroyed or damaged property belonging to the School or a member of the School community, intending to do so or being reckless as to doing so. The offence is more serious where the damage was caused by fire, or there was an intention or recklessness as to endangering life.

- **Possession of an Offensive Weapon or Bladed Article on School Premises**

This is committed when a parent/carer or visitor enters the School's premises with a knife or an offensive weapon. It does not matter if the parent/carer or visitor intended to use the knife or weapon.

Where the school believes that a parent/carer or visitor's conduct would amount to a criminal offence, the School will report the incident to the police for immediate investigation and prosecution. The School will cooperate fully with the police, including encouraging teachers and other members of staff to provide witness statements and to attend court to give evidence at a trial.

Where a parent/carer or visitor's conduct amounts to a criminal offence, the School will, in all but exceptional cases, immediately withdraw their "implied permission" to enter and be on the School's premises.

2. RESPONSIBILITIES

The role of the Board of Trustees and Local Governing Bodies

The Board of Trustees and Local Governing Bodies have a vital role in ensuring the emotional well-being and safety of staff members in schools. They take their responsibilities seriously and as such monitor all incidents of inappropriate conduct such as abuse, threats, intimidating behaviour (including shouting at) or violence towards staff and pupils advising and taking action where necessary.

Members of the Board of Trustees and Local Governing Bodies are given a report from each School at the end of each academic year which summarises the number, range and outcome of any incident recorded on the School's *Incidents*

Report Form. Trustees and Governors may also wish the School to verbally update members about the nature and range of incidents at any given point during the year.

- If a Deputy Headteacher or other senior leader records an incident on the Incident Reporting Form the Headteacher will take appropriate action seeking advice from the CEO as necessary.
- If the Headteacher records an incident on the *Incident Reporting Form* they will take appropriate action, seeking advice from the CEO and/or Chair of the Local Governing Body as necessary.
- If the CEO records an incident on the *Incident Reporting Form* the matter will be referred to the Chair of the Board who will seek legal advice and take the appropriate action.

The Chairs of the Governing Bodies will write a reminder to parents and carers outlining the reasons and content of this policy in a Newsletter at the beginning of each academic year ensuring there are regular reminders throughout the year. Members of Local Governing Bodies will be actively involved in the early management of situations and behaviours which will prevent incidents escalating and becoming unacceptable behaviour.

Responsibilities of Headteachers

- Headteacher is a term used to describe the senior leadership team in the organisation. It will include but may not be limited to the Senior Headteacher, Heads of School and their deputies or Assistant Headteachers. The Headteacher¹ has the prime responsibility in the School to ensure that staff are protected and sets a good example to others. This responsibility is delegated to the members of the Leadership Team (including the Heads of School) who share responsibility for the safety of staff on a day to day basis.
- The Headteacher will ensure that the necessary arrangements are in place to comply with the requirements of this policy.
- Provide reports to the Trust Board and Local Governing Body and seek necessary support.

Responsibilities of staff

Staff will follow means outlined in this policy to:

- Ensure that positive relationships with parents/carers are established
- Pupils are protected from harm and avoidable involvement in incidents which affect their educational success
- Ensure that they take adequate protection to keep themselves safe from harm through involvement in such incidents covered in this policy. It is recognised that any involvement will not be initiated by the member of staff.

Responsibilities of parents/carers

Parents/carers will be responsible for:

- Adhering to the values of the School and demonstrating respect for staff and others involved in providing education
- Behaving at all times in a manner which is cordial and collaborative and is non-abusive, nonthreatening and involves no violence
- Supporting the School in establishing positive relationships

3. MEASURES TO AVOID, PREVENT AND DE-ESCALATE INCIDENTS USED BY SCHOOLS

- Local Governing Bodies with Headteachers and staff will be proactive and take steps to reduce the likelihood of unacceptable behaviour occurring. This will include:
 - The development of constructive relationships with parents, careers, pupils and the local community.
 - Engagement with stakeholders and the provision of regular communication.
- When an incident occurs, the School should undertake a risk assessment in order to ascertain which steps need to be under taken, if any, which might help to avoid, prevent, minimise or mitigate incidents where staff might be subjected to abuse, threats and violence and decide which other agencies may need to be involved.
- Staff are advised, in the event of an incident to:
 - ✓ Speak calmly and without raising the voice;
 - ✓ Be assertive but not aggressive;

¹ Headteacher means Executive, Senior Headteacher or Head of School

- ✓ Be polite but firm;
 - ✓ Seek assistance;
 - ✓ Think about an escape route, should the need arise;
 - ✓ Walk away or end the conversation by putting down the phone after warnings of the intention to do this;
- In the event of an emergency, in the first instance, staff will take steps to make themselves safe and then request assistance from a senior member of staff if available, otherwise the nearest member(s) of staff.
 - The member of the senior team will request that the person causing offence leave the premises. Should the person not leave the premises, then the member of senior team will call the police. The incident will be reported to the Trust Board who will provide reassurance to the victim and support any action taken by the School.
 - Following an incident, consideration should be given as to whether the member of staff concerned should be temporarily relieved of any duties or responsibilities or provide additional support or counselling. Additionally where a member of staff suffers shock or injury, the member of staff should be given first aid, as necessary and should consult a doctor as soon as practicable and secure a written medical statement concerning the injuries.
 - Staff may feel they need support - peer support will be given and access to an Employee Assistance Programme if appropriate. In the longer term, support can be obtained from the member of staff's trade union or from Victim Support or School legal advisers.
 - All parties involved should take into account the needs, views, feelings and wishes of the victim/s at every stage. The School will ensure that sympathetic and practical help, support and counselling is made available to the victim at the time of the incident and subsequently.
 - In the event of a physical assault by a pupil, the Headteacher should give consideration to the exclusion of the pupil concerned in accordance with the Behaviour Policy and guidance from the DfE.
 - The Trust buys into a legal support package who can write directly to the alleged perpetrator/s, advising them of the School's legal position and what action may be taken against them.

4. PROCEDURES TO USE WHEN DEALING WITH INCIDENTS

Permission to enter and be on the School's premises

Parents/carers have "implied permission" to enter and be on the School's premises for reasons relating to their child/children's education. This means that parents/carers are welcome to come to the School to drop off and collect their children, to speak to teachers and other members of staff about their children, or for meetings, parents' evenings and social events. Parents/carers do not have a legal right to enter or be on the School's premises without a good reason.

In education law, the term "parent" includes the natural or adoptive parents of a pupil, as well as a nonparent with care of a pupil and a non-parent with parental responsibility of a pupil. For the purposes of this policy only, the term "parent" will also include a non-parent who does not have care of or parental responsibility for a pupil, but who is involved in looking after a pupil on a regular basis (for example, a childminder, non-resident partner of a parent or relative who takes the pupil to or from School, is involved with the care of the pupil in some other way, or a person whose emergency contact number we have been provided with).

Other visitors also have "implied permission" to enter and be on the School's premises if they have a reason, for example a courier or delivery person, or a member of the public attending the School's office to make enquiries about something. Members of the public without a good reason for entering or being on the School premises are trespassing.

Withdrawal of permission to enter and be on the School's premises

The School has the right to withdraw the "implied permission" for a parent/carer or visitor to enter or be on the School's premises if their behaviour while they were previously on the School's premises was unacceptable. The withdrawal of the "implied permission" will be effective as soon as the parent/carer or other visitor has been told that they must leave

and are prohibited from returning, and will be confirmed in writing by recorded delivery if the home address is known. The full procedure that the School will follow is outlined in further detail below.

Once the “implied permission” has been withdrawn, the School will ask the police to remove the parent/carer or visitor if they appear on the School’s premises. If the parent/carer or visitor causes a nuisance or disturbance while they are on the School’s premises, they may also be prosecuted in the criminal courts under Section 547 of the Education Act 1996, be liable to pay a fine of up to £500.00 and have a criminal conviction recorded against them.

Where a parent/carer has had their “implied permission” to enter and be on the School’s premises withdrawn, the School will, in appropriate cases, make alternative arrangements for the parent/carer’s children to be dropped off and collected from the School, and in relation to parents’ evenings and other meetings.

The procedure for withdrawing implied permission to be on the School’s premises The initial decision to withdraw “implied permission” will be made by the Headteacher or, in the Headteacher’s absence from School, the Deputy Headteacher. The decision will be reviewed on a regular basis by the Chair of Governors, who can delegate this task to another Governor in appropriate cases.

Stage 1 - WARNING LETTER FROM THE HEADTEACHER BEFORE IMPLIED PERMISSION WITHDRAWN

Where a parent/carer or visitor has behaved in a way that is unacceptable to the School for the first time, they are likely to receive a letter warning them that, if the behaviour is repeated, their “implied permission” to enter and be on the School’s premises will be withdrawn. The Headteacher will send a letter to the parent or visitor confirming the warning and the consequences of failing to heed it.

However, where the unacceptable behaviour is serious and/or amounts to a criminal offence, it is likely that the parent/carer or visitor’s “implied permission” will be withdrawn immediately without warning under Stage 2.

Stage 2 – LETTER FROM HEADTEACHER WITHDRAWING IMPLIED PERMISSION

Where a parent/carer or visitor has already received a warning letter under Stage 1 and has behaved in an unacceptable way again, or where a parent/carer or visitor has engaged in serious misconduct and/or conduct amounting to a criminal offence, their “implied permission” to enter and be on the School’s premises will be withdrawn. If possible, they will be verbally informed that they are prohibited from entering or being on the School’s premises immediately after the incident or as soon as practicable thereafter. In any event, the Headteacher will send a letter to the parent/carer or visitor confirming the withdrawal of their

“implied permission” and the consequences of failing to comply.

The prohibition will initially last for **ten School days** from the date of the letter. The parent/carer or visitor will be invited to provide written comments within **five School days** of the date of the letter. By the **tenth**

School day from the date of the letter, the Chair of Governors will review the Headteacher’s decision in accordance with Stage 3 (whether or not any written comments have been received) having been provided with all documentation relating to the incident (and any previous incidents), the Headteacher’s record of the decision and the reasons for it.

Stage 3 – REVIEW OF HEADTEACHER’S DECISION BY CHAIR OF GOVERNORS

The Chair of Governors will, within **ten School days** of the date of the letter notifying the parent/carer or visitor of the Headteacher’s decision to withdraw their “implied permission” to enter and be on the School’s premises, review the decision made, having considered all documentation relating to the incident (and any previous incidents), the Headteacher’s record of the decision, the reasons for it, confirmation as to whether the parent/carer or visitor has complied with the instruction, and any written comments received from the parent/carer or visitor.

The Chair of Governors must consider whether, with the benefit of hindsight, the Headteacher’s decision, made in the immediate aftermath of the incident, was unjustified; whether, although the Headteacher’s decision was justified at the time, the withdrawal of “implied permission” for a period of ten School days is sufficient to serve as a warning and to allow the parent/carer or visitor time to reflect upon their past and future behaviour; or whether the Headteacher’s decision was entirely justified and should be confirmed for further review at a later date.

The Chair of Governors will, by the **tenth School day** of the date of the letter, write to the parent/carer or visitor confirming whether the decision of the Headteacher has been confirmed or revoked, stating their reasons.

Where the decision has been confirmed, the letter will confirm the date of the next review, which will be for a period of between fifteen and thirty School days, or until the last day of the term or half term period, at the Chair of Governor's discretion, subject to **a maximum period of thirty School days**.

Where the decision has been confirmed, the parent/carer or visitor will be invited to provide further written comments **at least five School days** before the date of the next review. These comments should be restricted to the parent/carer or visitor's conduct since the decision was last confirmed or any new consequences of the decision, and should not repeat comments provided previously which the Chair of Governors will already be in possession of.

Stage 4 – FURTHER REVIEWS OF THE DECISION

Where the Headteacher's decision was confirmed by the Chair of Governors under Stage 3, or the decision has previously been confirmed under Stage 3, the Chair of Governors will carry out a further review of the decision **by the review date**, having considered all documentation relating to the incident (and any previous incidents), the Headteacher's record of the original decision, the reasons for it, confirmation as to whether the parent/carer or visitor has complied with the instruction since the last review, any written comments provided by the parent/carer or visitor previously, the record of the Chair of Governors' previous review, and any further written comments received from the parent/carer or visitor following the last review.

The Chair of Governors must consider whether, in view of the length of time that the parent/carer or visitor has been prohibited from entering or being on the School's premises, and in light of the parent/carer or visitor's conduct since their "implied permission" was withdrawn, and in consideration of any genuine assurances given in their written comments as their future conduct, it is now appropriate to revoke the decision to withdraw their "implied permission" to enter and be on the School's premises.

The Chair of Governors will, by the **review date**, write to the parent/carer or visitor confirming whether the decision has been further confirmed or revoked, stating their reasons.

Where the decision has been further confirmed, the letter will confirm the date of the next review, which will be for a period of between fifteen and thirty School days, or until the last day of the term or half term period, at the Chair of Governor's discretion, subject to **a maximum period of thirty School days**.

Where the decision has been further confirmed, the parent/carer or visitor will be invited to provide further written comments **at least five School days** before the date of the next review. These comments should be restricted to the parent/carer or visitor's conduct since the decision was last confirmed or any new consequences of the decision, and should not repeat comments provided previously which the Chair of Governors will already be in possession of.

The procedure under Stage 4 will be followed in relation to all further reviews.

Prohibiting third parties from entering and being on School premises

The procedure outlined above relates to parents/carers and visitors who had a valid reason for entering and being on the School's premises. Sometimes, members of the public enter the School's premises when they have no good reason for doing so (for example, they do not have children registered as pupils at the School, and they are not delivering items or making valid enquiries at the School's office). Such people do **not** have "implied permission" to enter and be on the School's premises, and are therefore trespassing. This means that, if they are causing a nuisance or disturbance on the School's premises, they can be prosecuted under Section 547 of the Education Act 1996. In those circumstances, the School will inform the third party that they are trespassing and ask them to leave the School's premises and, in appropriate cases, call the police and support any prosecution for criminal offences which follows.

Although third parties do not have "implied permission" to enter and be on the School's premises, for the avoidance of doubt, where the address of the third party is known, the Headteacher will write to the third party warning them of the consequences of reappearing on the School's premises.

Dealing with incidents involving threats from weapons

If staff suspect a pupil is in possession of a weapon the School can search the child without consent using the it's powers of screening and searching. This would only happen in exceptional circumstances and should be conducted in the presence of a colleague or adult witness.

If involved in an incident where a member of staff is at risk of harm he/she will take the necessary evasive steps. As soon as a member of staff is aware of an incident involving a weapon:

- the member of staff will carry out a search where appropriate giving due regard to the safety of the individual and those in the vicinity
- the staff member should immediately inform the relevant senior member of staff
- staff should not try to deal with the situation alone
- the senior member of staff must decide whether it is necessary to contact the police
- the School should consider whether to deal with the matter as a disciplinary issue

When a weapon or knife is confiscated by a member of staff it is important to:

- ensure that the weapon is secure and involve the police immediately on their arrival
- arrange for the weapon to be removed by a parent/carer if it's a pupil's weapon

In the event of a search, if the pupil refuses to cooperate and becomes difficult, the police should be called. No further action should be taken until the police arrive. In some exceptional circumstances, action may have to be taken immediately. If this is the case, the pupil should be isolated from other pupils if possible. A colleague or adult witness should be present. In the event that a pupil has been found in possession of a weapon, the Behaviour Policy must be adhered to.

Involving the police and providing support for victims

Wiltshire Constabulary would normally expect all cases of assault, and all but the most minor of other incidents to be regarded as serious matters which should be reported to the police and followed up with due care, attention and rigour. The 999 call system should always be used when the immediate attendance of a police officer is required. The police support the use of 999 in all cases where:

- A. There is a danger to life;
- B. There is a likelihood of violence;
- C. An assault is, or believed to be, in progress;
- D. The offender is on the premises;
- E. The offence has just occurred and an early arrest is likely;

In non-urgent cases, where the incident is not thought to be an emergency but police involvement is nevertheless required, Wiltshire Constabulary should be contacted on either 101 or 07528 972632 so that an incident log can be created for possible further reference.

In the event of a subsequent prosecution and the requirement for staff/ the victim to give evidence in court, support can be provided by the School's legal advisers if it is not available from Victim Support. Subsequent to any incident staff have access to the Employee Assistance Programme.

Managing cases involving harassment

Situations can arise where staff find themselves subjected to a pattern or persistent, unreasonable behaviour from individual parents/carer which is not abusive or overtly aggressive but which can be perceived as intimidating and oppressive. In these circumstances, staff may be faced with a barrage of constant demands or criticisms (on an almost daily basis) which, whilst not particularly taxing or serious, when viewed in isolation, can have the cumulative effect over time of undermining their confidence, wellbeing and health. In extreme cases, the behaviour of the parent/carer/visitor may constitute an offence under the Protection of Harassment Act 1997. If so, the police have powers to take action against the offender.

If the actions of a parent/carer/visitor appear to be heading in this direction, the Headteacher has the options of:

1. writing and/or talking to the parent/carer explaining the gravity of the situation and possible consequences/outcomes
2. using the School's legal services prohibiting the parent/carer/visitor from the School premises
3. using the School's professional services who will write directly to the parent/s on behalf of the School

Other legal measures

The Headteacher may also decide to use the following legal measures where available:

- Section 222 Local Government Act 1972
- Anti-Social Behaviour Orders
- Protection from Harassment Act 1997
- Criminal Damage Act 1971
- Section 39 of Criminal Justice Act 1988
- Section 47 of the Offences against the Persons Act 1861
- Offences against the Public Order Act 1986
- Section 31 of the Crime and Disorder Act 1998
- Criminal Justice Act 1988

The Headteacher will use the School's legal advisors to consult on the best course of action to undertake and can act on behalf of the School.

Non-Statutory Measures

Aside from legal remedies detailed above, following an incident, the following strategies may also be used:

- If appropriate parents/carers will be invited to make an appointment to speak to their child's class teacher should an issue arise that they wish to discuss, a member of the senior team will be present at this meeting and the discussion will be recorded.
- A class teacher may refuse to speak to a parent/carer if the level of aggression increases during the meeting and is deemed to be unacceptable. In this case the meeting will be closed and the parent/carer asked to leave the site.
- The Headteacher/member of the senior team may request an appointment with the parent/carer in place of the class teacher to discuss the incident. It is advisable to have a witness present at this meeting.
- Any member of staff has the right to call 999 and seek assistance should they be confronted by verbal abuse or the threat of physical assault against them.

Assaults occurring off-site

An assault on a member of staff occurring off-site is also the concern of the School provided that it arises through the course of, or out of the performance of, a member of staff's work. The procedures set out above should be followed by the Headteacher/the senior team as far as possible or appropriate.

5. RECORDING AND REPORTING INCIDENTS

Any incident or adverse event must be recorded.

The form filed in the Personnel Handbook should be used to record any incident, for example involving:

- Trespass
- Abusive Social Media Comments
- Verbal abuse
- Sexual or racial abuse
- Threats
- Aggression
- Physical violence
- Intimidating behaviour
- Intentional damage to personal property

The form should be completed as soon as possible. For an incident involving or witnessed by a child, a member of staff should complete the form on their behalf. However, any discussion between one witness and another should not precede completion of this form, as this might lead to allegations of collusion.

NB – In addition:

- Any racist comments will be recorded in the Racial Incidents Form
- Any injuries to staff or children must be recorded on an Accident Form

The recording and reporting of incidents are important because they can enable the School and employees:

- To meet their statutory duties in compliance with the Health & Safety at Work Act and Regulations, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) and Social Security Regulations.
- To collect evidence this may later be necessary if proceedings are brought against the alleged assailant and to prepare reports for the Board and Governors.

- To assist the School's insurers should any claim for compensation is made.
- To help in reviewing policies and informing future risk assessments.

In some instances, the School may need to carry out a risk assessment in relation to a specific individual whose behaviour has been, or may be, a cause for concern.

6. EQUAL OPPORTUNITIES

When writing and reviewing this policy staff have completed an Equality and Diversity Impact Assessment in order to ensure it complies with equality obligations outlined in anti-discrimination legislation. We believe the policy positively reflects the aims and ambitions identified in each Trust School's Single Equality Scheme.

7. PUBLICATION AND REVIEW

This policy will be published on the School' website and reviewed every three years by the Local Governing Body of the School and Trust Board.