

Acceptable Behaviour Policy for Staff, Parents, Volunteers & Visitors 2021 – 22

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REPTON PRIMARY SCHOOL

ACCEPTABLE BEHAVIOUR POLICY FOR STAFF, PARENTS, VOLUNTEERS AND VISITORS

POSITIVE RELATIONSHIPS

At Repton School, we recognise that parents and carers are the single biggest influence on their children and their achievements. Therefore, we are committed to building positive and responsive relationships with parents and carers, based on shared responsibility for our children, to ensure that they have the best possible experience at school. We all recognise that the success of the school and therefore our children's education is dependent on a strong partnership between all members of the school community: children, parents, staff and governors. This partnership must be based on a polite, positive and respectful relationship.

We are very fortunate to have a parent body which is supportive and friendly. We ask that all members of the community to follow these principles:

· We all respect the caring ethos of our school.
· Both staff and parents need to work together for the benefit of the children.
· All members of the school community should be treated with respect and, therefore, we must all set a good example in our own speech and behaviour.

In order to support a peaceful and safe school environment the school cannot accept parents, carers and visitors exhibiting the following:

· Conduct which undermines the safe and calm environment in a school, either in a school office, classroom, around the school site, immediately outside the school or on the school playing field.
· Using loud or offensive language, such as swearing, or displaying an unacceptable amount of anger and aggression.
· Threatening physical violence to a member of the school community.
· Damaging school property.
· Abusive telephone calls, emails, letters or other forms of written communication.
· Defamatory comments about school staff or governors on social media sites.
· The use of physical aggression towards another adult or child. This includes physical punishment of your own child.
· Approaching someone else's child in order to chastise them.

Guidance for Dealing with Unreasonable Behaviour

The purpose of this guidance is to provide a reminder about the expected conduct from our parents, carers and visitors and what to do if their conduct is abusive or aggressive.

In this context, threatening, violent or abusive behaviour, against any members of our school community, is unacceptable. All members of our community have a right to expect the school to be a safe place in which to

work and learn. Where the behaviour of parents or visitors falls below expected standards, the school will act in accordance with this guidance.

The Public Order Act 1986 defines “disorderly conduct” as: verbal abuse, threatening abusive or insulting words or behaviour or any disorderly behaviour whereby a person is caused alarm, harassment or distress. “Threatening behaviour” is when a person fears that violence, or threat of violence, is likely to be provoked. The school has a responsibility to ensure that any act of actual or threatened violence is referred to the police immediately.

In a school context this could mean someone shouting at a member of staff, either in person or on the phone; acting aggressively, including using intimidating body language, as well as actual violence. It also covers comments posted on social networking sites or situations where members of staff are approached off school premises.

Schools are not public and although parents and carers have rights to attend and enter school premises for legitimate proper purposes, The Education Act of 1996 states that is it an offence for a trespasser on school premises to cause a nuisance of disturbance. The school is entitled to withdraw the implied right a parent of carer has to enter the school, if that parent or carer is violent or aggressive. If the parent or carer then enters the premises, they are in breach of the law, and they can be prosecuted in the criminal courts.

PROCEDURES – The school’s measures to avoid, prevent and minimise Incidents

STAFF CONDUCT

Staff are advised to communicate with parents, whatever the circumstances, in the following manner:

- Speak calmly and without raising your voice
- Be assertive but not aggressive
- Be polite but firm
- Seek assistance if necessary
- Politely terminate the conversation if necessary, explaining your reasons

In the event of an emergency, staff should request assistance from a member of the Senior Leadership Team, if they are available otherwise the nearest member(s) of staff. The member of the Senior Leadership Team will request that the person causing offence leave the premises. Should the person not leave the premises then they should be informed that the police will be called. The incident should then be recorded.

RECORDING INCIDENTS

Any incident must be recorded by email to the Headteacher.

- Trespass
- Verbal abuse
- Sexual or racial abuse
- Threats
- Aggression
- Physical violence
- Intentional damage to personal property or the school's property
- Any racist comments
- Any injuries to staff or children

PROCEDURES FOR DEALING WITH ABUSIVE PARENTS

Step 1 – Verbal warning

· The Headteacher or appropriate member of Senior Leadership Team will speak to the parents involved. It will be put to them that such behaviour is unacceptable and an assurance will be sought that such an incident will not be repeated. It will be stressed on this occasion that repetition of such an incident will result in further more serious action being taken.

If the Headteacher has been subject to abuse this will be done by the Chair of Governors (or other appointed independent governor, if the Chair is involved in the incident in any way).

· NB: Any incidents of violent conduct would immediately proceed to Step 5.

Step 2 – Written warning

· If a second incident occurs involving the same person or persons, the Headteacher will write to the adult(s) informing them once again that this conduct is unacceptable. As for Step 1, if the Headteacher has been subject to abuse this will be done by the Chair or other appointed governor.

· At any stage, the school may report serious incidents of abusive and threatening behaviour to the Local Authority or the Police. The school has a responsibility to ensure that any act of actual or threatened violence is referred to the police immediately.

Step 3 – Final written warning

· If a third incident occurs involving the same person or persons, the Chair or other appointed independent governor, will write to the adult(s) giving a final warning that this abusive and threatening behaviour is unacceptable, and that a repetition of this conduct will leave the governors no option but to take further action.

Step 4 – Governors' Letter

· If such an incident recurs, or if an initial incident is considered serious enough by the Headteacher, the Chair of Governors (or other appointed governor) would be involved to enforce any action deemed necessary. This may result in a person or persons being excluded from school premises.

• The Headteacher / Governing Body will contact the Local Authority and seek legal advice before issuing a letter banning an individual from the premises.

Step 5 – Involvement of the police

· If following a decision to ban a person from the school premises, that person nevertheless persists in entering school premises and is displaying unreasonable behaviour, such a person may be removed from the school premises as a trespasser under Section 547 of the Education Act 1996 and charged with an offence under the Public Order Act 1986.

· All parents, even if excluded from school premises, have a right to seek an appointment to speak to school staff about their child's educational progress.

· Other members of the public have no right of access to the school premises. In the case of an incident involving another member of the public steps 1 and 2 as above will be followed. At step 3 the Headteacher will write again and at step 4 the Headteacher will send the banning letter.

SUPPORT FOR STAFF

Following an incident staff may feel that they need support. Peer support will be given and access to a teacher support line will be signposted. In the longer term, support can also be obtained from the member of staff's trade union. The school will ensure that sympathetic and practical help, support and counselling are made available to the member of staff at the time of the incident and subsequently.

HARASSMENT

Situations can arise where staff find themselves, or other adults, subjected to a pattern of persistent and unreasonable behaviour from individual parents which is not abusive or overtly aggressive but which may be perceived as intimidating and oppressive. In these circumstances, staff may be faced with a barrage of constant demands or criticisms (on an almost a daily basis) which, whilst not particularly taxing or serious when viewed in isolation, can have the cumulative effect over time of undermining their confidence, well-being and health. In extreme cases, the behaviour of the parent may constitute an offence under the Protection from Harassment Act 1997. If so, the school will take appropriate action, such as writing to or meeting the parents, involving the Police if necessary. Staff should report the matter initially to the SLT, formally, in writing. The SLT will then arrange a formal meeting with that member of staff to decide on the next steps. SLT could make a formal complaint to the Governing Body who would consider inviting the parent to a meeting to discuss such conduct or writing to them to say that they are not welcome on the school premises.

If a parent's behaviour is unreasonable, the parent's implied permission to be on the school premises may be withdrawn and they will become a trespasser (see the section on Trespass).

The School may also decide to use the following possible legal measures:

- Section 222 Local Government Act 1972
- Protection from Harassment Act 1997
- Criminal Damage Act 1971
- Section 39 of Criminal Justice Act 1988
- Section 47 of the Offenses 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

TRESPASS

Trespass is not, generally, a criminal offence. Schools are not public places and anyone who enters without permission of the Headteacher (who has day to day management of the school) is trespassing, unless there is a recognised "right of way" across the school site. Some groups of people, such as parents, have an "implied licence" to enter school premises.

A number of people may have good reason to be on the school premises and therefore possess an "implied licence" e.g.

- Registered children of the school during school hours or by agreement of the Headteacher e.g. after school clubs and sports. Children who have been excluded could, however, be trespassers.
- Parents or guardians responsible for a child at the school.
- Governors, Ofsted inspectors, Local Authority staff, Site Staff, contractors, and those using facilities provided as part of a school "let" etc.

The existence of good school security measures will also assist in minimising the incident of trespass. Examples of security measures include: appropriate signs, reception area, signing in system, badges for visitors, access control and maintaining boundary fences in good order.

NUISANCE AND DISTURBANCE

If a trespasser refuses to leave the school premises or enters after being required to leave or causes a disturbance, their behaviour may give rise to a criminal offence under Section 547 of the Education Act 1996. As a general rule, anything done by trespassers where it disrupts the routine of the school or the duties of its staff will be an offence.

Where an individual has an "implied licence" to enter school premises this can be withdrawn by the Headteacher, provided authority to do so is delegated to the Headteacher by the governing body. Publicising

this through signs or the school prospectus is helpful and prudent since this can clarify the circumstances in which consideration would be given to barring someone from the site. Recent case law (Wandsworth Borough Council v A, 2000) makes it clear that if the person to be barred has an "implied licence" to enter the premises, he or she should first be given an opportunity to make representation as to why a ban should not be imposed before a final decision is taken to withdraw the licence to enter. A ban will be effective immediately. A refusal to accept a ban from school premises may lead to consideration being given to applying to the court for an injunction and/or to the taking of action under Section 547 of the 1996 Act.

REMOVING TRESPASSERS FROM THE SITE

It is possible to remove from the school premises people who are suspected of committing an offence under section 547. Police constables or a person authorised by the Local Authority may do this.

The Headteacher will need to use their discretion in determining whether they, or other staff, are able to safely escort a trespasser from the site. Although they would be entitled to use reasonable force, this should be avoided and the police called if the situation is impossible to control. School staff should not put themselves at risk.

WARNING LETTERS

Different considerations apply in relation to people such as parents who can lawfully enter school premises as opposed to trespassers. With regard to those who have implied permission to enter, a two-stage approach will need to be taken when working with them. Section 547 will only become relevant once a parent's "lawful authenticity" to enter the premises has been terminated.

A parent of a child registered at a school will not be on school premises "illegally" (i.e. a trespasser) until his or her "implied licence" to enter the school premises has been terminated and until then he or she cannot be guilty of an offence under this section. For example, if a parent causes a nuisance and the Headteacher thinks a ban should be imposed, the following steps should be taken:

• A warning should be given (in writing) and the parent given the opportunity to answer the accusations made (see warning letter below).
• If a ban is then imposed (and it will only be at this point that the parent will become a trespasser if he or she enters the premises). This should be confirmed in writing and notice given that a breach of the ban may result in an offence being committed under Section 547 and an action taken under that section to remove the person from the premises (though only if entry onto the premises is coupled with causing a nuisance) or in an application being made to the court for an injunction (see banning letter below). If the nuisance or disturbance has been caused by an individual with no right implied or otherwise to enter the premises then immediate action can be taken under Section 547 as that person is by definition a trespasser. No warning would need to be given.

HARASSMENT, THREATENING, ABUSIVE OR DISORDERLY BEHAVIOUR

Such offences are covered by the Public Order act 1986. The Protection from Harassment Act 1997 provides further safeguards with respect to incidents of harassment. Headteachers are more likely to involve the police is such matters and the police may be able to take action under this Act. However, Headteachers may not wish to involve the police in cases where the offender is very young. Individual cases therefore need to be considered before deciding on a course of action.

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Appendix 1

WARNING LETTER

The following is an example of a warning letter to be sent to a parent who has caused a disturbance at the school. The actual wording would have to be varied according to the actual circumstances. It is advisable to discuss this with the LA before sending such a letter.

To (the parent)

Behaviour on School Site

It has been reported to me that you caused a disturbance at the school on (date) by

_____.

This behaviour has upset a number of staff and the pupils who were present. Such behaviour is totally unacceptable and may result in you being banned from the site.

I would be grateful if you could contact me by telephone or in writing by _____ in order to answer these allegations. I shall then consider what further action may be necessary including the possibility of imposing a ban on your entry to the school premises.

Yours sincerely

BANNING LETTER

The following is an example of a letter to a parent imposing a ban after the warning letter has been issued and subject to any response from the parent.

To (the parent)

Further to my earlier letter of _____, which warned you that you may be banned from the site, I have considered your responses to the allegations and have decided that they are insufficient.

I am therefore banning you from the premises with immediate effect. This will be reviewed on _____ (it is recommended to limit a ban to no more than 1 term in the first instance)

A breach of this ban may result in an offence being committed under Section 547 of the Education Act 1996 and an action taken under that section to remove you from the premises or in an application being made to the court for an injunction.

Yours sincerely