



Guidance on developing a Policy for dealing with Disruptive Visitors



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Introduction

This guidance has been developed by the Governor Support Team to support the governing bodies of maintained schools in developing policy and procedures for dealing with violence, threatening behaviour or abuse by visitors or parents of a pupil in a school, including those cases where the parent has been asked not to come onto the premises. It draws from the DfES Legal Toolkit for Schools (DfES 0504-2002), Section 7.1 (Personal Safety and the Prevention and Management of Violence in the Workplace) of Buckinghamshire County Council's Health and Safety Handbook and the Educational Psychology Service's Guidance on Working with Parents.

The DfES Legal Toolkit for Schools states that 'All schools should ensure they have policies involving abusive, threatening or violent adult visitors'.

This guidance includes a model policy and set of procedures, but it is essential that these are adapted to each school's individual context because it is impossible to produce one model and one set of procedures that will cover every school setting; e.g. schools involved in Safer Schools Partnerships may wish to modify the policy and/or procedures to their context. A couple of posters setting out the expectations of visitors' behaviour are also included (Appendix A), which schools may wish to display.

Fundamentally, it is a health and safety issue if staff/pupils feel in any way threatened or intimidated by the actions of visitors or parents. However, we need to understand that some parents can become aggressive when they feel frustrated and unable to get their point across, and some parents have poor communication skills.

In community, community special and voluntary controlled schools the Local Authority is responsible for protecting the health and safety of staff and pupils. In foundation and voluntary aided schools the health and safety of staff and pupils is the responsibility of the governing body.

There is no place for violence, threatening behaviour or abuse in schools. All members of the school community have a right to expect that their school is a safe place in which to work and learn. Where such behaviour occurs in LA maintained schools, the Local Authority will take a proactive role in taking all possible action to deal with it, in response to the wishes of the school.

Throughout this document, where the term 'visitor' is used, this is intended to cover any abusive parent or visitor to the school and is not confined to adults.

Further support and advice is available from: -

Health & Safety Team
(01296 383223).

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Acknowledgements

We are very grateful to: -

- Curzon C of E Combined School for sharing its Policy on Violence, Threatening Behaviour and Abuse
- Princes Risborough School for sharing its Expectations of Visitors' Behaviour Poster
- Chesham Bois C of E Combined School for support in developing and sharing sample risk assessments
- Buckinghamshire's School Governance Consultative Board
- Buckinghamshire County Council Health and Safety Team
- Buckinghamshire County Council Legal Team
- Buckinghamshire County Council Educational Psychology Service
- Thames Valley Police

Types of violence

Violence at work includes **non-physical abuse**, such as:

- verbal, written, racial or sexual abuse
- threatening behaviour
- gesturing
- abusive phone calls, letters, faxes, emails or entries on websites/social networking sites
- swearing, shouting, insults etc
- innuendo
- deliberate silence
- intimidating behaviour causing fear or emotional upset.

as well as **aggressive or inappropriate physical contact**, such as:

- assault causing death or serious injury
- minor injuries
- kicking, biting, punching, spitting, scratching
- sexual assault
- use of weapons/missiles
- aggressive animals (dogs etc)
- violence to property, which may range from throwing a tea cup to ransacking a building.

Potential causes of violent behaviour

It can be difficult to anticipate a violent or aggressive act because it is not always premeditated and does not always have an obvious cause. However, it is important to recognise the following circumstances as possible signs and triggers as this can often help in defusing or avoiding a potentially violent situation: -

- feelings of isolation and stress, e.g. receiving bad or unwanted news
- violent experiences in a person's own childhood. Children may have a home history of violent or aggressive behaviour
- matrimonial difficulties or discussions involving the custody of children can make a parent potentially aggressive
- effect of alcohol and drugs
- action to physically restrain to prevent injury
- misinterpretation of a move to offer comfort
- changes in routine
- excessively noisy environments
- excessive heat or humidity
- low tolerance of frustration
- lack of understanding
- some mental illness is associated with unpredictable behaviour and violence.

N.B. all threats of violence **must** be taken seriously.

Sharing information and concerns regarding potential issues of violence

Managers at all levels must be aware of the importance of sharing information with colleagues and should encourage staff to do so.

It often happens that, after an incident, someone will come forward with information or expressing a feeling that something was not quite right, but they did not think it worth mentioning at the time.

Risk assessment

It is essential that an assessment of risk to staff and others from abusive and violent visitors should be undertaken and this should include members of staff who visit pupils off –site and at home.

Activities and workplaces should be looked at and considered for what could reasonably be expected to cause harm and it is good practice to ask staff directly about the extent of problems that they are aware of, as part of the process of assessing risk. It is also helpful to consult school health and safety representatives about possible risks.

A risk assessment should:

- Identify **what** the risks are (e.g. abuse, threatening behaviour, violence, and from whom)
- Identify **who** is likely to be at risk, e.g. reception staff, teachers, caretaker, key-holders [emergency call outs]. Are there new staff who might be at greater risk because they do not know what to do in difficult situations?
- **Evaluate** the risks and show whether existing **precautions** are adequate or whether more should be done. Additional precautions may include changes to working practices or providing staff with adequate information, instruction and training. A decision then needs to be made as to whether the precautions reduce the risk as far as is reasonably practicable.
- **Record** the significant findings, including how people could come to harm and the most important conclusions about reducing risk
- **Be reviewed** from time to time and **revised** if necessary. This is essential if, at any time, a new procedure is introduced which could lead to a new and significant risk

Risk assessment form – a blank risk assessment form is included at Appendix D as well as two completed examples.

It is important that **all** incidents of violent, threatening or abusive actions by visitors are reported and monitored.

Policy and Procedures

All schools should ensure they have a policy for dealing with incidents involving abusive, threatening or violent visitors, as well as a set of procedures which covers:

- What to do when an incident arises
- Who to contact during an emergency (i.e. at the school, the Local Authority, Police)
- How to record and report incidents
- What follow up action is necessary
- What support is available
- Liaison with police whenever necessary.

The outcomes from the completed risk assessments should inform the school's procedures and be used to adapt the model procedures as appropriate to the individual school setting.

Buckinghamshire County Council's Schools' Health and Safety Handbook contains a helpful section (Section 5.7) on personal safety and the prevention and management of violence in the workplace, including practical guidance for employees on personal safety, from which the guidance in the model procedures is drawn.

Staff training

It is a legal requirement for employers to provide adequate training for staff to enable them to carry out their tasks in a safe manner. Teachers and school support staff, who may be approached by parents/visitors, should be given training in managing aggressive behaviour – the aim being that parents/visitors are calmed down and provided with opportunities and encouragement to express their views in an appropriate way.

Training could include:

- The causes of violent and aggressive behaviour
- The policy and procedures for dealing with violence
- Safe working practices
- What to do when feeling threatened with violence
 - Managing confrontation by using positive interpersonal skills
 - Attracting the attention of colleagues
 - How to use security equipment such as alarms
- Ensuring an escape route
- How to escape from aggressive people
- After-incident support and care, including awareness of the impact that violent events can have on staff and others, and of the arrangements for support

For further advice on training see section 2.2 (page 5) of the Personal Safety and the Prevention of Violence in the Workplace (BCC's Health and Safety Handbook) or contact your Health and Safety Adviser (01296 383223).

Liaison with the Local Authority

In LA maintained schools the Local Authority will take a pro-active role in taking all possible action to deal with the violent, threatening, abusive behaviour of visitors in response to the wishes of the school.

Following an incident, schools should seek advice from the School Improvement Service and/or the Legal Team on the appropriate follow up action to be taken. See also advice under management of future behaviour below.

Information on any incidents should be given to the Local Authority's Contact Centre (Monday – Friday, 8am – 6.30pm; 0845 3708090 or 01296 395000) and there is a checklist of the information that will be needed at Appendix F.

The Contact Centre enters the details on a database which can then be accessed by the Health and Safety Team. Further details can be added to this record by schools, using their access code and password. If any school would like a reminder of these, please contact the Health and Safety Team (01296 383223).

Liaison with the Police

Preventive Action

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

Action following an Incident

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

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

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

In all cases of assault causing actual injury the employee sustaining the injury is advised to make a formal complaint to the police against the assailant, unless this is considered inappropriate. This decision, although personal, should be discussed with the headteacher/manager. Assault is a criminal offence which may result in prosecution at court.

Contacting the Police

For non-urgent, preventative advice and support the non-emergency number for Thames Valley Police is 0845 8 505 505. Whenever urgent support is required, the emergency 999 number should be used.

Management of future behaviour

The Headteacher will need to make a judgement as to whether the visitor is likely to become involved in such an incident again, or whether there were unique circumstances in this specific case. If it is likely that the behaviour will be repeated, a warning letter should be sent explaining that the behaviour is unacceptable and will not be tolerated on the school premises. It is recommended that this letter is copied to the Local Authority's Legal Team (Please see pages 1&2 for contact details). Depending on the circumstances, it may be helpful to discuss this with a School Improvement Manager or member of the Legal Team.

On future visits to the school, advance notice of the visit could be expected and members of staff expecting to meet a potentially abusive parent/visitor should not do so alone.

Where a parent has received a warning notice and then moves to another school, the headteacher should forewarn the receiving school that the parent has been involved in an abusive incident.

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

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

If abusive behaviour is repeated, the visitor should be declared unwelcome and they can be ordered off the premises as they then become a trespasser under Section 547 of the Education Act 1996. This power is usually delegated by the Local Authority (community, voluntary controlled and community special schools) or governing body (foundation or voluntary aided schools), to the Headteacher and caretaker. In Buckinghamshire Community, Community Special and Voluntary Controlled Schools the view is taken that the governing body and headteacher have control of the occupation of the school premises, so the headteacher is the authorised person for the purposes of Section 547 of the Education Act.

Legal Framework

The Education Act 1996, Section 547, provides the legal framework within which troublesome visitors on school premises can be dealt.

A visitor cannot be prosecuted under Section 547 merely for entering school premises after they have been barred. Section 547 is only applicable if the barred person causes a nuisance or disturbance when on school premises after being barred. It is for the Police or Local Authority* to decide whether behaviour constitutes nuisance or disturbance.

*This power is usually delegated by the Local Authority (community, voluntary controlled and community special schools) or governing body (foundation or voluntary aided schools), to the Headteacher and caretaker.

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

Appendix G gives details of further legal remedies for dealing with violent, threatening or abusive visitors but advice should be sought from the school's Legal Services on the most appropriate action following a disruptive incident.

Hughenden Primary School Policy covering Incidents involving Violent, Threatening or Abusive Visitors

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

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

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

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

Types of violence

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

- Threatening behaviour
- Gesturing
- Abusive telephone calls, letters, faxes, emails, website entries
- Swearing, shouting insults etc
- Innuendo
- Deliberate silence
- Intimidating behaviour causing fear or emotional upset.

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

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

Avoiding an Incident

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

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

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

Always try to:

- Prepare in advance by:
 - Gathering information that might help
 - Ensuring the layout of the room is not intimidating for visitors and allows you to escape quickly; if possible position your chair/desk with the door behind you
 - Positioning seating at equal height so that the parent does not feel patronised, and, if possible, at a 45 degree angle as this is less threatening. Avoid barriers if it is safe to do so.
 - Considering items in the room that could be used as potential weapons
 - Ensuring there is enough space in the room, whilst also making it appear intimate and relaxing (this can be achieved through lighting and warm colouring). People can need greater personal space than normal when upset or angry and the proximity of others can be more threatening
 - Having an alarm readily available
 - Considering having a colleague present, or pre-arranging with a colleague to check that all is well, if you have reason to believe that the visitor has a previous history of aggression or violence, or appears to be aggressive or violent.
- Remove an angry or upset person from an audience, or, if easier, remove the audience and don't leave them waiting unnecessarily. The fewer people that

are involved in an incident, the easier it is for an aggressor to back down without losing face.

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

The Educational Psychology Service has produced helpful guidance for schools on working with parents and it contains a number of useful proformas, including a meeting preparation checklist and forms for recording discussions/meetings with parents. These are available in Appendix B and C.

Make sure that you are aware of the school's emergency action plan/'lockdown' procedures and when these should be implemented.

Handling an Incident – General Principles

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

It is important that you:

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

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

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

Warning Signs

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

- Agitation
- Tapping the table
- Loud speech/shouting
- Muscle tension in face, hands, limbs; fidgeting, hand-wringing; clenching fists
- Drawing breath in sharply
- Colour of face: pale is dangerous – the body is ready for action; a red face is likely to indicate a bark worse than the bite, but this could change
- Finger- wagging or jabbing
- Inability to be still, even pacing about
- Swearing
- Staring eyes
- Sweating
- Oversensitivity to ideas, suggestions
- Rapid mood swings.

It should always be remembered that:

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

Action to be taken following an incident

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

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

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

Support

Occupational health advice and telephone-based professional counselling is available through the Local Authority's Employee Assistance Programme (0800 243 458).

Guidance for Headteachers/Managers

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

It is important to ensure that new members of staff are aware of this policy and procedures as part of their induction to the school and that they have access to appropriate training.

Staff should be aware that they can expect support from their manager/headteacher in managing parent interviews well.

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

Role of Local Authority

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

Role of Thames Valley Police

Preventative Action

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

Action following an Incident

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

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

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

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

with the headteacher/manager. Assault is a criminal offence which may result in prosecution at court.

Contacting the Police

For non-urgent, preventative advice and support the non-emergency number for Thames Valley Police is 0845 8 505 505. Whenever there is an emergency and urgent support is required, the emergency 999 number should be used.

Action to be taken following an incident

- Provide access to a private area for as long as necessary where the member of staff can sit with a friend or colleague.
- Provide assistance, if necessary, for the member of staff to go home/visit their GP/attend hospital etc. A medical assessment of any injury should be made as soon as practicable and, in case of visible injuries, it is helpful to obtain photographs.
- Make time for the employee to talk to you.
- Explain the employee's right to involve the Police if they so wish.
- Contact the Police as above under 'Role of Thames Valley Police.'
- Provide the opportunity for the member of staff to consult his/her trade union representative before submitting their completed Incident Report Form/Statement (Appendix E).
- Report the incident by calling the Local Authority's Contact Centre having made use of the checklist of information required, included in Appendix F. It is recommended that Foundation and Voluntary Aided schools also do this.
- Carry out a thorough investigation into the incident. Available photographic evidence of any injuries or damage or relevant CCTV footage can be very helpful. Headteachers/managers should make sure that any CCTV footage is retained and not accidentally overwritten.
- Obtain written statements from witnesses as soon as possible after the incident (the sooner the better).
- All evidence obtained should be retained to support any action taken.
- Maintain regular contact with the person if they are off work because of the incident.
- Make the member of staff aware of the availability of occupational health advice and telephone-based professional counselling through the Employee Assistance Programme (0800 243 458).
- Review risk assessments and procedures following an incident and amend if necessary without delay.
- Ensure other relevant staff are informed of the incident and of any changes to working practices.

Reporting Procedures

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

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

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

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

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

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

Follow up

The Headteacher will need to make a judgement as to whether the visitor is likely to become involved in such an incident again, or whether there were unique circumstances in this specific case. If it is likely that the behaviour will be repeated a warning letter should be sent, explaining that the behaviour is unacceptable and will not be tolerated on the school premises (this should be copied to the Legal Team - Please see pages 1&2 for contact details). Depending on the circumstances, it may be helpful to discuss the warning letter with a School Improvement Manager, or the Legal Team.

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

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

The Local Authority has the power to ban anyone from coming onto school premises for a specified period of time and will liaise with the headteacher, taking into account their views in making such a decision. This decision will be communicated to the

person concerned. When the period elapses, the Local Authority will review whether the visitor's ban from the school premises should continue or whether it should be lifted, in liaison with the Headteacher. The Local Authority will take a lead in this role and should be contacted if a disruptive person enters the school and the headteacher considers action is necessary.

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

If abusive behaviour is repeated, the visitor should be declared unwelcome and they can be ordered off the premises as they then become a trespasser under Section 547 of the Education Act 1996. This power is usually delegated by the Local Authority (community, voluntary controlled and community special schools) or governing body (foundation or voluntary aided schools), to the Headteacher and caretaker.

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

Appendix A:
Example Poster 1
You may like to resize this to A3



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

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

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

We ask you, therefore, whilst you are part of our Learning Community to behave with the 'care, courtesy and consideration' that Ofsted commended in our students.

Thank You.

Example Poster 2

Example 2 – You may like to resize this to A3

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

If you threaten or assault anyone in the school, or persist in abusive behaviour, you will be removed from the premises and may be prosecuted.

safe safe safe
school school school
safe school

Appendix B

PREPARING FOR MEETINGS: Checklist (to complete)

The **p** symbol in the 'Action Taken' column indicates that a pro-forma letter or form is contained in the guidelines pack

Things to Consider	Action Taken (Tick & Date)
WHEN PLANNING A MEETING	
• Aim/s of meeting?	• Agenda devised
• Who should attend?	• Attendance list decided • Support professionals e.g. interpreters contacted • Reports from professionals requested p
• When will the meeting be held?	• Date and time of meeting identified
• Where will the meeting be held?	• Appropriate venue identified
• How long will be needed for the meeting in view of the number and complexity of the issues, length of agenda and number of people attending?	• Meeting room secured
• What information needs to be gathered (other than in report form) and from whom?	• Relevant information requested • Relevant information received
• What information needs to be distributed and to whom, ahead of the meeting? Who will coordinate and monitor this?	• Letter sent to all on attendance list inviting them to meeting (list names) p
• Are written reports from professionals needed?	• Letter/s requesting reports are sent p
• Have reports been received? • Do reports contain personal or biased views, or technical jargon?	• Report/s received on time • Non-receipt of report/s followed up • Report/s may be inappropriate/need action before distribution – discuss with line manager

Appendix C: Record of Communication with Parent

Date:
.....

Time:

Duration:

Discussion between:

Discussion initiated by:

Purpose of discussion:

Telephone/Face-to-face

Main Points Discussed:

-
-
-

Agreed Actions:	By whom?	When and how review and/or feedback?
<ul style="list-style-type: none">•••		

Record completed by: Date completed:

Copy of record to: parents; school file Date sent to parents:

OPTIONAL PARENT REPLY SLIP

(If a change or addition to the record is being requested)

I would like to request a change to this record as follows:

I understand that you will follow this up and contact me within 3 working days.

Appendix D: blank risk assessment plus two examples

GENERAL RISK ASSESSMENT FORM – BLANK TEMPLATE

SCHOOL: **SECTION/LOCATION:** **NAME(S) OF ASSESSOR(S):**

DATE OF ASSESSMENT: **JOB TYPE/WORK ACTIVITY:** **FREQUENCY/DURATION:**

Note: To complete this risk assessment you must:

- **complete the information above: enter the name of the establishment, section, name of assessors, date of assessment, job type and frequency/duration,**
- **adapt the assessment for the situation in which you propose to use it including ensuring that the existing control measures are relevant to you situation and modifying as appropriate the addition of any additional control measures required,**
- **state who needs to take action and by when this action needs to be taken,**
- **state the revision date,**
- **sign and date the assessment.**

What are the hazards?	Who might be harmed and how? (Who is at special risk?)	What are you already doing to control the risk? (Current control measures) (Include those for people at special risk)	What further action is necessary? (Further control measures)	Action by whom	Action by when	Date Completed	Risk Factor taking all controls into consideration. (Residual Risk)		
							Likelihood	Severity	Risk Level

What are the hazards?	Who might be harmed and how? (Who is at special risk?)	What are you already doing to control the risk? (Current control measures) (Include those for people at special risk)	What further action is necessary? (Further control measures)	Action by whom	Action by when	Date Completed	Risk Factor taking all controls into consideration. (Residual Risk)		
							Likelihood	Severity	Risk Level

What are the hazards?	Who might be harmed and how? (Who is at special risk?)	What are you already doing to control the risk? (Current control measures) (Include those for people at special risk)	What further action is necessary? (Further control measures)	Action by whom	Action by when	Date Completed	Risk Factor taking all controls into consideration. (Residual Risk)		
							Likelihood	Severity	Risk Level

Control Measures Acceptable Yes/No (Delete as appropriate)

Revision Date:

SIGNED OFF BY: DATE:

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

KEY TO GENERAL RISK ASSESSMENT FORM:

Likelihood of hazard happening:

Low, unlikely to happen = Score 1

Medium, could happen = Score 2

High, will almost certainly happen = score 3

Severity:

Minor e.g. cuts, bruises = Score 1

Major e.g. broken bones hospitalisation = score 2

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

Overall Risk = Likelihood x Severity -

Score: 6 & 9 = High, urgent action required

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

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

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

Potential hazard - *item, substance or activity with the potential to cause harm.*

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

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

GENERAL RISK ASSESSMENT FORM – EXAMPLE 1

SCHOOL:

SECTION/LOCATION:

NAME(S) OF ASSESSOR(S):

DATE OF ASSESSMENT:

JOB TYPE/WORK ACTIVITY:

FREQUENCY/DURATION:

Note: To complete this risk assessment you must:

- **complete the information above: enter the name of the establishment, section, name of assessors, date of assessment, job type and frequency/duration,**
- **adapt the assessment for the situation in which you propose to use it including ensuring that the existing control measures are relevant to you situation and modifying as appropriate the addition of any additional control measures required,**
- **state who needs to take action and by when this action needs to be taken,**
- **state the revision date,**
- **sign and date the assessment.**

What are the hazards?	Who might be harmed and how? (Who is at special risk?)	What are you already doing to control the risk? (Current control measures) (Include those for people at special risk)	What further action is necessary? (Further control measures)	Action by whom	Action by when	Date Completed	Risk Factor taking all controls into consideration. (Residual Risk)		
							Likelihood	Severity	Risk Level
Reception area – arrival of distressed/agitated visitors Verbal abuse, physical aggression, threatened violence, lone	Receptionists, security guards, students, other visitors, volunteers (special risk – pupils with disability, parents with disability, pregnant women, young children)	Reception desk as barrier between staff and visitors Agreed emergency protocol – e.g. panic button, agreed escape route, quiet place for agitated visitor to sit for privacy and avoid escalation in public.							

What are the hazards?	Who might be harmed and how? (Who is at special risk?)	What are you already doing to control the risk? (Current control measures) (Include those for people at special risk)	What further action is necessary? (Further control measures)	Action by whom	Action by when	Date Completed	Risk Factor taking all controls into consideration. (Residual Risk)		
							Likelihood	Severity	Risk Level
working									
Parental interview/meetings Pupil discipline hearings Interviews for members of staff	Teachers, headteacher, learning support staff	School's personal safety policy, prepare for meeting, think about room etc remove any potential weapons, knowledge of history of parent, escape route, agreed emergency contact, support from senior members of staff, staff training							
Events Parents evenings Sports day Concerts fetes	School staff, pupils, volunteers, governors, contractors, members of public (people with mobility problems, SEN, specific problems, chronic health problems, very young and elderly)	School's personal safety policy, policy for handling disruptive visitors, School's emergency lock-down plan, Third party organisers of events on school premises must have emergency plans could be given a copy of school's disruptive visitor's policy for adaptation. Schools should check.							
Outside but on school grounds	As first example	Secure premises with easy emergency escape route Access to communication, e.g. mobile phone, walkie-talkie Lone-working policy							

What are the hazards?	Who might be harmed and how? (Who is at special risk?)	What are you already doing to control the risk? (Current control measures) (Include those for people at special risk)	What further action is necessary? (Further control measures)	Action by whom	Action by when	Date Completed	Risk Factor taking all controls into consideration. (Residual Risk)		
							Likelihood	Severity	Risk Level
		Disruptive visitor policy							
Home visits? Does anyone do them? Excluded pupils have home tuition									
psychological abuse that is not face-to-face, i.e. telephone, letters, emails, social-networking sites	Members of staff, governors	Staff training Policy on disruptive visitors Complaints policy Internet policy Code of conduct for staff and governors Communication policy							

Control Measures Acceptable Yes/No (Delete as appropriate)

Revision Date:

SIGNED OFF BY: **DATE:**

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

KEY TO GENERAL RISK ASSESSMENT FORM:

Likelihood of hazard happening:

Low, unlikely to happen = Score 1

Medium, could happen = Score 2

High, will almost certainly happen = score 3

Severity:

Minor e.g. cuts, bruises = Score 1

Major e.g. broken bones hospitalisation = score 2

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

Overall Risk = Likelihood x Severity -

Score: 6 & 9 = High, urgent action required

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

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

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

Potential hazard - *item, substance or activity with the potential to cause harm.*

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

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

EXAMPLE 2

Portfolios	SCHOOLS CHILDREN AND YOUNG PEOPLE
Establishment	
Work Activity (brief description) Hazards:	Managing School Visitors Disruptive Behaviour: Reception Area SEN Annual Reviews/meetings Parent Consultation Evening Open Days Children's Performances Sports Day School's Fete Verbal abuse Physical Assault/Injury Psychological Distress Emotional Distress Damage to property
Estimation of Risk	Low/Medium
Duration/ Frequency of Exposure	rare
Who is at Risk? (Employees)	Staff
Who Is At Risk? (Non-Employees)	Pupils, visitors, Governors, contractors
Is Anyone at Special Risk	Pregnant women, small children. Person with disabilities, persons with relevant medical conditions and Special needs.
Existing Precautions (Safe Working Procedures, Training etc.)	<ul style="list-style-type: none"> • Lone Working Guidelines • Policy on Managing Visitors' Disruptive Behaviour • Policy on Complaints Procedure • Policy on Personal Safety • Policy or Guidelines on Communication • Ensure front line staff are trained in managing disruptive behaviours. e.g. de-escalation technique, personal safety etc. • Ensure there is an arrangement for summoning help and support in case of crisis management • Ensure there is easy access to escape route • Ensure communication is accessible and open at all times • Ensure Lock down Emergency Plan is communicated to whole school community and all are aware of the procedures. • Organise meetings during school time, inform people concerned of the planned procedure on that day. If possible,

	<p>avoid impromptu meetings.</p> <ul style="list-style-type: none"> • Prepare the designated room for meetings where possible weapons are removed e.g. flower vase • If possible, remove the distressed individual to a “designated room” for time-out to diffuse situation and to control risk to other people in the vicinity. • If possible, know the history of the person visiting the school (meetings), if known with past violent behaviour; arrange colleagues support. • Keep notes of the meetings to include unwanted behaviours. • If crisis occurs, follow the school’s lock down procedure and the school’s arrangement in summoning outside help. e.g. police • DO NOT ATTEMPT to eject distressed visitor out of the building or to physically restrain them. • After the event, record details of the incident and report it on ANC County’s on-line reporting method. If serious incident happen, ensure HSE is involved. • De-brief every person involved in the incident • Suggest alternative therapy if needed • Evaluate the school’s Policies and procedures which are relevant in the incident, amend as required • Re-visit risk assessment, amend as required
Are Existing Precautions Adequate to Control Risk?	Yes
Further Action Required to Adequately Control Risk	none
Action by Whom	Headteacher
Action by Date	15 February 2011
Date Revision of Assessment Due	01 February 2012
Assessment Completed by	
Date Completed	15 February 2011
Reviewed	
Reviewed:	

* If ‘no’ box ticked then reassessment must be made when further actions are completed.

Appendix E: Incident report form

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

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

Date of incident _____

Day of week _____

Time _____

1. Member of staff reporting incident

Name _____

Work address (if different from school address) _____

Position _____

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

Name _____

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

Job/Position (if member of staff) _____

Dept/Section/Class _____

Age _____ Sex _____

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

4. Witness(es) if any

Name _____

Address _____

Age (approx) _____ Sex _____

Other information

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

5. Details of incident

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

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

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

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

7. Other information (to be completed as appropriate)

a) Possible contributory factors

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

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

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

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

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

g) Any other relevant information

Signed _____

Date _____

Please return as soon as possible to:

Appendix F – Checklist of information Call centre will require

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

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

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

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

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

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

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

(aa) any special school not so maintained, and

(ab) any independent school.

(b)

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

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

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

(3) If—

(a) a police constable, or

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

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

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

(b) in relation to—

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

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

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

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

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

(a) a police constable, or

(b) an authorised person.

(7) In subsection (6) “authorised person” means—

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

(b) in relation to an offence committed—

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

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

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

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

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

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

Section 222 Local Government Act 1972

Section 222 empowers a local authority to prosecute or defend proceedings where it is considered expedient for promoting or protecting the interests of those living in its area. It would potentially allow the local authority to prosecute an abusive parent under one of the other options mentioned here or, alternatively, to bring civil

proceedings against the parent

Anti-Social Behaviour Orders

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

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

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

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

The LEA or governing body has responsibilities as an employer (The Health and Safety at Work Act 1974, sections 2 and 3) to ensure a safe place of work for its staff. School staff have every right to expect that where they wish action to be taken, the LEA or governing body will do this. LEAs or governing bodies should thus ensure that they are familiar with the relevant legislation and their powers under it.

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

Protection from Harassment Act 1997

More informally described as anti-stalking legislation, although not only used for that purpose. This action can be taken either through criminal prosecution or a private action for damages in the Civil Courts. It can be done on behalf of an individual, or a group (e.g. a group of children or teaching staff). The sanctions include both criminal penalties (fines, imprisonment, or community sentences) and a restraining order, which is a flexible order which prohibits the offender from continuing their offending behaviour. For example, it could prevent a parent from coming within a certain distance of a school, or from making phone calls to the school or a teacher's home. The restraining order can last for as long as the Court thinks appropriate.

Section 2 of the Act makes it an offence where someone pursues a course of conduct (on more than two occasions) that amounts to harassment of another, causing alarm or distress. The offence can only be tried in the Magistrates' Court with a maximum penalty of six months imprisonment, a fine of up to £5,000, or both.

Section 4 creates a more serious offence where people have been put in fear of violence on at least two occasions. It can be tried in the Magistrates' Court or the

Crown Court. The maximum penalty for the offence is six months imprisonment, a fine up to £5,000, or both, in the Magistrates' Court. In the Crown Court, it is five years imprisonment, an unlimited fine or both. Where there is a racial element to either the section 2 or section 4 offence, a higher level of sanction applies under section 32 of the Crime and Disorder Act 1998.

Section 3 of the Act provides for a civil route in relation only to the section 2 and 4 offence. The level of proof is lower for the civil proceedings, as it will be to the civil standard of a balance of probabilities rather than the criminal standard of beyond reasonable doubt. If a restraining injunction is imposed on a defendant under the civil route and the defendant breaches the restraining injunction, proceedings for breach of the order become criminal with the offender liable to up to five years imprisonment.

Injunctions

These can be granted by a court to ban somebody from school premises. Generally they are viewed as less flexible and more expensive than alternatives such as a restraining order granted under the Protection from Harassment Act 1997, described above.

Criminal Damage Act 1971

Under this, if a parent or carer destroys or damages property belonging to the school, or to a teacher, he or she can be prosecuted for causing criminal damage. If the value of the damage is below £5,000, the case is tried in the Magistrates' Court, where the penalty is a fine up to £2,500 or up to three months imprisonment or both. If the damage is above £5,000, the case can be tried in the Magistrates' Court or the Crown Court. The penalty in the Magistrates' Court is a fine up to £5,000 or not more than six months imprisonment, or both. In the Crown Court, the penalty is an unlimited fine or ten years imprisonment, or both. Where the criminal damage is committed with an intent to endanger life, the maximum period of imprisonment is life. This includes cases of arson with the same degree of intent. There is a racially aggravated form, which carries higher maximum penalties (Crime and Disorder Act 1998, section 30).

Common Assault

Where a member of staff is assaulted by a parent or carer and minor injury is caused, the parent or carer may be charged with common assault in accordance with **section 39** of the **Criminal Justice Act 1988**. This can only be tried in the Magistrates' Court. Where there is a racial element to the offence, the parent or carer may be charged with the offence of racially aggravated assault contrary to section 29 of the Crime and Disorder Act 1998. This can be tried either in the Magistrates' Court or the Crown Court. The maximum penalty for common assault is a fine of up to £5,000, or six months imprisonment, or both. The maximum penalty for racially aggravated assault is six months imprisonment or a fine up to £5,000, or both, in the Magistrates' Court. In the Crown Court it is an unlimited fine, or two years imprisonment, or both.

Assault Occasioning Actual Bodily Harm

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

Offences under the Public Order Act 1986

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

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

Section 4A creates an intentional form of this offence.

Section 4 is more serious, where there is a fear or provocation of violence. The maximum sentence for section 5 is a fine up to £1,000. The maximum sentence for section 4 or 4A is a term of imprisonment not exceeding six months or a fine up to £5,000 or both. 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 his safety; the threat cannot be made by the use of words alone. In the Magistrates' Court, the maximum penalty is six months, a fine up to £5,000, or both. In the Crown Court, the maximum sentence is three years, an unlimited fine or both.

In the circumstances outlined above, although the LEA may not have the relevant power to take action itself, it should – as the employer – work with the school to provide staff with full support in ensuring that action will be pursued against an alleged offender, under the above legislation as appropriate.

Criminal Justice Act 1988

Section 139A of the Act (as amended by the Offensive Weapons Act 1996) makes it an offence to carry an offensive weapon or knife on school premises. Under **section 139B** a police officer may enter a school and search for a weapon; where one is found they may seize and retain it. A person who has a weapon on school premises will be guilty of an offence, unless he can prove a statutory defence. The maximum penalty on conviction on indictment for carrying a knife is two years imprisonment or

an unlimited fine or both. The maximum penalty on conviction on indictment for carrying an offensive weapon is four years imprisonment or an unlimited fine or both.

The weapons which are caught under section 139A and 139B include any article made or adapted for use for causing injury and any article which has a blade or is sharply pointed. A folding pocket knife with a blade under 3 inches long is, however, excepted although this does not prevent schools from imposing their own bans on pupils carrying them.

In general, where a school suspects a weapon to be on school premises the police should be called. Where the police have reasonable grounds for suspecting a weapon to be on a school's premises they can enter without permission from the school.

Non statutory remedies

Aside from the legal remedies, there are other strategies that can help in preventing conflicts with parents or stopping them escalating. These include mediation and conflict resolution. Schools might also be able to develop non-statutory Acceptable Behaviour Contracts for some parents similar to those that have been developed by the Metropolitan Police mainly in respect of pupils. These require the agreement of the person to an acceptable level of behaviour.

References

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

Violence in the education sector; Education Service Advisory Committee; 1007; HSE Books

Personal Safety at Work Guidance for all Employees; The Suzy Lamplugh Trust; 1994

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

Working with Parents, guidance for schools; Buckinghamshire County Council Education Psychology Service, Website:

http://www.buckscc.gov.uk/bcc/schools/support/educational_psychology/resources.page

Useful Websites

A Legal Toolkit for Schools, DfES 0504-2002, website:

<http://publications.education.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DfES+0504+2002>

Abusive behaviour on school premises, website:

<http://www.teachernet.gov.uk/wholeschool/healthandsafety/schoolsecurity/abusivebehaviour/>

Steve Clark's Personal Safety Training, website:

<http://www.personalsafety.org.uk/>

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

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