

# THE TONBRIDGE FEDERATION



## THE TONBRIDGE FEDERATION VISITOR CONDUCT POLICY

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## **Managing Visitor Conduct on the School Site**

**Section A** of this policy identifies the general guidance to schools for dealing with aggressive or abusive parents and visitors to schools, colleges or academies who cause nuisance or create a disturbance.

**Section B** of this policy identifies the specific procedures followed by the Tonbridge Federation.

### **SECTION A**

#### **Summary**

Day to day access to a school is within the control of the head teacher.

Normally parents/carers (and those with parental responsibility) are granted permission to visit the grounds and buildings of a school provided they behave appropriately.

Most schools will establish procedures which set out:

1. the acceptable purposes for such visits
2. the areas of the school that may be entered at particular times
3. the standard of behaviour expected

Where there is a breach of such procedures, the school needs to respond in a measured way, depending on the seriousness of any inappropriate conduct e.g.:

- initiate a meeting/dialogue with the individual;
- write to the visitor, describing their misconduct, explaining its impact on the school and stating its unacceptability;
- vary the person's permission to be on site say, through the addition of conditions;
- warn of the possibility of a "ban" (i.e. the withdrawal of their licence) if the misconduct is repeated;
- impose a ban with a review after a fixed period;
- impose a ban without review.

It is possible for a head teacher to initiate any of these actions on their own authority, but is less likely to lead to personal confrontation if the more serious sanctions are initiated by the Governing body or local authority, as appropriate.

## **Introduction**

As a general rule, schools are orderly, safe places, where relationships between staff and visitors, especially parents/carers, demonstrate mutual respect and recognition of shared responsibility for pupils' welfare and educational progress. Parental involvement is an important factor in educational success and in dealing with emerging problems at an early stage.

However, on occasion, the behaviour of a few parents/ carers can cause severe disruption or worse, resulting in abusive or aggressive behaviour towards staff, pupils, or other members of the school community

Local authorities are responsible for protecting the health and safety of their staff and pupils in community and voluntary controlled schools. In the case of foundation schools, voluntary aided schools, free schools Independent schools and academies, it is the governing body/board that is responsible. Where reference is made to the local authority (LA) in this document, it should also be read to cover the governing body/board where appropriate.

This document is mainly about dealing with violence, threatening behaviour or abuse by parents of a pupil in a school, including those cases where the parent has been asked not to come onto the premises. Some of the remedies listed are also applicable when dealing with other intruders on school premises.

Violence, threatening behaviour and abuse against school staff or other members of the school community must not be tolerated. All members of the school community have a right to expect that their school is a safe place in which to work and learn. There is no place for violence, threatening behaviour or abuse in schools. Where such behaviour does occur, schools must know that their LA will play a proactive role in taking all possible action to deal with it, in response to the wishes of the school.

In certain circumstances, this will mean the LA taking the lead in initiating action on the school's behalf with the school's support, and in other circumstances we expect the LA to support the school in action that the school itself will initiate.

At all times the common purpose remains clear: to achieve zero tolerance of violence, threatening behaviour or abuse in schools, and to ensure all members of the school community, and all visitors to the school, can be confident that they are operating within a safe environment.

Schools should in the first instance ask their LA for advice on the appropriateness of the remedies available and LAs should, where they have the power to do so, take the lead in initiating action. In circumstances where power does not lie with the LA (eg. under the criminal law) we would expect LAs to support and advise schools and they should remove as much of the burden from them as possible.

## **The Banning Process**

The head teacher will need to assemble the full facts before proceeding, making sure that all those involved in any incidents, or witnesses to those incidents, make a full written record as soon as possible.

Crucial elements:

- write to parent/carer/intruder to record in detail the incident and why it is unacceptable;
- explain that the LA/governing body will consider banning the parent, giving the parent a period in which they may respond in writing giving their version and why they should not be banned;
- tell the parent when a decision will be made.

## **The length of a ban**

The ban should be finite in length, as only the most serious misconduct would justify an indefinite ban.

The duration needs to be sufficient to convey a clear message about the seriousness of the associated misconduct, but not so long as to be disproportionate. The aim should always be to restore “normal” relations as soon as is reasonably practicable.

Even if a ban is permanent, it should be reviewed periodically, taking account of subsequently demonstrated patterns of behaviour.

## **What does a ban achieve?**

- it confirms to a parent that the school will not tolerate misbehaviour;
- shows the school takes health and safety of its staff, visitors and pupils seriously;
- it provides a key element in making it easier to use legal remedies to prevent repeated misconduct, including use of S547 of the 1996 Education Act to enable Police removal and possible prosecution of those on school premises without permission;
- it may form the basis for an application for an injunction to curtail repeated instances of misbehaviour.

## **Parental Rights**

Every attempt should be made to maintain normal communications with parents/carers, including giving them the opportunity to participate in elections for parent governors, say.

Even where a parent/carer has been banned from the school premises, they retain their right to an annual consultation in relation to the educational progress of their

child/ren. However, the school may determine who will be present at the meeting (e.g. a senior member of staff might accompany the class teacher) and its location (e.g. it may well be arranged off site). GI04 Managing Violent and Abusive Visitors to Schools

The interests of the child should continue to be paramount.

### **Section 547, Education Act 1996**

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

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

A person who nevertheless persists in entering the school premises and displaying unreasonable behaviour may be removed (by the Police if necessary) and prosecuted under section 547.

The LA may take the lead in authorising the removal of a person believed to be causing or permitting a nuisance or disturbance and may bring proceedings against them. Where the head teacher wishes this to happen we would expect the LA to do this. Both in relation to authorisation and prosecution, the LA must first obtain the consent of the school's governing body where a foundation, voluntary or foundation special school is involved.

In the case of an academy, an independent school, a foundation school, a voluntary aided school and a foundation special school, the governing body/board can independently authorise the removal of someone from the premises and may also authorise a person to bring proceedings against that individual. Additionally, in all situations the police are authorised to remove someone from school premises and to bring proceedings for an offence under this section.

It is not set down in law how a person should be authorised. Good practice suggests that this is done in writing. Schools should clarify who has been authorised to remove anyone causing a disturbance, and they should ensure they have received appropriate training. GI04 Managing Violent and Abusive Visitors to Schools

Schools wishing action to be taken against someone they believe has committed an offence under s547 should contact their LA as appropriate. If the police have been involved the school should clarify whether the police intend to summons or charge and whether the Crown Prosecution Service has decided that there is sufficient evidence to prosecute. In most cases it will be in the public interest to prosecute if there is sufficient evidence to support a prosecution.

## **SECTION B**

### **Tonbridge Federation Policy on managing aggressive behaviour from parents and visitors to our school**

#### **Statement of principles**

The governing body of The Tonbridge Federation encourages close links with parents and the community. It believes that pupils benefit when the relationship between home and school is a positive one.

The vast majority of parents, carers and others visiting our school are keen to work with us and are supportive of the school. However, on the rare occasions when a negative attitude towards the school is expressed, this can result in aggression, verbal and or physical abuse towards members of school staff or the wider school community.

The governing body expects and requires its members of staff to behave professionally in these difficult situations and attempt to defuse the situation where possible, seeking the involvement as appropriate of other colleagues. However, all members of staff have the right to work without fear of violence and abuse, and the right, in an extreme case, of appropriate self defence.

We expect parents and other visitors to behave in a reasonable way towards members of school staff. This policy outlines the steps that will be taken where behaviour is unacceptable.

Types of behaviour that are considered serious and unacceptable and will not be tolerated:

- shouting at members of the school staff, either in person or over the telephone;
- physically intimidating a member of staff, e.g. standing very close to her/him;
- the use of aggressive hand gestures;
- threatening behaviour;
- shaking or holding a fist towards another person;
- swearing;
- pushing;
- hitting, e.g. slapping, punching and kicking;
- spitting;
- driving with excessive speed;

- breaching the school's security procedures.

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

**Unacceptable behaviour may result in the local authority and the police being informed of the incident.**

### **Procedure**

If a parent/carer behaves in an unacceptable way towards a member of the school community, the Executive Principal, Head of School or appropriate senior staff will seek to resolve the situation through discussion and mediation. If necessary, the school's complaints procedures should be followed. Where all procedures have been exhausted, and aggression or intimidation continue, or where there is an extreme act of violence, a parent or carer may be banned by the Head of School from the school premises for a period of time, subject to review.

In imposing a ban the following steps will be taken:

1. The parent/carer will be informed, in writing, that she/he is banned from the premises, subject to review, and what will happen if the ban is breached, e.g. that police involvement or an injunction application may follow
2. Where an assault has led to a ban, a statement indicating that the matter has been reported to the local authority and the police will be included
3. The chair of governors will be informed of the ban
4. Where appropriate, arrangements for pupils being delivered to, and collected from the school gate will be clarified.

### **Conclusion**

The local authority itself may take action where behaviour is unacceptable or there are serious breaches of our home-school code of conduct or health and safety legislation.

In implementing this policy, the school will, as appropriate, seek advice from the Local Authority's education, health and safety and legal departments, to ensure fairness and consistency.

## **Annex 1 – Example Incident report form**

Relevant incidents include trespass, nuisance or disturbance on school premises, verbal abuse, sexual or racial abuse, threats, aggression, physical violence and intentional damage to property. Where possible, the form should be completed before any discussion between witnesses is possible, as this might lead to allegations of collusion.

This form should be completed as fully as possible please, using a continuation sheet, if necessary. For any incident involving or witnessed by a pupil or parent/carer/visitor, a member of staff should complete the form on their behalf.

The completed form should be passed to the Head of School, for appropriate action and recording.

**Date of incident**

**Time of incident**

**Name of person reporting incident**

**Date incident reported**

**Member of staff recording incident**

**Date incident recorded**

**Name(s) of person(s) causing incident**

(where name(s) is/are unknown, provide other details of which may allow their identification)

**Status(es)** (parents/carers/visitors/trespassers)

**Full description of incident** (e.g. names of persons involved; location; nature of any injuries; attendance of emergency services) GI04 Managing Violent and Abusive Visitors to Schools

Names of any witnesses Statuses

**Initial action/outcome** (e.g. Informal conciliation; police intervention; warning or banning letter issued)

**Summary of subsequent actions taken by the school, including risk assessments**

**Linked incidents** (if any)

**Annex 2 - Example Warning letter, from the Head of School to a parent/carer with child/ren at the school**

Dear .....

I have received a report about your conduct at the school on **(enter date and time)**.

**(Add factual summary of the incident and of its effect on staff, pupils, other parents.)**

I must inform you that the Tonbridge Federation Governing Body will not tolerate conduct of this nature on its premises and will act to protect its staff and pupils.

Therefore if, in the future, I receive any reports of conduct of this nature I will be forced to consider removing your licence to enter the school grounds and buildings. If you do not comply with that instruction I will be able to arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted under this section, you are liable to a fine of up to £500.

Nevertheless, I wish to give you an opportunity to give me in writing any comments or observations of your own in relation to the report which I have received about your conduct. These comments may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct. To enable me to take a decision on this matter at an early point, you are asked to send me any written comments you wish to make by **(state date ten working days from the date of letter)**.

Yours sincerely,

**Annex 3 – Example Banning Letter, from the governing body to a parent/carer with child/ren at the school)**

Dear .....

I have received a report from the head teacher at **(insert name)** School about your conduct on **(enter date and time)**.

**(Add factual summary of the incident and of its effect on staff, pupils, other parents.)**

I must inform you that the Tonbridge Federation Governing Body will not tolerate conduct of this nature on its premises and will act to protect its staff and pupils. On the advice of the head teacher I am therefore instructing that until ..... **(add date)** you are not to reappear on the premises of the school. If you do not comply with this instruction I may arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted under this section, you are liable to a fine of up to £500.

**In the case of a primary school include:**

For the duration of this decision you may bring your son(s)/daughter(s) **(complete as appropriate)** to school and collect them/him/her (delete as appropriate) at the end of the school day, but you must not go beyond the school gate.

**In the case of infant children, also insert**

Arrangements have been made for your **(delete as appropriate)** son(s)/daughter(s) (insert child/rens names) to be collected, and returned to you, at the school gate by a member of the school's staff.

The withdrawal of permission for you to enter the school premises takes effect straightaway. However, I still need to decide whether it is appropriate to confirm this decision. Before I do so, I wish to give you an opportunity to give me in writing any comments or observations of your own in relation to the report which I have received from the head teacher. These comments may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct. To enable me to take a decision on this matter at an early point, you are asked to send me any written comments you wish to make by **(state date ten working days from the date of letter)**.

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

In any event, the decision to withdraw your licence to enter the school premises will be reviewed by ..... (complete as appropriate). That review will take account of any representations that you may have made and of your subsequent conduct.

Yours sincerely,  
Chair of governing body

**Annex 4** – Example Banning Letter, from the governing body: to member of the public

Dear .....

I have received a report from the head teacher at **(insert name)** school about your conduct on **(enter date and time)**.

**(Add factual summary of the incident and of its effect on staff, pupils, other parents.)**

I must inform you that the Tonbridge Federation Governing Body will not tolerate conduct of this nature on its premises and will act to protect its staff and pupils. On the advice of the head teacher I am therefore instructing that you are not to reappear on the premises of the school. If you do not comply with this instruction I may arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted, you are liable to a fine of up to £500.

Yours sincerely,  
Chair of governing body

## Annex 5 - Useful websites

### **The Department for Education's school security website.**

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

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

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

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

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

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

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

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

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

### **The HSE RIDDOR website.**

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

### **NAHT guidance "Social Networking Websites"**

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