OMBERSLEY ENDOWED FIRST SCHOOL POLICY ON MANAGING VIOLENT AND ABUSIVE VISITORS

STATEMENT OF PRINCIPLES

The governing body of Ombersley Endowed First School encourages close links with parents and the community. It believes 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. 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.

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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 that will not be tolerated are as follows:

- 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 them)
- 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
- Breaching the school's security procedures.

This is not an exhaustive list; it seeks to provide illustrations of such behaviour. Unacceptable behaviour may also result in the employing body and the police being informed of the incident.

Procedure to be followed

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

In imposing a ban, the following steps will be taken:

1. The parent/carer will be informed, in writing, that they are banned from the school's premises, subject to review, and what will happen if the ban is breached e.g. police involvement or an injunction application may follow
2. Where an assault has led to a ban, a statement indicating the matter has been reported to the employing body 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 gates will be clarified.

Conclusion
The employing body may take action where behaviour is unacceptable, or there are serious breaches of a home-school code of conduct or health and safety legislation. In implementing this policy, the school will, as appropriate, seek advice from the employing body's education, health and safety, and legal departments to ensure fairness and consistency. The policy will be reviewed annually.

Signed .....

Date:

Chair of the governing body
Date .....

Legal remedies for violence or abuse against members of a school community

As well as invoking section 547 of the Education Act 1996 (described earlier in this advice), the following two vehicles may be used by an LA on a school's behalf.

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 or bring civil proceedings against the parent.

Anti-Social Behaviour, Crime and Policing Act 2014

This replaces the provisions of anti-social behaviour orders under the Crime and Disorder Act 1998. Powers conferred by the 2014 Act include the following:

The injunction to prevent nuisance and annoyance

This is a civil injunction available in the County Court for adults and the youth court for 10 to 17-year-olds. A wide range of agencies, including the police and local councils, can apply for these. There is a two-stage test to obtain the injunction: the court must first be satisfied that an individual has engaged in or threatens to engage in conduct capable of causing nuisance and annoyance, and it must also be satisfied that it would be just and convenient to grant the injunction. A power of arrest can be attached to an injunction if the perpetrator had used or threatened violence, or if there is a significant risk of harm to others. There is no minimum or maximum term for an injunction for adults, but in the case of those younger than 18s, the maximum term is 12 months. Breach of an injunction by an adult is a civil contempt of court and could result in imprisonment of up to two years.

The criminal behaviour order

This is for the most seriously anti-social individuals and can be applied for on conviction for any criminal offence in any criminal court. Only the prosecutor, in most cases the Crown Prosecution Service, can apply for these. In granting such an order, the court must be satisfied the offender has committed behaviour causing harassment, alarm and distress. Breach of a criminal behaviour order by an adult is a criminal offence and could result in imprisonment of up to five years.

The police dispersal power

This enables officers to require a person, who has committed or is likely to commit anti-social behaviour, to leave a specified area and not return for up to 48 hours. A police officer of at least the rank of superintendent must authorise the use of such powers, in a particular area, and for a particular amount of time. Breach of a direction is a criminal offence.

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The community protection notice

This is for dealing with a particular problem of anti-social behaviour negatively affecting the community, such as graffiti or littering. The notice can be issued by the police, council officers and social landlords (if designated by the council) to stop persistent, unreasonable behaviour that is detrimental to the amenity of the locality or is having a negative impact on the local community's quality of life. Breach of a notice is a criminal offence.

The public spaces protection order

Councils can issue such an order after consultation with the police, and it has flexibility in the restrictions and requirements they set. The behaviour being restricted has to have a detrimental effect on the quality of life of those in the locality, be persistent or continuing in nature, and be unreasonable. Orders can be enforced by police officers, police community support officers and council officers, and the breach of such an order is a criminal offence.

The closure power

This provides the police or council the ability to close premises quickly for 48 hours if there is (likely to be) a public nuisance. The police or council can then apply to the magistrates' court if they wish to extend this closure period beyond 48 hours and up to six months in the event that the nuisance is persistent. Breach of a closure notice is a criminal offence.

The local authority or governing body has responsibilities as an employer (The Health and Safety at Work Act 1974, sections two and three) 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 local authority or governing body will do this. Local authorities or governing bodies should ensure they are familiar with the relevant legislation and their powers under it.

Protection from Harassment Act 1997

This Act is more informally described as anti-stalking legislation, although it's not only used for that purpose, and despite containing no actual mention of the word "stalking". 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 that 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 two 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 four 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 two or section four offences, a higher level of sanction applies under section 32 of the Crime and Disorder Act 1998.
Section three of the Act provides for a civil route in relation only to the section two and four offences. The level of proof is lower for the civil proceedings because 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.

Protection of Freedoms Act 2012

Under this Act, it is an offence to "pursue a course of conduct which you know or ought to know amounts to harassment of another, and where the conduct amounts to stalking". Stalking is not specifically defined, but a series of indicative behaviours are listed that includes the following:

- Following a person
- Contacting, or attempting to contact, a person by any means
- Publishing any statement or other material (i) relating or purporting to relate to or (ii) purporting to originate from a person
- Monitoring the use by a person of the internet, email or any other form of electronic communication
- Loitering in any place (whether public or private)
- Interfering with any property in the possession of a person
- Watching or spying on a person.

The Act also introduced a further offence of stalking that either causes fear of violence on two occasions or that causes serious alarm or distress, which has a substantial adverse effect on the person's usual day-to-day activities. According to the Home Office Circular 018/2012, such effects may include the following:

- The victim changing their routes to work, work patterns or employment
- The victim arranging for friends or family to pick up children from school (to avoid contact with the stalker)
- The victim putting in place additional security measures in their home
- The victim moving home
- Physical or mental ill-health
- The victim's deterioration in performance at work because of stress
- The victim stopping or changing the way they socialise.

The above offence takes the law on stalking further than the provisions under the Protection from Harassment Act 1997.

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Criminal Damage Act 1971

Under this act, if a parent/carer destroys or damages property belonging to the school or a teacher, they 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, up to three months' imprisonment or both. If the damage is higher than £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, not more than six months' imprisonment or both. In the Crown Court, the penalty is an unlimited fine, ten years' imprisonment or both. Where the criminal damage is committed with 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 that carries higher maximum penalties (Crime and Disorder Act 1998, section 30).

Common Assault

Where a member of staff is assaulted by a parent/carer and a minor injury is caused, the parent/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/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, six months' imprisonment or both. The maximum penalty for racially aggravated assault is six months' imprisonment, a fine up to £5,000 or both, in the Magistrates' Court. In the Crown Court, it is an unlimited fine, two years' imprisonment or both.

Assault Occasioning Actual Bodily Harm

Under section 47 of the Offences Against the Persons Act 1861, a parent/carer can be charged with assault occasioning actual bodily harm when a 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, 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 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 five, 4A and four) are heard within the Magistrates' Court.

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

Section 4A creates an intentional form of this offence.
Where there is a fear or provocation of violence, section four is more serious. The maximum sentence for section five is a fine up to £1,000. The maximum sentence for section four or 4A is a term of imprisonment not exceeding six months, 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 three 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 their safety; the threat cannot be made by the use of words alone. In the Magistrates' Court, the maximum penalty is six months' imprisonment, 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 local authority 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 to ensure 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 the school's 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 the school's premises will be guilty of an offence unless they can prove a statutory defence. The maximum penalty on conviction on indictment for carrying a knife is two years' imprisonment, an unlimited fine or both. The maximum penalty on conviction on indictment for carrying an offensive weapon is four years' imprisonment, 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 that has a blade or is sharply pointed. A folding pocket knife with a blade smaller than three inches long is, however, excepted, but 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 the school's 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

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Police mainly in respect of pupils. These require the agreement of the person to an acceptable level of beh