

## UNACCEPTABLE, VIOLENT & ABUSIVE BEHAVIOUR BY ADULTS POLICY

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### Introduction

St Joseph's Catholic Primary School encourages close links with parents and the community. We believe pupils benefit when the relationship between home and school is a positive one. The governing body recognise that this school is built on faith and expects high standards of behaviour from the whole community befitting the tenets of a church school.

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 very 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.

Staff are expected 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. At all times the common purpose remains clear: to achieve zero tolerance of violence, threatening behaviour or abuse, 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.

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 or threatening behaviour;
- Shaking or holding a fist or finger towards another person; • Swearing;
- Pushing;
- Hitting, e.g. slapping, punching and kicking;
- Spitting;
- Discriminatory comments;
- Breaching the school's security procedures;
- Aggressive and threatening phone calls or emails;

- Aggressive or threatening behaviour towards staff or their families via social media;
- Making harmful social media posts which damage the school or individual members of the school community;
- Behaving in an intimidatory way, physically or verbally, on or around the school site. 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 to be followed:**

If a parent/carer behaves in an unacceptable way towards a member of the school community, the headteacher or appropriate senior member of 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 headteacher from the school premises for a period of time, subject to review.

The government guidelines – [Controlling Access to School Premises](#) remind the community that schools are private property. People do not have an automatic right to enter. Parents have an 'implied licence' to come on to school premises at certain times, for instance:

- for appointments
- to attend a school event
- to drop off or pick up younger children.

The guidelines go on to make it clear that schools can bar someone from the premises if they feel that their aggressive, abusive or insulting behaviour or language is a risk to staff or pupils. It's enough for a member of staff or a pupil to feel threatened.

Under the guidelines the school should tell an individual that they've been barred or they intend to bar them, in writing. Letters should usually be signed by the headteacher, though in some cases the local authority may wish to write instead. The individual must be allowed to present their side. A school can either:

- bar them temporarily, until the individual has had the opportunity to formally present their side;
- tell them they intend to bar them and invite them to present their side by a set deadline.

After the individual's side has been heard, the school can decide whether to continue with barring them. The decision should be reviewed within a reasonable time, decided by the school. Section 547 of the Education Act 1996 makes it a criminal offence for a person who is on school premises without legal permission to cause or permit a nuisance or disturbance. Trespassing itself does not constitute a criminal offence. To have committed a criminal offence, an abusive individual must have been barred from the premises or have exceeded their 'implied licence', then also have caused a nuisance or disturbance.

If a school has reasonable grounds to suspect that someone has committed an offence, then they can be removed from the school by a police officer or a person authorised by the appropriate authority such as the governing board or local authority.

**In imposing a ban at St Joseph's Catholic Primary School the following steps will be taken:**

- The parent/carer will be informed, in writing, that they are 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.
- 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.
- The chair of governors/LA will be informed of the ban
- Where appropriate, arrangements for pupils being delivered to, and collected from the school gate will be clarified.

### **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. 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).

### **Options for the headteacher**

After evaluating all available information, and any other relevant factors, there are several actions the headteacher may wish to take. These can include:

1. Inviting the parent to a meeting to discuss events - This could be helpful where a planned and structured meeting has either not been held before or has previously been productive. Skilled facilitators may need to be used. A full restorative meeting may be considered, but if it is not safe to bring all the parties together at a meeting, a restorative process can still take place through the exchange of information. The safety and well-being of those attending such a meeting must be carefully considered. It is strongly recommended that members of school staff should be accompanied by at least one other colleague at any such meeting. Consideration should be given to the seating arrangements, and care taken to ensure exits cannot be blocked by a parent who could potentially become aggressive. The main points of discussion and any agreed actions should be noted, and a follow-up letter sent to confirm the school's expectations and any agreed actions. Some parents may covertly record meetings and then

seek to use the information obtained to support their case, and therefore schools should state explicitly that information obtained without permission will not be permissible.

2. Clarifying to the parent what is considered acceptable behaviour by the school. In some instances it may be appropriate simply to ensure the parent is clear about behaviour standards expected by the school. This could be explained at a meeting, or by letter, however any verbal explanation should be followed by a written confirmation of the discussion and the standards of behaviour outlined.
3. Forming strategies to manage future situations of potential conflict. It is sometimes possible to identify situations of potential conflict and to plan for these in a way that minimises potential risks. For example, where a parent persistently engages in arguments with staff in corridors at the beginning or end of the school day, the parent could be informed that any discussions with school staff must be held by prior appointment. Alternatively, the parent may be asked not to approach the class teacher, but should instead arrange to meet the headteacher (or other member of the senior leadership team), who will deal with their concerns. In more serious cases a further option may be to advise the parent that in future their concerns should be dealt with by written communication. Any such arrangements should be confirmed in writing to the parent.
4. Withdrawing permission for the parent to enter the school site and/or buildings. In more serious cases of actual or threatened aggression/violence, or persistent abuse/intimidation, the headteacher may need to consider whether it is safe for the parent to continue to come onto the school site or enter the buildings. In such circumstances, it is strongly recommended that the headteacher first consult with the chair of governors.

### **Calling for police assistance**

In an emergency, police assistance should be sought. In cases where a ban is in place but is ignored and the person comes onto the school site, the police should be notified immediately. (Staff will need to be aware of the ban and have agreed procedures in place should the person come onto the school site).

In situations where there is no immediate threat to staff, pupils, other members of the school community or the school's property, the headteacher may still wish to make their local community police officer aware of the situation. The police could give consideration to warning the offender of formal action, which may include legal proceedings.

### **Legal proceedings**

Where individuals persist in coming onto the school site even when permission to do so has been withdrawn, it is possible for legal proceedings to be pursued. The options include:

1. Prosecution under section 547 of the Education Act 1996. This requires substantial evidence to be gathered and presented by the police. Clearly it is not a quick process, and whilst in most cases the threat may prove to be a sufficient deterrent, prosecution can only be seen in the last resort as a punitive measure.
2. Appropriate behaviour contracts. These are voluntary agreements made between people involved in anti-social behaviour, and the agency/school concerned. They are flexible in terms of content and format, and can be an effective means of encouraging young adults, children and parents to take responsibility for unacceptable behaviour. The person named does not always agree with the contract, but it can be used as evidence at a later stage for an application for an antisocial behaviour order. Conditions can be put on the contract, e.g. not to enter school grounds.
3. Anti-social behaviour orders (Crime and Disorder Act 1998). These are most likely to be used where the offender (aged over 10) has acted in a manner which causes harassment, alarm or distress, and is needed to protect others in the same area from similar behaviour.

Anti-social behaviour orders (ASBOs) may be sought by the local authority or the chief officer of police. ASBOs are designed to deal with persistent bad behaviour, and the police will need to show that other options have been tried, or are unsuitable.

4. Restraining orders (Protection from Harassment Act 1997). Section 2 of the Protection from Harassment Act 1997 provides for criminal or civil prosecution, for cases where someone causes alarm or distress to another person on more than two occasions. Section four provides for criminal or civil prosecution where people have been put in fear of violence on at least two occasions. In each case the sanctions include both criminal penalties (fines, imprisonment or community sentences) and a restraining order. These orders are generally quicker and easier to obtain, but are part of a criminal conviction.
5. Prosecution for criminal damage/assault. Prosecutions for causing deliberate damage or injury may occasionally be the most appropriate course of action. If the police are called, the option to make criminal allegations is readily available, and they may arrest suspected offenders there and then. Official allegations should only be made if there is no intention of later withdrawing the complaint. Criminal proceedings can be initiated at a later date. All possible steps should be taken to prevent the loss of evidence. In particular witnesses should be asked to make a record of exactly what they saw and heard at the earliest opportunity.

### **Record keeping**

There will be clear and detailed records of all events which must be kept up to date. Any witness statements (where appropriate) and notes of any subsequent meetings held to discuss the events should also be retained. Notes should be signed and dated.

Any physical evidence should be bagged and labelled, and witnesses should be asked to make a record of exactly what they saw and heard at the earliest opportunity.

It is also advisable to ensure that in every case, even where a formal letter is not required, parents receive a written confirmation of the events and the Headteacher's response. If the police are asked to deal with an incident as a criminal investigation, there are a number of actions that may thwart this process. Witness details should not be made known to suspected offenders or their families. Groups of witnesses or suspects should not be left together, or allowed to discuss what happened, before the police interview them. If in doubt always seek the advice of the police officer first.

### **Support for employees**

If a member of staff is unfortunate enough to be one of the very small, minority subject to serious physical and/or verbal abuse there are a variety of sources of potential support available to them.

In such circumstances the immediate and ongoing support of colleagues will be invaluable.

### **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.

## Appendix A

### **Guidance for staff on dealing with abusive or threatening behaviour**

#### **Dealing with abusive telephone calls**

Sometimes staff may have to deal with challenging, abusive, aggressive or threatening telephone calls. It is unacceptable for any member of staff to be subjected to such abuse but staff may not know how to handle such a telephone call. This guidance has been produced to assist staff if they are faced with such a situation.

To reduce the likelihood of callers becoming abusive staff should conduct themselves in a courteous and professional manner and make every attempt to meet the needs of the caller. Staff should also have the confidence that it is acceptable to end an abusive telephone call.

#### *Always*

- Remain calm and polite
- Stay in control of the situation
- Actively listen – repeat information back to the caller to test understanding of the issue and gain their agreement
- Inform the caller they are trying to help them
- Be positive and say what you can do
- Be clear and avoid using jargon
- If necessary, apologise for an error and take action to put it right
- If you have to go and get some information, let the caller know why you are putting them on hold and do not leave them on hold for a long time. Update them as necessary
- Make notes of the conversation
- Follow the procedure below if appropriate
- Refer to the caller to the Headteacher, deputy etc.

#### *Never*

- Respond in the same manner as an abusive caller
- Take it personally • Allow yourself to be bullied • Slam the phone down.

#### *Script for abusive telephone calls*

When the caller starts to raise their voice/be abusive:

Mr/Mrs/Ms...please don't raise your voice/swear at me, I am not raising my voice/being rude to you. If you continue to raise your voice/be rude to me then I will be forced to terminate the call.

When the caller continues to raise their voice/be abusive:

Mr/Mrs/Ms..... I understand you are upset/frustrated however I am not prepared to continue to be shouted/sworn at so you can either call back when you have calmed down or if you prefer you can put your views in writing.

If, despite the two warnings above, the caller continues to raise their voice/be abusive: Mr/Mrs/Ms.... I advised you earlier during this call about raising your voice/swearing and you have continued to do this, so I am afraid I am going to have to terminate this call. Hang up.

Further actions:

Make a written note of the telephone call or report the incident a member of the Senior Leadership Team.

### **Abuse/bullying using cyber technology**

This section should be read in conjunction with the Anti-Bullying Policy.

Staff may become targets of cyber abuse/bullying and, like other forms of bullying, it can have a significant impact on their health, well-being and self-confidence. Protecting staff from abuse is best done within a prevention framework, including whole school policies and appropriate practices.

Cyber abuse/bullying may consist of threats, harassment, embarrassment, humiliation, defamation or impersonation. It may take the form of general insults, or prejudice based abuse, e.g. homophobic, sexist, racist or other forms of discrimination. It may involve email, virtual learning environments, chat rooms, websites, social networking sites, mobile and fixed-point phones, digital cameras, games and virtual world sites.

Abuse using cyber technology can occur at any time and incidents can intrude into the victim's private life. The audience for such messages can be very large and can be reached rapidly. The content of electronically forwarded messages is hard to control and the worry of content resurfacing can make it difficult for the victim to move on.

St Joseph's Catholic Primary School has a zero tolerance policy towards direct or indirect harassment or assault against any member of staff, volunteers and governors. This includes the use of social media and other forms of electronic communications to facilitate the act.

### **Cyberbullying and the law**

While there is not a specific criminal offence called cyberbullying, activities can be criminal offences under a range of different laws, including:

- The Protection from Harassment Act 1997
- The Malicious Communications Act 1988
- Section 127 of the Communications Act 2003
- Public Order Act 1986
- The Defamation Acts 1952 and 1996

It is the duty of every employer to ensure, so far as reasonably practicable, the health, safety and welfare at work of all employees. Incidents that are related to employment, even those taking place outside the hours or place of work may fall under the responsibility of the employer.

### **Responding to cyber-bullying incidents**

Staff should never retaliate i.e. personally engage with cyberbullying incidents:

- Keep any records of abuse – texts, emails, voice mails, or instant messages. Take screen prints of messages or web pages. Record the time, date and address of the site.
- Inform the appropriate person e.g. headteacher at the earliest opportunity.
- Where the perpetrator is known to be a current pupil or co-worker, this should be dealt with through the school's own behaviour management / disciplinary procedures.
- If a potential criminal offence has been committed and the school is not able to identify the perpetrator, the police may issue a Regulation of Investigatory Powers Act 2000 (RIPA) request to a service provider, enabling them to disclose the data about a message or the person sending it.

### **Getting offensive content taken down**

Where online content is upsetting/inappropriate and the person(s) responsible for posting is known, the quickest way to get material taken down is likely to be to ensure that the person who posted it understands why the material is unacceptable and to request that they remove it.

If the person responsible has not been identified, or will not take the material down, the school will need to contact the host (i.e. the social networking site) to make a request to get the content taken down. The material posted may breach the service provider's terms and conditions of use and can then be removed.

It is important to be clear about where the content is – for example by taking a screen capture of the material that includes the URL or web address. If you are requesting they take down material that is not illegal, be clear how it contravenes the site's terms and conditions.

In cases of actual/suspected illegal content, the school should contact the police.