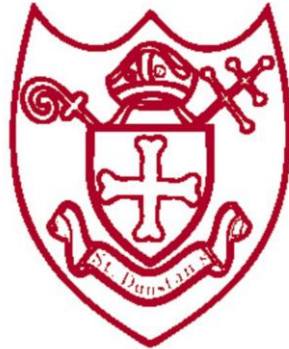


# **St Dunstan's Catholic School**



## **Policy for Dealing with Unacceptable Behaviour on School Premises**

<b>Section 1: Introduction</b>	<b>3</b>
<b>Section 2: Permission to enter and be on the school's premises</b>	<b>4</b>
<b>Section 3: Withdrawal of permission to enter and be on the school's premises</b>	<b>4</b>
<b>Section 4: Other criminal offences</b>	<b>5</b>
<b>Section 5: The procedure for withdrawing implied permission to be on the school's premises</b>	<b>6</b>
<b>Section 6: Prohibiting third parties from entering and being on the school's premises</b>	<b>8</b> <b>8</b>
<b>Section 7: Publication and review</b>	<b>8</b>
<b>Appendices</b>	<b>9</b>
<b>Appendix 1: Template letter to parent warning before imposing ban</b>	<b>10</b>
<b>Appendix 2: Template letter to parent imposing interim ban on entering school premises</b>	<b>11</b>
<b>Appendix 3a: Template letter to parent confirming ban on entering school premises (after interim ban)</b>	<b>13</b>
<b>Appendix 3b: Template letter to parent lifting ban on entering school premises (after interim ban)</b>	<b>15</b>
<b>Appendix 4a: Template letter to parent confirming ban on entering school premises (following further review)</b>	<b>16</b>
<b>Appendix 4b: Template letter to parent lifting ban on entering school premises (following review)</b>	<b>18</b>
<b>Appendix 5: Template letter to member of public imposing ban on entering school premises</b>	<b>19</b>

### 1.1 Expectations

The vast majority of parents, guardians and other visitors are supportive of the school, its staff, its students, their parents and other visitors, and act in a reasonable way, ensuring that the school is a safe, orderly environment in which students can learn. Occasionally, however, a negative attitude is expressed in an aggressive, orally or physically abusive way towards members of the school community which is unacceptable and will not be tolerated.

The school requires its staff to behave professionally in these difficult situations, attempting to defuse the situation wherever possible, and to seek the involvement of other members of staff as appropriate. However, all teachers and members of staff have the right to work without fear of harassment, violence, intimidation or abuse.

The school expects parents and other visitors at all times to behave in a reasonable way towards all members of the school community, complying with the Schools Code of Conduct for Parents, Carers and Visitors. This policy outlines the steps that will be taken where the behaviour displayed falls below the standard that the school expects and therefore will not be tolerated. If behaviour falls below the required standard, then the school may take steps to bar visitors (including parents) from the school site/premises and/or restrict communication with school staff.

### 1.2 Unacceptable behaviour

The types of behaviour which are unacceptable and will not be tolerated are:

- shouting, either in person or over the telephone;
- using intimidating language or behaviour in person, in written communication (such as emails or letters), or on online social media platforms (including but not limited to Facebook, Twitter, LinkedIn, YouTube, WhatsApp);
- using threatening language or behaviour in person, in written communication (such as emails or letters), or on online social media platforms (including but not limited to Facebook, Twitter, LinkedIn, YouTube, WhatsApp);
- using abusive language or behaviour in person, in written communication (such as emails or letters), or on online social media platforms (including but not limited to Facebook, Twitter, LinkedIn, YouTube, WhatsApp);
- using insulting language or behaviour in person, in written communication (such as emails or letters), or on online social media platforms (including but not limited to Facebook, Twitter, LinkedIn, YouTube, WhatsApp);
- using defamatory language or language which could cause unjustified reputational damage to the school, its staff or governors, in person, in written communication (such as emails or letters) or on online social media platforms (including, but not limited to Facebook, Twitter, LinkedIn, YouTube, WhatsApp);
- using aggressive or offensive hand gestures;
- shaking or holding a fist towards another visitor or member of staff on the school premises;
- swearing;
- pushing, shoving or jostling;
- hitting, slapping, punching or kicking;
- spitting;
- any other behaviour likely to cause anybody witnessing it (including the recipient) alarm, distress or to fear that violence may be used against them or others.

This is not an exhaustive list but seeks to provide illustrations of such behaviour. If parents or other visitors have a concern or complaint about the school, then the appropriate route for such issues to be resolved efficiently and effectively is to raise a complaint in line with St Dunstan's Catholic School's complaints policy which is available on the school's website.

## **Section 2: Permission to enter and be on the school's premises**

### **2.1 Permission**

Parents have an 'implied permission' to enter and be on the school's premises for reasons relating to their child's/children's education. This means that parents are welcome to come to the school to drop off and collect their children, to speak to teachers and other members of staff about their children, or to attend meetings, parents' evenings and social events. Parents do not have a legal right to enter or be on the school's premises without a good reason.

Other visitors also have an 'implied permission' to enter and be on the school's premises if they have a reason, for example a courier or delivery person, or a member of the public attending the school's office to make enquiries about something. Members of the public without a good reason for entering or being on the school premises are trespassing.

### **2.2 Definition of a parent**

In education law, the term 'parent' includes the natural or adoptive parents of a student, as well as a non-parent with care of a student and a non-parent with parental responsibility of a student. For the purposes of this policy only, the term 'parent' will also include a non-parent who does not have care of or parental responsibility for a student, but who is involved in looking after a student on a regular basis (for example, a childminder, non-resident partner of a parent or relative who takes the student to or from school, is involved with the care of the student in some other way, or a person whose emergency contact number we have been provided with).

### **2.3 Trespassing**

Trespassing is a civil offence. The school can take action to stop trespassing, including refusing entry or calling the police to remove a trespasser from the school's premises. If a parent or visitor is a persistent trespasser, then the school will first write to the trespasser to advise them of a potential offence. The school can also take civil action through the court to stop persistent trespassing.

## **Section 3: Withdrawal of permission to enter and be on the school's premises**

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### **3.1 Right to withdraw permission**

The school has the right to withdraw the 'implied permission' for a parent or visitor to enter or be on the school's premises if their behaviour does not meet the standards set out in this policy. The withdrawal of the 'implied permission' will be effective as soon as the parent or other visitor has been told that they must leave and are prohibited from returning, and will be confirmed in writing by recorded delivery if the home address is known. The full procedure that the school will follow is outlined in further detail below.

### **3.2 Contacting the police**

Once the 'implied permission' has been withdrawn, the school will ask the police to remove the parent or visitor if they appear on the school's premises. If the parent or visitor causes a nuisance or disturbance while they are on the school's premises, they may also be prosecuted in the criminal courts under Section 547 of the Education Act 1996, be liable to pay a fine of up to £500.00 and have a criminal conviction recorded against them.

### **3.3 Alternative arrangements**

Where a parent has had their 'implied permission' to enter and be on the school's premises withdrawn, the school and the parent should make alternative arrangements for their child or children to be dropped off and collected from the school, and in relation to parents' evenings and other meetings.

## Section 4: Other criminal offences

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### 4.1 Criminal offences

In addition to the criminal offence under Section 547 of the Education Act 1996, outlined in Section 3.2, unacceptable behaviour by a parent or visitor can also amount to several other forms of criminal offence. Some of these criminal offences relating primarily to unacceptable physical behaviour are listed below:

#### 4.1.1 Common Assault

This is committed when a member of the school community has been assaulted and no injury or very minor injuries have been caused. The offence is more serious if it is racially aggravated by the words or behaviour used just before or during the assault.

#### 4.1.2 Assault occasioning Actual Bodily Harm

This is committed when a member of the school community has been assaulted and slightly more serious injuries have been caused by falling short of fractures or deep wounds. The offence is more serious if it is racially aggravated by the words or behaviour used just before or during the assault.

#### 4.1.3 Grievous Bodily Harm

This is committed when a member of the school community has been assaulted and serious injuries have been caused such as fractures or deep wounds. The offence is more serious if it is racially aggravated by the words or behaviour used just before or during the assault, and there are two forms of the offence; intention to cause the injury (the more serious of the two) and being reckless as to causing the injury.

#### 4.1.4 Public Order Offences

This group of offences are committed when a parent or visitor has used threatening, abusive or insulting words or behaviour likely to cause harassment, alarm or distress; or likely to cause fear of violence; or with intent to cause fear of violence; or using or threatening unlawful violence likely to make those witnessing the incident fear for their safety.

#### 4.1.5 Criminal Damage

This is committed when a parent or visitor has destroyed or damaged property belonging to the school or a member of the school community, intending to do so or being reckless as to doing so. The offence is more serious where the damage was caused by fire, or there was an intention or recklessness as to endangering life.

#### 4.1.6 Possession of an Offensive Weapon or Bladed Article on School Premises

This is committed when a parent or visitor enters the school's premises with a knife or an offensive weapon. It does not matter if the parent or visitor intended to use the knife or weapon.

### 4.2 Criminal offences relating to social media

There are also criminal offences relating specifically to unacceptable behaviour on social media. Some of these offences include:

#### 4.2.1 Harassment

This is committed when a member of school staff is subjected to a course of conduct by a parent or visitor that causes them distress or alarm. This could include online acts of trolling or cyber-bullying that could result in criminal offences, which could result in 6 months imprisonment or an unlimited fine. If the harassment also puts a member of school staff in fear of violence, then there are more serious consequences such as a potential for 5 years in prison.

#### 4.2.2 Communications Act 2003 Offence

This is committed when a parent or visitor uses a public electronic communications equipment to

send a message that is false, grossly offensive, or of an indecent, obscene or menacing character. If found guilty of an offence, there is a punishment of either an imprisonment term not exceeding 6 months, an unlimited fine, or both.

#### **4.2.3 Malicious Communications Act 1988 Offence**

This is committed when a parent or visitor sends communications (including messages sent online through social media website or letters) that convey a threat, a grossly offensive or indecent message, or false information, and the intention of the sender is to cause distress or anxiety to the reader or recipient. Under the relevant legislation relating to this offence, there is no requirement for the communication in question to reach the intended recipient; it is the act of publishing or sending the communication and the intention to cause distress that counts. The offence is punishable by imprisonment or a fine.

#### **4.3 Reporting to the police**

Where the school believes that a parent or visitor's conduct would amount to a criminal offence, the school will report the incident to the police for immediate investigation and prosecution. The school will co-operate fully with the police, including encouraging teachers and other members of staff to provide witness statements and to attend court to give evidence at a trial.

### **Section 5: The procedure for withdrawing implied permission to be on the school's premises**

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The initial decision to withdraw 'implied permission' will be made by the Headteacher or, in the Headteachers absence from school, the Deputy Headteacher. The decision will be reviewed on a regular basis by the Chair of Governors, who can delegate this task to another Governor in appropriate cases.

#### **5.1 Stage 1 - warning letter from a senior leader before implied permission withdrawn**

Where a parent or visitor has behaved in a way which is unacceptable to the school for the first time, they are likely to receive a letter warning them that, if the behaviour is repeated, their 'implied permission' to enter and be on the school's premises will be withdrawn. A member of the school's senior leadership team will send a letter (Appendix, Letter 1) to the parent or visitor confirming the warning and the consequences of failing to heed it. However, where the unacceptable behaviour is serious and/or amounts to a criminal offence, it is likely that the parent or visitor's 'implied permission' will be withdrawn immediately without warning under Stage 2.

#### **5.2 Stage 2 – letter from Headteacher withdrawing implied permission**

Where a parent or visitor has already received a warning letter under Stage 1 and has behaved in an unacceptable way again, or where a parent or visitor has engaged in serious misconduct as outlined in this policy, their 'implied permission' to enter and be on the school's premises will be withdrawn. If possible, they will be orally informed that they are prohibited from entering or being on the school's premises immediately after the incident or as soon as practicable thereafter. In any event, the Headteacher will send a letter (Appendix, Letter 2) to the parent or visitor confirming the withdrawal of their 'implied permission' and the consequences of failing to comply.

The prohibition will initially last for **ten school days** from the date of the letter. The parent or visitor will be invited to provide written comments within **five school days** of the date of the letter. By the **tenth school day** from the date of the letter, the Chair of Governors will review the Headteachers decision in accordance with Stage 3 (whether or not any written comments have been received) having been provided with all documentation relating to the incident (and any previous incidents), the Headteachers record of the decision and the reasons for it.

### **5.3 Stage 3 – review of Headteachers decision by chair of governors**

The Chair of Governors will, within **ten school days** of the date of the letter notifying the parent or visitor of the Headteachers decision to withdraw their 'implied permission' to enter and be on the school's premises, review the decision made, having considered all documentation relating to the incident (and any previous incidents), the Headteachers record of the decision, the reasons for it, confirmation as to whether the parent or visitor has complied with the instruction, and any written comments received from the parent or visitor.

The Chair of Governors must consider whether the Headteachers decision, made in the immediate aftermath of the incident, was unjustified; whether, although the Headteachers decision was justified at the time, the withdrawal of 'implied permission' for a period of ten school days is sufficient to serve as a warning and to allow the parent or visitor time to reflect upon their past and future behaviour; or whether the Headteachers decision was entirely justified and should be confirmed for further review at a later date.

The Chair of Governors will, by the **tenth school day** of the date of the letter ('**the Review Date**'), write to the parent or visitor confirming whether the decision of the Headteacher has been confirmed or revoked, stating their reasons.

Where the decision has been confirmed, the letter will confirm the date of the next review, which will be for a period of between fifteen and thirty school days, or until the last day of the term or half term period, at the Chair of Governor's discretion, subject to **a maximum period of thirty school days**.

When the decision has been confirmed, the parent or visitor will be invited to provide further written comments **at least five school days** before the date of the next review. These comments should be restricted to the parent or visitor's conduct since the decision was last confirmed or any new consequences of the decision, and should not repeat comments provided previously which the Chair of Governors will already be in possession of.

### **5.4 Stage 4 – further reviews of the decision**

Where the Headteachers decision was confirmed by the Chair of Governors under Stage 3, or the decision has previously been confirmed under Stage 3, the Chair of Governors will carry out a further review of the decision by the **Review Date**, having considered all documentation relating to the incident (and any previous incidents), the Headteachers record of the original decision, the reasons for it, confirmation as to whether the parent or visitor has complied with the instruction since the last review, any written comments provided by the parent or visitor previously, the record of the Chair of Governors' previous review, and any further written comments received from the parent or visitor following the last review.

The Chair of Governors must consider whether, in view of the length of time that the parent or visitor has been prohibited from entering or being on the school's premises, and in light of the parent or visitor's conduct since their 'implied permission' was withdrawn, and in consideration of any genuine assurances given in their written comments as their future conduct, it is now appropriate to revoke the decision to withdraw their 'implied permission' to enter and be on the school's premises.

The Chair of Governors will, by the **Review Date**, write to the parent or visitor confirming whether the decision has been further confirmed or revoked, stating their reasons.

Where the decision has been further confirmed, the letter will confirm the date of the next review, which will be for a period of between fifteen and thirty school days, or until the last day of the term or half term period, at the Chair of Governor's discretion, subject to **a maximum period of thirty school days**.

Where the decision has been further confirmed, the parent or visitor will be invited to provide further written comments **at least five school days** before the date of the next review. These comments should be restricted to the parent or visitor's conduct since the decision was last confirmed or any new consequences

of the decision, and should not repeat comments provided previously which the Chair of Governors will already be in possession of. The procedure under Stage 4 will be followed in relation to all further reviews.

#### **5.5 Extension of time periods**

The time periods stated in the stage process can be extended for extenuating circumstances in particular violent conduct and/or when the school has decided to enact criminal proceedings.

### **Section 6: Prohibiting third parties from entering and being on the school's premises**

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The procedure outlined above relates to parents and visitors who had a valid reason for entering and being on the school's premises. Sometimes, members of the public enter the school's premises when they have no good reason for doing so (for example, they do not have children registered as students at the school, and they are not delivering items or making valid enquiries at the school's office).

Such people do **not** have 'implied permission' to enter and be on the school's premises, and are therefore trespassing. This means that, if they are causing a nuisance or disturbance on the school's premises, they can be prosecuted under Section 547 of the Education Act 1996. In those circumstances, the school will inform the third party that they are trespassing and ask them to leave the school's premises and, in appropriate cases, call the police and support any prosecution for criminal offences which follows.

Although third parties do not have 'implied permission' to enter and be on the school's premises, for the avoidance of doubt, where the address of the third party is known, the Headteacher will write to the third party (Appendix, Letter 5X) warning them of the consequences of reappearing on the school's premises.

### **Section 7: Publication and review**

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This policy will be published on the school's website and reviewed every three years by St Dunstan's Catholic School Governors.