



# Hollinsclough C of E Academy

## Unacceptable, Abusive or Violent Behaviour Policy: 2019

### Mission Statement

*'To encourage the enthusiasm and joy of learning through a creative curriculum and a holistic approach to education that reflects Christian values and supports our community.  
We guarantee accessibility and availability to all.'*

### ***Developing potential***

### **Introduction**

The Governing Body of Hollinsclough CE Academy encourages close links with all parents and the local and wider community.

We believe 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.

Our Governing Body expects and requires its members of staff to behave professionally in these difficult situations and to attempt to defuse these situations where possible, seeking the involvement as appropriate of other colleagues and on occasion outside bodies.

However, all members of staff have the right to work without fear of abuse and or the possibility of violence or the threat of violence. In extreme cases, they have the right to use appropriate self-defence methods and to pursue a full legal redress if they deem it necessary and for the school to support the process of that legal redress.

We expect parents and other visitors to behave in a reasonable way towards all members of school staff, pupils and other parents.

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 verbal or threatening behaviour or physical abuse our school, 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, especially through the use of directed foul and abusive language
- 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 or finger towards another person including aggressive pointing
- Swearing
- Pushing
- Hitting, e.g. slapping, punching and kicking
- Spitting
- Racist or sexist 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

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

Unacceptable behaviour will result in the police being informed of the incident.

### **General Procedure to be followed subject to the nature of the activity causing concern**

If a parent/carer behaves in an unacceptable way towards a member of the school community, the Principal or appropriate senior member of staff will initially seek to resolve the situation through discussion and mediation. If necessary, the school's complaints procedures would be followed.

Where all reasonable attempts have been exhausted, and unwarranted attacks continue, or where there is an extreme act of verbal abuse, violence or the potential for violence, the school reserves the right to ban the perpetrator from the school premises for a period of time, subject to review at the discretion of the school. The timescales involved in defining a ban are also at the sole discretion of the school.

## **When imposing a ban the following steps will be taken:**

- The parent/carer will be informed, in writing/email from Principal/Senior manager, that they are banned from the whole school site, 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 police will be included and that the ban will be permanent.
- In certain circumstances, if the safety of a child or children in the family home is of potential concern – the police will also be advised – especially if anger suggesting the potential for violence has been directed to the child of the parent concerned
- The Chair of governors 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**

We will aim to restore “normal” relations as soon as is reasonably practicable. However, the length of a ban will be subject to the nature of the incident, and will only be reviewed following mediation and a full written apology from the offending party.

The duration of a ban will be sufficient to convey a clear message about the seriousness of the associated misconduct and to convey the school’s resolve in such matters. This timeframe is at the sole discretion of the school.

## **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 pupils, staff and visitors 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 will be made to maintain normal communications with parents/carers via email, including allowing them to participate in elections of parent Governors.

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 will determine who can be present at the meeting. Such meetings will take place off-site using the local Chapel Hall.

## **Options for our Principal**

After evaluating all available information, and any other relevant factors, there are several actions our Principal may wish to take.

### **These can include:**

#### **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 either via email or an independent third party.

The safety and well-being of those attending such meetings will be considered, and in all cases, more than one member of the school staff will be present. All meetings will be recorded and minuted so that the main points of discussion and any agreed actions are clear. A follow-up letter/email will be sent to confirm the school’s expectations and any agreed actions.

#### **Clarifying to the parent what is considered acceptable behaviour by the school**

In some instances, it may be appropriate to simply ensure the parent is clear about behaviour standards expected by the school. For the avoidance of doubt, all communications will be in writing/email outlining standards of behaviour required.

#### **Police Intervention**

In an emergency, police assistance will be sought immediately. This assistance will also be requested if the ban is ignored.

In some circumstances, the Principal reserves the right to make the local police aware that a parent or other adult has been banned.

In such circumstances, the school would expect the police to consider warning the offender of formal action, which may include legal proceedings.

## **Legal proceedings**

In addition to action from the school, where the police have been involved there are other consequences of unacceptable behaviour on school premises, especially where individuals persist in coming onto the school site even when permission to do so has been withdrawn.

**Options through the use of the most appropriate and effective legal frameworks/proceedings will be pursued; these could include;**

### **Prosecution under section 547 of the Education Act 1996**

Evidence gathered is presented to the police.

### **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 anti-social behaviour order. Conditions can be put on the contract, e.g. not to enter school grounds.

### **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 that 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.

### **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 4 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.

### **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.

Legal advice is available via the Trust legal team Browne Jacobson. Our Principal/Senior manager and legal team will decide the most appropriate response.

The sole emphasis will usually be on ensuring safety and security of persons and property, and therefore the injunction route is likely to be the most effective deterrent legal action, it does not necessarily guarantee against the behaviour of the more persistent offender.

## **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, that perpetrator receives a written/email confirmation of the events and the school's response.

If the police are asked to deal with an incident as a criminal investigation, there are several 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 a serious physical assault and/or verbal abuse there are a variety of sources of potential support available to them.

In all circumstances of physical assault or persistent verbal attack or deformation of character, the school will fully support the affected member of staff in pursuing legal redress.

### Implementation of this procedure/policy

Our school will manage the implementation of this procedure/policy with the support and guidance of the DfE and other official bodies when and if required

### General

This procedure/policy and its guidance will always reflect the present and future needs of all stakeholders and to support this we are always open to suggestions for changes and alterations of and to any specific individual provision/requirement to ensure full access to all.

Signed...

Designation: Chair of Governors

Date... January 2019

Signed...

Designation: Principal

Date... January 2019

Staff name	Signature	Date
Janette Mountford-Lees		
Stephen Malbon		
Lynda O'Sullivan		
Carol Malbon		
Heather Brookes		
Emily O'Sullivan		
Mary Gerrard		

# Sample 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 our Principal/Senior manager, for appropriate action and recording.

<b>Date of incident</b>	
<b>Time of incident</b>	
<b>Name of person reporting incident</b>	
<b>Date incident reported</b>	
<b>Member of staff recording incident</b>	
<b>Date incident recorded</b>	
<b>Name(s) of person(s) causing incident</b> (where name(s) is/are unknown, provide other details of which may allow their identification)	
<b>Status(es)</b> (parents/carers/visitors/trespassers)	
<b>Full description of incident</b> (e.g. names of persons involved; location; nature of any injuries; attendance of emergency services)	
<b>Witnesses to the incident:</b>	