

Our Lady of Mount Carmel Catholic Primary School

Parents/Carers/Visitors Behaviour on School Premises Policy

Written By:	SLT, Governing Body
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Amendments	

PURPOSE AND SCOPE

Governors at Our Lady of Mount Carmel are very fortunate to have a supportive and friendly parent community. We recognise that parental involvement is an important factor in educational success and we welcome and encourage parents and carers to participate fully in the life of our school. This partnership between parents and the school demonstrates mutual respect and a recognition of shared responsibility for the pupils' welfare and educational progress.

The vast majority of the parents and carers are keen to work with us and are supportive of the school's work. If a parent or carer has concerns we will always listen and seek to address them at an early stage. We are committed to ensure that Holy Family remains a safe place to learn and work.

We expect all members of our school community to behave in a reasonable way but sadly, there are occasions when behaviour by parents, carers and visitors to the school is considered unacceptable. Violence, threatening behaviour and abuse against staff or other members of the school community will not be tolerated. This policy outlines the steps that will be taken in those circumstances.

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premises at certain times and for certain purposes but if the parents behaviour is unreasonable this permission may be withdrawn and they will become trespassers.

A person who persists in entering the school premises despite a ban may be removed and prosecuted under section 547

VISITORS CODE OF CONDUCT

A visitor can be classed as anyone on our school premises

We expect visitors to:

- Understand that both teachers and parents/carers need to work together for the benefit of their children.
- Demonstrate that all members of the school community should be treated with respect and therefore set a good example in their own speech and behaviour.
- Seek to clarify a child's version of events with the school's view in order to bring about a peaceful solution to any issue.
- Correct their own child's behaviour especially in public where it could otherwise lead to conflict, aggressive behaviour or unsafe behaviour.
- Approach the school to help resolve any issues of concern.
- Avoid using staff as threats to admonish children's behaviour.

We welcome visitors to our school. We will act to ensure it remains a safe place for pupils, staff and all other members of our community. If a parent/carer has concerns we will always listen to them and seek to address them.

However, abusive, threatening, intimidating, aggressive or violent behaviour will not be tolerated.

No meeting at the school may be electronically recorded without the express permission of all parties, and that information illegally obtained without such permission will not be admissible in any proceedings.

TYPES OF UNACCEPTABLE BEHAVIOUR

In order to support a peaceful and safe school environment the school will not tolerate parents, carers and visitors exhibiting the following:

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, eg standing very close to her/him;
- the use of aggressive hand gestures;
- threatening behaviour;
- Displaying a temper, or shouting at members of staff, pupils or other parents
- shaking or holding a fist towards another person;
- swearing;
- pushing;
- hitting, eg slapping, punching and kicking;
- spitting;
- breaching the school's security procedures.
- Disruptive behaviour which interferes or threatens to interfere with any of the schools operation or activities anywhere on the school premises.
- Using loud or offensive language or displaying temper.
- Threatening, in any way, a member of school staff, visitor, fellow parent/carer or pupil.
- Sending abusive or threatening e-mails or text/voicemail/phone messages or other written communications to anyone within the school community will lead to further action
- Defamatory, offensive or derogatory comments regarding the school or any of the pupils/parent/staff, at the school on Facebook or other social sites. (See Appendix 1).
- The use of physical or verbal aggression towards another adult or child. This includes physical punishment against your own child on school premises.
- Nuisance and inappropriate behaviour to staff; regularly being rude and

aggressive, acting in a way that leaves a member of staff upset or feeling intimidated

- Approaching someone else's child in order to discuss or question them; or chastise them because of the actions of this child towards their own child. (Such an approach to a child may be seen to be an assault on that child and may have legal consequences).
- Smoking, taking illegal drugs or the consumption of alcohol on school premises. (Alcohol may only be consumed during authorised events).
- Dogs being brought on to school premises (other than guide dogs).
- General intimidation; verbal or physical
- Bullying
- Malicious gossip
- Racist/homophobic or sexist comments

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

Note: Can parents please ensure they make all persons responsible for collecting their children aware of this policy.

Breaching the code of conduct

The school will always respond to an incident in a proportional way. The final decision for how to respond to breaches of the code of conduct rests with the headteacher.

The headteacher will consult with the chair of governors of any banning of a parent from the school site but will act swiftly if the Chair is unavailable so the ban may be temporary until the Chair of Governors confirms this.

If a parent/carer behaves in an unacceptable way towards a member of the school community, the head teacher or appropriate senior staff will seek to resolve the situation. This may take the form of a conversation or letter. The Headteacher may decide that the incident is serious enough to ban a parent/carer from the school grounds if any member of staff or pupils feel intimidated or as a punishment for their behaviour. A ban may follow after other methods have been tried i.e. a warning or a meeting or will be an instant ban.

In imposing a ban the following steps will be taken:

- Send a warning letter to the parent
- Invite the parent into school to meet with a senior member of staff or the headteacher
- Contact the appropriate authorities (in cases of criminal behaviour)
- Seek advice from the school's legal team regarding further action (in cases of conduct that may be libellous or slanderous)
- Ban the parent from the school site

Where appropriate, arrangements for pupils being delivered to, and collected from the school gate will be clarified.

If an assault, or other behaviours that warrants police involvement has led to a ban, a statement indicating that the matter has been reported to the local authority and the police will be included

REMOVAL BY POLICE

If, following a decision to exclude a person from the school premises, that person persists in entering school premises, they may be removed by the police as a trespasser under Section 547 of the Education Act 1996 and charged with an offence under the Public Order Act 1986.

All parents, even if excluded from school premises, are not excluded from the rights to access to school and have a right to seek an appointment to speak to school staff about their child's educational progress.

Inappropriate use of Social Network Site

Social media websites are being used increasingly to fuel campaigns and complaints against schools, Headteachers, school staff, and in some cases other parents or pupils.

The Department for Education/Government and Governors of Our Lady of Mount Carmel Catholic School considers the use of social media websites being used in this way as unacceptable. Any concerns you may have about the school or your child/children must be made through the appropriate channels by speaking to the class teacher, the Executive Headteacher, Head of School or the Chair of Governors, where they will be dealt with fairly, appropriately and effectively for all concerned.

Libellous or Defamatory posts -- In the event that any pupil or parent/carer of a child/children at OLMC is found to be posting libellous or defamatory comments on Facebook or other social network sites, they will be reported to the appropriate 'report abuse' section of the network site. All social network sites have clear rules about the content which can be posted on the site and they provide robust mechanisms to report contact or activity which breaches this. The school will also expect that any parent/carer or pupil removes such comments immediately.

Cyber Bullying – we take very seriously the use of cyber bullying by one child or a parent to publicly humiliate another by inappropriate social network entry. We will take and deal with this as a serious incident of school bullying.

The school will also consider its **legal options** to deal with any such misuse on social networking and other sites.

The school has and will continue to report any such posts to the school's Legal Team which may lead to further action being taken.

The staff at OLMC work tirelessly to support the children and will not accept behaviour that parents would not want to be exposed to themselves or for their children to observe or witness.

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

As well as invoking section 547 of the Education Act 1996, 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 under one of the other options mentioned here or, alternatively, to bring civil proceedings against the parent.

Anti-social behaviour orders (ASBOs) (under review)

Anti-social behaviour orders are imposed under the Crime and Disorder Act 1998.

An anti-social behaviour order can be sought by the local authority or chief officer of police and can be made in respect of anyone aged 10 or over who has acted in an anti social manner (a manner which caused or is likely to cause harassment, alarm or distress) and an ASBO is necessary to protect others in the same area from repetition of similar behaviour.

The order can prohibit the defendant from doing anything described in the order provided those prohibitions are necessary to protect others from anti social behaviour. ASBOs last for a minimum of two years (but can be discharged sooner with the consent of both parties) and carry a penalty for breach of a fine up to £5,000, a prison sentence of up to six months, or both (if imposed by the magistrates' court), or an unlimited fine, or up to five years imprisonment, or both (if the conviction was in the crown court).

In the circumstances above we would expect LAs or governing bodies to take the lead on taking relevant action under the above legislation as appropriate.

The LA or governing body has responsibilities as an employer (The Health and Safety at Work Act 1974, sections 2 and 3) 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 LA or governing body will do this. LAs or governing bodies should thus ensure that they are familiar with the relevant legislation and their powers under it.

Protection from Harassment Act 1997 (under review)

This Act is more informally described as anti-stalking legislation, although not only used for that purpose. 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 which 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 2 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 4 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 2 or section 4 offence, a higher level of sanction applies under section 32 of the Crime and Disorder Act 1998.

Section 3 of the Act provides for a civil route in relation only to the section 2 and 4 offence. The level of proof is lower for the civil proceedings, as 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.

Injunctions

These can be granted by a court to ban somebody from school premises. Generally they are viewed as less flexible and more expensive than alternatives such as a restraining order granted under the Protection from Harassment Act 1997, described above.

Criminal Damage Act 1971

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

Common Assault

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

Assault Occasioning Actual Bodily Harm

Under section 47 of the Offences Against the Persons Act 1861, a parent or carer can be charged with assault occasioning actual bodily harm where 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, or 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 that 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 5, 4A and 4) are heard within the magistrates' court.

Section 5 is the lower level of public disorder where a parent or carer causes a disturbance in or outside the school and causes alarm, harassment or distress.

Section 4A creates an intentional form of this offence.

Section 4 is more serious, where there is a fear or provocation of violence. The maximum sentence for section 5 is a fine up to £1,000. The maximum sentence for section 4 or 4A is a term of imprisonment not exceeding six months or 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 3 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 his safety; the threat cannot be made by the use of words alone. In the magistrates' court, the maximum penalty is six months, 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 LA 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 in ensuring 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 school 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 school premises will be guilty of an offence, unless he can prove a statutory defence. The maximum penalty on conviction on indictment for carrying a knife is two years imprisonment or an unlimited fine or both. The maximum penalty on conviction on indictment for carrying an offensive weapon is four years imprisonment or 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 which has a blade or is sharply pointed. A folding pocket knife with a blade under 3 inches long is, however, excepted although 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 school 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 Police mainly in respect of pupils. These require the agreement of the person to an acceptable level of behaviour.

