



## ABUSIVE PERSON POLICY



## Introduction

### AIMS:

- *The common purpose of this policy remains clear: to achieve zero tolerance of violence, threatening behaviour or abuse in schools, 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.*
  - *The main aim is to provide a safe environment for staff, students and visitors by minimising the risk of incidents of violence, threatening behaviour or abuse in schools (whether they involve students, parents or others) and enabling incidents which do occur to be quickly and effectively dealt with.*
1. Finham Park School is an orderly, safe place, where relationships between staff and visitors, especially parents, demonstrate mutual respect and recognition of shared responsibility for students' welfare and educational progress. Parental involvement is an important factor in educational success and in dealing with emerging problems at an early stage. However, occasionally, as in other schools, the behaviour of a small minority of parents / other 'visitors' to the site can cause severe disruption or worse, result in abusive or aggressive behaviour towards staff or students.
  2. The governing body is responsible for protecting the health and safety of all stakeholders involved with our school. The Department for Education (DfE) publication "Health & Safety: Responsibilities and Powers" gives more detailed information on the health and safety roles of governing bodies as employers of school staff (see Annex H).
  3. This document is mainly about dealing with violence, threatening behaviour or abuse by parents of a student in a school, including those cases where the parent has been asked not to come onto the premises. Some of the remedies listed are also applicable when dealing with other intruders on school premises.
  4. Violence, threatening behaviour and abuse against school staff or other members of the school community **will not be tolerated**. All members of the school community have a right to expect that their school is a safe place in which to work and learn. The police should become involved in particular incidents as is necessary.

### Right to enter the school premises

5. Schools are not public places and anyone who enters without permission of the Headteacher (who has day to day management of the school) is trespassing, unless there is a recognised "right of way" across the school site. Some groups of people, such as parents, have an "implied right" to enter school premises.



6. A number of people may have good reason to be on the school premises and therefore possess an “implied right” i.e.
  - Registered students of the school during school hours or by agreement of the Headteacher e.g. after school clubs and sports. Students who have been excluded could, however, be trespassers.
  - Parents or guardians responsible for a student at the school.
  - Governors, OfSTED inspectors, Local Authority staff, contractors, those using facilities provided as part of a school “let” etc.
7. If a trespasser refuses to leave a school premises or enters after being required to leave or causes a disturbance, their behaviour may give rise to a criminal offence under Section 547 of the Education Act 1996. As a general rule, anything done by trespassers where it disrupts the routine of the school or the duties of its staff will be an offence. For example, if parents are aggressive, violent or create severe disruption in a school, then measures can be taken to prevent these individuals from entering school premises.
8. The Education Act of 1996 says that it is an offence for a trespasser on school premises to cause a nuisance or disturbance. The Governing Body is entitled to withdraw the implied right a parent has to enter the school if that parent is violent or aggressive.
9. If the parent then enters the premises, they are in breach of the law, and they can be prosecuted in the criminal courts. The penalty is a fine of up to £500.

## **Who can remove a person from the school site?**

10. It is possible to remove from the school premises people who are suspected of committing an offence under Section 547. Police constables may do this or a person authorised by the Governing Body. Reasonable force may be used in removing people from the school site provided that it is appropriate and proportionate in the circumstances. Therefore, there should be reasonable cause to suspect the person of committing, or having committed, an offence under Section 547. However, where reasonable force is considered necessary, the Police will be called in the first instance.

## **School policy for dealing with incidents of inappropriate behaviour on the school site**

11. The following process will apply:

**STEP 1:** Where a person is acting inappropriately on the school site, the appropriate member of staff will ask the person to refrain from the conduct causing concern. In the vast majority of cases this should be sufficient to address the situation. Where a warning is given the Headteacher / Deputy Headteacher should be informed (this will be logged by the Headteacher’s PA (Diane Case)).

**STEP 2:** Where a person has been warned about their behaviour but continues to act inappropriately either to staff, parents, visitors or students, the appropriate



member of staff will formally ask them to leave the premises. If they decline, the police will be called. The member of staff will report the incident to the Leadership Team on the Incident Report Form (Annex A). Witnesses, if any, should also make signed and dated statements of what they said and heard.

**STEP 3:** Where a serious incident has occurred the Headteacher will consider the report from the member of staff and decide whether to formally ban the parent from the school premises. The Governing Body considers that a ban from the school premises may be appropriate in the following circumstances:

- (a) Where a child is subject to physical or verbal abuse by another parent(s);
- (b) Where a member of staff is subject to physical or verbal abuse by another parent(s);
- (c) Where a parent is subject to physical or verbal abuse by another parent(s);
- (d) Where a parent continues to refuse to respond to requests to leave the premises by a member of staff.

At this point the Headteacher may decide that a ban is not proportionate and instead will send a WARNING LETTER to the parent warning them about their future conduct on the premises.

**STEP 4:** Where the Headteacher decides that banning the parent from the premises is a proportionate response to the behaviour, they will write to the parent within 5 working days of the incident and advise the parent that they may be banned from the premises as a result of their conduct. The parent should be given the opportunity to express remorse and to apologise for their conduct. The parent should be given 5 working days in which to respond.

**STEP 5:** On receipt of the parent's response, the Headteacher will decide whether to confirm the ban or not. The ban should be for duration which is proportionate to the circumstances of each incident and the previous conduct of the parent concerned.

**STEP 6:** Where the Headteacher decides to ban the parent from the site this should be confirmed in writing to the parent. Arrangements should be made by the school for escorting the child onto the school site where applicable and this should be clearly communicated to the parent. Parents will be advised of their right to appeal to the Governing Body against the imposition of the ban.

**STEP 7:** The ban will be reviewed on a half-termly basis by the Headteacher and will remain in place so long as it is proportionate for it to do so. Where a parent is banned from the school premises, the Governing Body will be informed.

Where parents are written to, the school will ensure that the correspondence is sent via recorded delivery.



## Appeals against a Ban from the school premises

12. Where a parent is banned from the school premises, they will have the right to appeal against the decision to the Governing Body.
13. The Governing Body will be convened with 21 working days to consider the grounds for the ban and whether the Headteacher's actions were proportionate in the circumstances. Parents will be allowed to attend the Governing Body meeting to make representations. A representative from the school, which will usually be the Headteacher, will also be invited to attend to present the school's case. Alternatively, parents can choose to make the representations in writing.
14. When it considers an appeal, the Headteacher will be asked to submit a report setting out the basis upon which the ban was given.
15. The Governing Body may confirm the ban, reduce the ban or withdraw the ban as it considers appropriate based on the written and oral evidence it receives.

## Further action which may be taken

16. In serious cases the Governing Body may also seek to use civil and criminal remedies against parents who enter the school site without permission. For example, an injunction could be sought against a parent who was engaging in harassing behaviour under the Protection from Harassment Act 1997.

## School Procedure for dealing with incidents

17.
  1. what to do if an incident arises - ask the person to leave, or invite them into a room away from other people;
  2. who to contact during an emergency- either the member of staff on call, another member of the leadership team, or the police depending on severity- professional judgement will need to be used;
  3. how to record incidents and who to report the incident to (see Annex A for form)- all incidents should be written on the form in Annex A and copied to the headteacher's PA for filing/ further action as appropriate;
  4. what follow up action is necessary - any legal action to be taken will be decided upon by the Headteacher in liaison with the governors; decision on whether anyone should be refused entry to the premises should also be taken by the Headteacher in liaison with the governors;
  5. what support is available for the staff involved, - in consultation with the HR manager counselling, occupational health or legal support can be set up;
  6. liaison with the police whenever necessary- whoever is dealing with the incident i.e.



leadership team on call/ member of leadership team etc., should liaise with police as necessary

## Conducting a risk assessment

18.1 A **risk assessment** of all abusive or violent visitors towards staff should be drawn up. This simply involves raising a number of questions to which you want answers. A risk assessment should:

- identify and assess the risks- **what** the risks are (e.g. abuse, threatening behaviour, violence, and from whom), and **who** is likely to be at risk (e.g. reception staff, teachers, caretaker)
- determine appropriate actions;
- implement the actions;
- monitor the results; and
- provide feedback.

18.2 It is good practice to ask staff directly about the extent of problems that they are aware of as part of the process of assessing risk.

19. **Reporting incidents-** Model incident report form should be used (Annex A).

20. **Example letters** for use by headteacher/ governors can be found in Annexes B-G.

The Headteacher has the right to decide who can come onto school premises but the letters should be sent by the governing body, on behalf of the Headteacher.



## Incident report form (Annex A)

**This includes trespass, nuisance or disturbance on school premises, verbal abuse, sexual or racial abuse, threats, aggression, physical violence and intentional damage to personal property.**

This form should be completed as fully as possible (please use a continuation sheet if necessary). For an incident involving or witnessed by a student, a member of staff should complete the form on their behalf. However, any discussion between one witness and another should not precede completion of the form, as this might lead to allegations of collusion.

Date of incident \_\_\_\_\_ Day of week \_\_\_\_\_ Time \_\_\_\_\_

### 1. Member of staff reporting incident

Name \_\_\_\_\_

Work address (if different from school address) \_\_\_\_\_

Position \_\_\_\_\_

### 2. Personal details of person assaulted/verbally abused (if appropriate)

Name \_\_\_\_\_

Work address (if different from school address)/home address (if student) \_\_\_\_\_

\_\_\_\_\_

Job/Position (if member of staff) \_\_\_\_\_

Age \_\_\_\_\_ Gender **M/F**

### 3. Details of trespasser/assailant(s) (if known) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### 4. Witness(es) if any

Name \_\_\_\_\_







**7. Other information (to be completed as appropriate)**

- a. Possible contributory factors
- b. Is trespasser/assailant known to have been involved in any previous incidents YES/NO (Give date and brief details if known)
- c. Had any measures been taken to try to prevent an incident of this type occurring? If so, what? Could they be improved?
- d. If no measures had been taken beforehand, could action now be taken? If so, what?
- e. Name and contact details of police officer involved, and incident number or crime reference number, as appropriate
- f. Any other relevant information

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Signed \_\_\_\_\_

Date \_\_\_\_\_

Please return as soon as possible to member of Leadership Team investigated (copy to Headteacher's PA for logging and filing):



## **Annex B** BAN LETTER-1

Letter to Parent with child/ren at the school- request for information  
by RECORDED DELIVERY

Dear [*name of parent*],

I have received a report from the Headteacher at Finham Park School about your conduct on (enter date and time).

[*Add summary of the incident and of its effect on staff, students, other parents.*]

I must inform you that the Governing Body will not tolerate conduct of this nature on its premises and will act to defend its staff and students. On the advice of the Headteacher I am therefore instructing that (for a temporary period) you are not to reappear on the premises of the School. If you do not comply with this instruction, I shall arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted under this section, you are liable to a fine of up to £500.

The withdrawal of permission for you to enter the school premises takes effect straightaway. However, I still need to decide whether it is appropriate to confirm this decision. Before I do so, I wish to give you an opportunity to give me in writing any comments or observations of your own in relation to the report which I have received from the Headteacher. These comments may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct. To enable me to take a decision on this matter at an early point, you are asked to send me any written comments you wish to make by (*state date ten working days from the date of letter*).

If on receipt of your comments I consider that my decision should be confirmed, you will be supplied with details of how to pursue a review of the circumstances of your case.

Yours faithfully,

Chair or Governors



**Annex C** BAN LETTER-1(a)

Letter to member of the public

By RECORDED DELIVERY

Dear Sir/Madam,

I have received a report from the Headteacher at Finham Park School about your conduct on *(enter date and time)*.

*[Add summary of the incident and of its effect on staff, students, other parents.]*

I must inform you that the Governing Body will not tolerate conduct of this nature on its premises and will act to defend its staff and students. On the advice of the Headteacher I am therefore instructing that you are not to reappear on the premises of the School. If you do not comply with this instruction, I shall arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted, you are liable to a fine of up to £500.

Yours faithfully,

Chair of Governors



## Annex D BAN LETTER 2

Letter to parent with child/ren at the school- response to letter 1

By RECORDED DELIVERY

Dear [*name of parent*],

On (give date) I wrote to you informing you that on the advice of the Headteacher, I had withdrawn permission for you to come onto the premises of (insert name) School. To enable the Governing Body to determine whether to confirm this decision for a longer period, I gave you the opportunity to give your written comments on the incident concerned by (give date). I have not received a written response from you / I have now received a letter from you dated (insert date), the contents of which I have noted. (*delete either sentence as appropriate*).

In the circumstances, and after further consideration of the headteacher's report, I have determined that the decision to withdraw permission for you to come onto school premises should be confirmed. I am therefore instructing that until further notice you are not to come onto the premises of the School without the prior knowledge and approval of the Headteacher. If you do not comply with this instruction, I shall arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted, you are liable to a fine of up to £500.

Notwithstanding this decision the Headteacher and staff at Finham Park School remain committed to the education of your child/children (*delete as appropriate*), who must continue to attend school as normal

The Governors will take steps to review the continuance of this decision on (give date). When deciding whether it is necessary to extend the withdrawal of permission to come onto the School's premises, the Governors will take into account the extent of your compliance with the decision, any appropriate expressions of regret and assurance of future good conduct received from yourself and any evidence of your co-operation with the School in other respects.

*[Include where the incident has arisen within the context of a parental complaint against the School:]*

Finally, I would advise you that I have asked the Headteacher to ensure that your complaint that (*give brief details*) is considered under the appropriate stage of the School's parental complaints procedure. You will be contacted about this by the School in due course.

Yours faithfully, Chair of Governors



## **Annex E-** Example BAN LETTER 3

Letter to parent with child/ren at the school- review of decision- continue ban  
By RECORDED DELIVERY

Dear [*name of parent*],

I wrote to you on (*give date*) withdrawing permission for you to come onto the premises of Finham Park School until further notice. In that letter I also advised you that I would take steps to review this decision on (*give date*). I have now completed the review. However, after consultation with the Headteacher, I have determined that it is not yet appropriate for me to withdraw my decision. (*Give a brief summary of reasons.*)

I therefore advise that the instruction that you are not to come onto the premises of Finham Park School without the prior knowledge and approval of the Headteacher remains in place until further notice. I shall undertake a further review of this decision on (*give date*).

If you are dissatisfied with this decision because you consider it to be unfair, or not to have been made in a correct way, or believe there has been a case of maladministration, you have a right to a further review by the Local Government Ombudsman. They can be contacted at:

21 Queen Anne's Gate  
London  
SW1H 9BU  
Or alternatively on 020 7915 3210.

Yours faithfully,

Chair of Governors



**Annex F- Example UNBAN LETTER 1**  
By RECORDED DELIVERY

Dear [*name of parent*],

On (*insert date*) I wrote to you informing you that, on the advice of the Headteacher, I had temporarily withdrawn permission for you to come onto the premises of Finham Park School. To enable me to determine whether to confirm this decision for a longer period, I gave you the opportunity to let me have your written comments on this incident by (*insert date*). I have not received a written response from you / I have now received a letter from you dated (*insert date*), the contents of which I have noted. (*delete either sentence as appropriate*).

[However] In the circumstances, and after consulting with the Headteacher, I have decided that it is not necessary to confirm the decision, and I am therefore restoring to you the permission to come onto the school premises, with immediate effect. Nevertheless, I remain very concerned at the incident which occurred on (*insert date*), and I must warn you that if there is any repetition of your behaviour on that occasion, I shall not hesitate to withdraw permission for you to come onto the premises again.

Yours sincerely,

Chair of Governors



**Annex G- Example UNBAN LETTER 2**  
By RECORDED DELIVERY

Dear [*name of parent*],

I wrote to you on (*give date*) informing you that I had withdrawn permission for you to come onto the premises of Finham Park School until further notice. In that letter I also advised you that I would take steps to review this decision on (*give date*).

I have now completed the review. After consultation with the Headteacher, I have decided that it is now appropriate to change that decision and I am therefore restoring to you the permission to come onto the school premises, with immediate effect.

I trust that you can now be relied upon to act in full co-operation with the School and that there will be no further difficulties of the kind which made it necessary for me to prevent you entering the premises. I should point out that if there is any repetition of your behaviour, I shall not hesitate to withdraw permission for you to come onto the premises again.

Yours sincerely,

Chair of Governors



## Annex H

### Useful websites

- <https://www.education.gov.uk/publications/RSG/publicationDetail/Page1/RB419> The Department's school security website.
- <http://www.education.gov.uk/aboutdfe/advice/f00191759/departmental-advice-onhealth-and-safety-for-schools> Includes the Departmental publication Health & Safety: Responsibilities and Powers.
- <http://www.hse.gov.uk/pubns/raindex.htm> Includes Health and Safety Executive (HSE) guidance on risk assessments.
- <http://213.212.77.20/pubns/indg163.pdf> This is the address for HSE books.
- <http://www.hse.gov.uk/pubns/edis1.pdf> Includes HSE guidance on Reporting School Accidents. □ <http://213.212.77.20/riddor/index.htm> The HSE RIDDOR website.



## **ABUSIVE PERSON POLICY**

Written by: Russell Plester  
Reviewed by R Plester  
Reviewed by S Megeney

September 2012  
January 2015  
October 2018

Date of next review:

September 2020

Approved by Governors:

Signed:

Signed:

Headteacher

Date: 27/11/18

Chair of Governors

Date: 27/11/18