



Burford Primary School
Priory Lane, Burford, Oxon, OX18 4SG



Tel: 01993 822159 Fax: 01993 822792
Email: office.2251@ocnmail.net
Head Teacher – Mrs Jenny Dyer
School website: www.burford-pri.oxon.sch.uk



Managing Violent and Abusive Visitors to Burford Primary School

1.0 Introduction

The Governing Body wants to ensure that everything possible is done to protect staff from the risk of violence and aggression from aggressive or abusive parents and visitors to the school.

Violence, threatening behaviour and abuse against school staff or other members of the school community must 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. There is no place for violence, threatening behaviour or abuse in our school. At all times the common purpose 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. This is done in accordance with the following principles:

- Violence and aggression against staff is unacceptable and employers carry a legal and moral duty on behalf of the community as a whole to do everything reasonably possible (within the constraints imposed by the duty of care to parents/carers and resources) to keep School Staff free from harm; those workers have a similar duty to colleagues and themselves. Parents/carers have responsibilities as well as rights and one of these responsibilities is to not abuse school Staff.

- Both risk and harm arising from violence and aggression can be significantly reduced by staff and employers working effectively together, drawing on the evidence of good practice, and with the support of the School.
- The Governors reserve the right to take appropriate action against the perpetrators of abuse towards staff and pupils.

This policy concerns all staff in every role where there might be an incident of violence, threatening behaviour and/or aggression towards staff.

2.0 Purpose of this policy

The purpose of this policy is to set out the responsibilities of managers and employees and to give advice and guidance in:

- Assessing the risk to employees
- Developing strategies for the prevention of incidents
- Identifying reasons for the occurrence and how to prevent similar future incidents
- Dealing with the consequences of violent, aggressive or threatening behaviour so that the safety of employees and others is considered at all times

3.0 Definition of violence and aggression

For the purpose of this policy the terms violence and aggression encompasses physical aggression, verbal abuse, and other forms of harassment to persons or property or other threatening behaviour which may cause fear of harm or distress, demoralisation, fear and/or injury to individuals:

The degree to which an individual may be affected by violence in the workplace will be governed by a number of factors:

- i. The severity of the incident;
- ii. The individuals personal circumstances and experiences;
- iii. The reasonable expectation of the risks inherent in the individual's role within the school.

4.0 Statement of intent

Burford Primary School is committed to combating violence to its staff in the same way that it is committed to combating acts of violence towards children of the school. The Governing Body has declared their full support for staff, including members of the governing body, who have been assaulted or suffered verbal abuse. The reporting of acts of violence or threatening behaviour will not be seen as an adverse reflection on the individual's ability to perform their duties satisfactorily.

The Governing Body are committed to reducing the risk of violence to all staff and understand the effect that perceived risk as well as real risk can have on stress levels and well-being of staff.

All reports of violence will be investigated, including notification to the police of all assaults. All incidents of physical and verbal abuse will be reported to the Local Authority following county guidelines.

In circumstances where the police will not prosecute, legal advice will be available to the school from the County Legal Services.

5.0 Understanding the nature of the problem

Staff may also be at risk when carrying out certain types of work, such as:

- I. Working alone.
- II. Making home visits.
- III. Undertaking school trips.
- IV. Looking after the premises before, during and after school, working on the premises out of normal school hours, working with pupils who have behavioural or emotional difficulties, dealing with angry pupils, parents or relatives of pupils.

6.0 Reporting and recording incidents

A formal system of recording and reporting incidents of violence exists at Burford Primary School, following county procedures in order to:

- I. Build up an evidence base.
- II. Devise appropriate preventative strategies.
- III. Monitor whether these strategies are effective.

As a general guide, following an incident of violence or aggression, the following procedure should be observed:

- I. Staff should report and record all incidents in order to build up a true picture of the nature and frequency of violence and to provide evidence for further action that may need to be taken and to identify places and activities where violence can be a problem.
- II. If necessary, first aid treatment should be sought and the person administering first aid to make a careful written record;
- III. The member of staff involved should report the incident to the headteacher and complete an incident report form (**see Annex 1**);
- IV. Consideration should be given as to whether the matter should be reported to the police. The ultimate decision must rest with the member of staff who has been assaulted. If this incident is to be reported, then this must be done as soon as possible;
- V. In some circumstances the member of staff may wish to consider taking legal advice regarding a potential civil action and a claim for compensation. If a claim is to be made under the Criminal Injuries Compensation Scheme, there must be a very good reason if the incident is not promptly reported to the police.

7.0 Procedure for dealing with incidents

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 through discussion and mediation. If necessary, the school's complaints procedures and the GI04 Managing Violent and Abusive Visitors to Schools should be followed.

Where staff, in the normal course of their duties, are personally and directly threatened or subjected to verbal abuse by a member of the general public or parent/carer, the aggressor will be warned that their behaviour is inappropriate and that legal action may be taken if a breach of the law takes place. Where there is a breach of such procedures the school needs to respond in a measured way, depending on the seriousness of any inappropriate conduct e.g.:

- initiate a meeting/dialogue with the individual;
- write to the visitor, describing their misconduct, explaining its impact on the school and stating its unacceptability (**see Annex 2**);

- vary the person's "licence", say, through the addition of conditions; [Day to day access to a school is within the control of the head teacher. Normally parents/carers (and those with parental responsibility) are granted "limited licence" to visit the grounds and buildings of a school].
- warn of the possibility of a "ban" (i.e. the withdrawal of their licence) if the misconduct is repeated;
- impose a ban with a review after a fixed period;
- impose a ban without review.

Where violent, threatening or aggressive behaviour is persistent by a parent/member of the public, the school will take action to ban them from the school site for a fixed period. Should the aggressive behaviour continue after this period, a permanent ban will be enforced.

7.1 The Banning Process (Annex 2 – 9 refer)

The head teacher will need to assemble the full facts before proceeding, making sure that all those involved in any incidents, or witnesses to those incidents, make a full written record as soon as possible.

Crucial elements:

- write to parent/carer/intruder to record in detail the incident and why it is unacceptable;
- explain that the LA/governing body will consider banning the parent, giving the parent a period in which they may respond in writing giving their version and why they should not be banned;
- tell the parent when a decision will be made.

7.2 The length of a ban (annex 2 – 9 refer)

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.

7.3 What does a ban achieve? (Annex 2 – 9 refer)

- 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.

In imposing a ban the following steps will be taken:

1. The parent/carer will be informed, in writing, that she/he is 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
2. 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
3. The chair of governors/LA will be informed of the ban
4. Where appropriate, arrangements for pupils being delivered to, and collected from the school gate will be clarified.

8.0 Assaults and abuse of staff by pupils

Staff should record all violent incidents arising from pupil behaviour on the Incident form (**see Annex 1**) and include such information as:

- I. Details of the assailant (if known)
- II. Time of day
- III. Where the incident occurred, including physical environment
- IV. Activity at the time of the incident
- V. Account of what happened
- VI. Relationship between victim and assailant
- VII. Outcome.

Violent incidents resulting from the behaviour of a member of the public, either on school premises or affecting the normal working of the school should be reported on forms available from the School Office.

Reports of incidents which are not in themselves violent but where the school's responsibility for the health and safety of staff and pupils is jeopardised should be reported in the Incident Log kept in the School Office.

Where staff, in the normal course of their duties, are directly threatened or subjected to violence by a pupil, then that pupil will be sent home immediately and parents asked to discuss the matter with the Headteacher. If the pupil cannot be sent home immediately, the pupil will be removed from normal lessons and placed in isolation.

9.0 Preventative strategies

Signs outside the school explain clearly that visitors should use only the main entrance and should report to the reception area. Visitors are asked to sign in, giving their name and which staff they are expecting to see in school. Visitors are asked to wear a badge signifying their status as a visitor.

These badges are handed back to reception on leaving. Any person seen in school not wearing a badge, who is not a recognised member of the school community, should be escorted back to the school office.

When parents or other visitors arrive at the school, some procedures can help to diffuse a difficult situation and avoid violent confrontation. For example:

- Avoid confrontation in front of an audience, particularly groups of pupils. The fewer people that are involved in an incident, the easier it is for the aggressor to back down without losing face.
- Avoid being drawn into a confrontational situation. Ask the parent to make an appointment, giving them time to calm down.
- Ask a senior member of staff to help talk things through with the visitor.
- Stay calm and speak slowly so as not to be drawn into a heated argument.
- Avoid aggressive body language such as hands on hips, wagging fingers or looking down on the aggressor.

Training for staff to develop confidence and consider techniques for dealing with violence should be discussed with the member of staff responsible for Professional Development.

10.0 The role of the police

The school has a good relationship with the local police force. Police assistance should be requested if violence is anticipated or if violent incidents arise either on the school site or sufficiently near the school to cause a disturbance on the premises. The business manager or another member of staff should be asked to ring the police either on the local number or using 999 and request a 'silent approach'.

The police are able to give information to staff on the powers and duties of the police and guidelines on circumstances when the police should be called.

To support staff who have been subjected to violence.

Staff who experience violent incidents whilst carrying out their duties at the school will be able to receive counselling, and will be offered advice and help if legal proceedings are necessary.

Compensation for damage to property or for injuries suffered will be subject to agreement by the County's Insurance Section.

11.0 Communication

Links with other school policies and documents

This policy should be read in conjunction with the following policies:

- Complaints policy
- Behaviour policy
- Anti-bullying policy

12.0 Review of policy

The Governing Body will review this Policy annually or sooner if changes are made to current legislation or in the event of an incident described above.

Signed

Chair of Governors: Zoey Khan

Head Teacher: Jenny Dyer

Date: 3 December 2013

Annex 1

Incident report form

Date of incident:
Time of incident:
Name of person reporting incident:
Date of incident reported:
Member of staff recording the incident:
Date incident recorded:
Name(s) of person(s) causing incident (where name(s) is/are unknown, provide other details of which may allow their identification):
Status(es) (parents/carers/visitors/trespassers):
Full description of incident (e.g. names of persons involved; location; nature of any injuries; attendance of emergency services)
Names of any witnesses and their status(es):
Initial action/outcome (e.g. Informal conciliation; police intervention; warning or banning letter issued):
Summary of subsequent actions taken by the school, including risk assessments:
Linked incidents (if any):

Annex 2

(Warning letter, from the head teacher/Chair of Governors: to parent/carer with child/ren at the school)

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Recorded delivery

Dear

I have received a report about your conduct at the school on **(enter date and time)**.

(Add factual summary of the incident and of its effect on staff, pupils, other parents.)

I must inform you that the local authority/ governing body **(delete as appropriate)** will not tolerate conduct of this nature on its premises and will act to protect its staff and pupils.

Therefore if, in the future, I receive any reports of conduct of this nature I will be forced to consider removing your licence to enter the school grounds and buildings. If you do not comply with that instruction I will be able to 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.

Nevertheless, 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 about your conduct. 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)**.

Yours sincerely

Head Teacher and/or Chair of Governors

Annex 3

(Banning Letter, from the LA or governing body: to parent/carer with child/ren at the school)

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Recorded delivery

Dear

I have received a report from the head teacher at **(insert name)** School about your conduct on **(enter date and time)**.

(Add factual summary of the incident and of its effect on staff, pupils, other parents.)

I must inform you that the local authority/ governing body **(delete as appropriate)** will not tolerate conduct of this nature on its premises and will act to protect its staff and pupils. On the advice of the head teacher I am therefore instructing that until **(add date)** you are not to reappear on the premises of the school. If you do not comply with this instruction I may 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.

In the case of a primary school include:

For the duration of this decision you may bring your son(s)/daughter(s) **(complete as appropriate)** to school and collect them/him/her **(delete as appropriate)** at the end of the school day, but you must not go beyond the school gate.

In the case of infant children, also insert

Arrangements have been made for your **(delete as appropriate)** son(s)/daughter(s) **(insert child/rens names)** to be collected, and returned to you, at the school gate by a member of the school's staff.

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 head teacher. 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, or extended, you will be supplied with details of how to pursue a review of the circumstances of your case.

In any event, the decision to withdraw your licence to enter the school premises will be reviewed by (complete as appropriate). That review will take account of any representations that you may have made and of your subsequent conduct.

Yours sincerely

LA Officer or Chair of Governors

Annex 4

(Banning Letter, from the LA or governing body: to member of the public)

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Recorded delivery

Dear

I have received a report from the head teacher at **(insert name)** school about your conduct on **(enter date and time)**.

(Add factual summary of the incident and of its effect on staff, pupils, other parents.)

I must inform you that the authority/ governing body (delete as appropriate) will not tolerate conduct of this nature on its premises and will act to protect its staff and pupils. On the advice of the head teacher 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 may 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 sincerely

LA Officer/Chair of Governors

Annex 5

(Letter updating a banning letter, from the LA or governing body, confirming ban: to parent/carer with child/ren at the school)

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Head Teacher – Mrs Jenny Dyer

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Recorded delivery

Dear

On **(give date)** I wrote to you informing you that on the advice of the head teacher, I had withdrawn permission for you to come onto the premises of **(insert name)** School until (insert date). To enable the local authority/governing body (delete as appropriate) to determine whether to confirm this decision, or to impose it 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 the date)**, the contents of which I have noted. **(delete either sentence as appropriate)**

In the circumstances, and after further consideration of the head teacher's report, I have determined that the decision to withdraw permission for you to come onto school premises should be confirmed/extended. **(delete as appropriate)** I am therefore instructing that until **(insert date)** you are not to come onto the premises of the school without the prior knowledge and approval of the head teacher. If you do not comply with this instruction I may 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 head teacher and staff at **(insert name)** school remain committed to the education of your child/children **(delete as appropriate)**, who must continue to attend school as normal insert in the case of a primary school: under the arrangements set out in my previous letter.

The authority/ governing body **(delete as appropriate)** will take steps to review the continuance of this decision by **(give date)**. When deciding whether it is necessary to extend the withdrawal of permission to come onto the school's premises, the authority/ governing body **(delete as appropriate)** will take into account the extent of your compliance with the decision, any appropriate expressions of regret and assurances 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 head teacher to ensure that your complaint **(give brief details)** is considered under the appropriate school procedure. You will be contacted about this by the school in due course.

If you wish to pursue the matter further, you have a right to a review of the circumstances of this case by the school's governing body.

Yours sincerely

LA Officer / Chair of governing body

Annex 6

(Letter updating a banning letter, from the LA or governing body, withdrawing ban: to parent/carer with child/ren at the school)

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Recorded delivery

Dear

On **(insert date)** I wrote to you informing you that, on the advice of the head teacher, I had temporarily withdrawn permission for you to come onto the premises of (insert name) 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)**

In the circumstances, and after consulting with the head teacher, 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.

Yours sincerely

LA Officer / Chair of governing body

Annex 7

(Letter, from the LA or governing body, following formal review of a banning letter, extending ban: to parent/carer with child/ren at the school)

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Head Teacher – Mrs Jenny Dyer

School website: www.burford-pri.oxon.sch.uk



Recorded delivery

Dear

I wrote to you on (insert date) withdrawing permission for you to come onto the premises of (insert name) School until (insert date). In that letter I also advised you that I would take steps to review this decision by (insert date).

I have now completed the review. However, after consultation with the head teacher, 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 (insert name) school without the prior knowledge and approval of the head teacher remains in place until (insert date).

I shall undertake a further review of this decision on (insert date).

(Insert if the letter is from the governing body) If you are dissatisfied with this decision, you have a right to request a review of the decision by the governing body.

Yours sincerely,

LA Officer / Chair of governing body

Annex 8

Letter, from the LA or governing body, following formal review of a banning letter, ending ban: to parent/carer with child/ren at the school)

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Recorded delivery

Dear

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

I have now completed the review. After consultation with the head teacher, 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 once more.

Yours sincerely

LA Officer / Chair of governing body

Annex 9

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) GI04 Managing Violent and Abusive Visitors to Schools

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 GI04 Managing Violent and Abusive Visitors to Schools 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. GI04 Managing Violent and Abusive Visitors to Schools

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.

Useful websites

The Department for Education's school security website.

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/RR419#downloadableparts>

The Department for Education's publication Health & Safety: advice on legal duties and powers for local authorities, head teachers, staff and governing bodies.

<http://www.education.gov.uk/schools/adminandfinance/healthandsafety/f00191759/departmental-health-and-safety-advice-on-legal-duties-and-powers-for-local-authorities-headteachers-staff-and-governing-bodies>

Guidance on Police-School Protocols: Principles and guidance on Safer School Partnerships.

<http://www.justice.gov.uk/downloads/youth-justice/prevention/SaferSchoolPartnershipsGuidancefinal0509.pdf>

Health and Safety Executive (HSE) guidance on risk assessments.

<http://www.hse.gov.uk/pubns/raindex.htm>

Health and Safety Executive (HSE) guidance on reporting school accidents.

<http://www.hse.gov.uk/pubns/edis1.htm>

The HSE RIDDOR website.

<http://www.hse.gov.uk/riddor/index.htm>

NAHT guidance "Social Networking Websites"

<http://www.naht.org.uk/welcome/advice/advice-home/parents-and-pupils-advice/guidance-on-social-networking/?locale=en>