

# Managing Difficult/ Abusive Parents or Visitors Policy

Hampton Academies Trust



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<b>Next review due:</b>	September 2023
<b>Member of staff responsible:</b>	Miss Emily Culpin
<b>Ratified by:</b>	Trust Board

# HAMPTON ACADEMIES TRUST: Managing difficult/abusive parents or visitors

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## 1. Rationale

As a general rule, our schools are safe, welcoming places, where relationships between staff and visitors, especially parents/carers, 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. We welcome parents and carers into our schools.

However, on occasion, the behaviour of a very small number of parents/ carers can cause severe disruption or worse, result in abusive or aggressive behaviour towards staff, students, or other members of the school community.

This document provides guidance 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/visitors on school premises.

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 schools.

## 2. Statement of Principles

The local governing body of each HAT school encourages close links with parents and the community. It believes that students benefit when the relationship between home and school is a positive one. The vast majority of parents, carers and others visiting our schools are keen to work with us and are supportive of the school. However, on the rare occasions when a negative attitude towards the school or situation is expressed, this can result in aggression, verbal and/or physical abuse towards members of school staff or the wider school community.

Hampton Academies Trust expects and requires its members of staff to behave professionally in these difficult situations and attempt to defuse the situation where possible, seeking the involvement as appropriate of other colleagues. However, all members of staff have the right to work without fear of violence and abuse.

We expect parents and other visitors to behave in a reasonable way towards members of school staff. This policy outlines the steps that will be taken on the rare occasions when behaviour is unacceptable.

## 3. Unacceptable Behaviour

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;
- continually taking up and wasting staff time;
- 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 towards another person;
- swearing;

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- pushing;
- hitting, e.g. slapping, punching and kicking;
- spitting;
- breaching the school's security procedures.

This is not an exhaustive list but seeks to provide illustrations of such behaviour. Unacceptable behaviour may result in the Police being informed of the incident.

## 4. Procedure to be followed

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

Where all procedures have been exhausted, and aggression or intimidation continue, or where there is an act of violence, a parent or carer may be banned by the Head of School from the school premises for a period of time, subject to review.

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 police will be included.
3. The Chair of the Governing Body will be informed of the ban.
4. Where appropriate, arrangements for students being delivered to, and collected from the school gate will be clarified.

## 5. The Banning Process

The Head of School will 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 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.

### The length of the ban

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 incident.

The aim should always be to restore "normal" relations as soon as is reasonably practicable.

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Even if a ban is permanent, it should be reviewed periodically, taking account of subsequently demonstrated patterns of behaviour.

## What does a ban achieve?

- it confirms to a parent that the school will not tolerate abusive behaviour;
- shows the school takes health and safety of its staff, visitors and students 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 Academy premises without permission;
- it may form the basis for an application for an injunction to curtail repeated instances of misbehaviour.

## 6. Parental Rights

Every attempt should be made to maintain normal communications with parents/carers. 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 may determine who will be present at the meeting (e.g. a senior member of staff might accompany the class teacher) and its location (e.g. it may well be arranged off site).

The interests of the child should continue to be paramount.

## 7. Recording the Incident

See appendix 1, this will assist with the recording of any incidents of abuse, threatening behaviour or violence against any members of the school community. A record of an incident will help in the collection of evidence where necessary, such as when proceedings are being brought against an alleged assailant.

Available photographic evidence of any injuries or damage, or relevant CCTV footage, can also be helpful. Recording details of incidents will also help in reviewing the school's policy, and should ideally inform future risk assessments.

If there is an injury to staff from an assault, the employer may need to report the injury to the health and safety executive (HSE) under the requirements of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR), as amended in 2012.

## 8. Section 547, Education Act 1996

The model letters illustrated in the appendix suggest how the school might use section 547 of the Education Act 1996. Section 547 makes it an offence for a trespasser on school premises to cause or permit a nuisance or disturbance, and allows for the removal and prosecution of any person believed to have committed the offence. The penalty for a person convicted of the offence is a fine of up to £500.

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

A person who nevertheless persists in entering the school premises and displaying unreasonable behaviour may be removed and prosecuted under section 547.

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In the case of our schools, the Governing Body can independently authorise the removal of someone from the premises and may also authorise a person to bring proceedings against that individual. Additionally, in all situations the police are authorised to remove someone from school premises and to bring proceedings for an offence under this section.

## 9. Model Letters

In the appendix there are three examples of letters to parents/carers or other visitors to school premises whose permission to be on the premises is to be, or has been, withdrawn by the Governing Body on behalf of the school. The letters show that where such a parent re-enters school premises and causes a nuisance or disturbance, section 547 might be used.

A Head of School 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 Head of School.

Using powers under section 547 allows for action which the local authority or Governing Body can take on behalf of a school and which can be straightforward, quick and effective in removing violent, aggressive or abusive people from school premises. In practice, it is amongst the most widely used remedies.

Section 547 will not be the most appropriate remedy in every circumstance. Serious violence, repeated harassment or racially aggravated behaviour for example, may warrant stronger criminal sanctions.

## 10. Steps taken in HAT schools to reduce the risk of abuse from parents/visitors

The types of behaviours discussed in this policy are thankfully rare. We more commonly see the lower level of this spectrum, with parents/visitors shouting or swearing when annoyed. In the appendix are some suggested phrases for staff to use to end difficult phone conversations or meetings if this happens.

To prevent or deter abuse HAT schools:

- Have a welcoming ethos, which reinforces mutual respect
- HAT employees model calm, professional courtesy when dealing with parents/carers in person or through written communication
- HAT employees know they can politely terminate a phone call or meeting if a parent/carer becomes abusive, threatening or swears
- HAT employees alert senior leaders if their dealings with a particular person are becoming unpleasant
- The Trust has installed recording software on its phone system. Some calls can and will be recorded, to help the school eliminate abuse and, where necessary, build up an evidence base in relation to an abusive individual
- Make callers aware that some calls are recorded
- Ensure that meetings which may become heated have two members of staff present
- Have the facility to make an audio recording of a meeting, if considered necessary

## 11. Conclusion

The Trust may take action where behaviour is unacceptable or there are serious breaches of the Home-school agreement or health and safety legislation. In implementing this policy, the school will, as appropriate, seek advice from the Local

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Authority's education, health and safety and legal departments, to ensure fairness and consistency and /or seek advice from the trust's legal advisors.

Please note: In the school year 2020/ 21 parents/ visitors will not be seen without an appointment, in accordance with our Covid 19 Risk Assessments - see each sites Risk Assessment for further guidance.

## Appendix 1

### 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 student or parent/carer/visitor, a member of staff should complete the form on their behalf.

The completed form should be passed to the Head of School, for appropriate action and recording.	
Date of incident:	
Time of incident:	
Name of person reporting incident:	
Date incident reported:	
Member of staff recording incident:	
Date incident recorded:	
Name(s) of person(s) causing incident:	
Status(es): (parents/carers/visitors/trespassers)	

Where name(s) is/are unknown, provide other details of which may allow their identification:

Full description of incident (e.g. names of persons involved; location; nature of any injuries; attendance of emergency services):
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## Appendix 2

### Warning letter from the Head of School: to parent/carer with child/ren at the school

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, students, and other parents.)

I must inform you that the Governing Body will not tolerate conduct of this nature on its premises and will act to protect its staff and students. Therefore if, in the future, I receive any further 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 of School

## Appendix 3

### Banning Letter from the Governing Body: to parent/carer with child/ren at the school

Recorded delivery

Dear .....

I have received a report from the Head of School at (insert name of school) about your conduct on (enter date and time).

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

I must inform you that the Governing Body will not tolerate conduct of this nature on its premises and will act to protect its staff and students. On the advice of the Head of School 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 phase include:

For the duration of this decision you may bring your son(s)/daughter(s) (complete as appropriate) to the 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 of School.

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

Chair of Governors

## Appendix 4

### Banning Letter from the Governing Body: to member of the public

Recorded delivery

Dear .....

I have received a report from the Head of School at (insert name of school) about your conduct on (enter date and time).

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

I must inform you that the Governing Body will not tolerate conduct of this nature on its premises and will act to protect its staff and students. On the advice of the Head of School I am therefore instructing that you are not to reappear on school premises.

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. If convicted, you are liable for a fine of up to £500.

Yours sincerely

Chair of Governors

## Appendix 5

### Letter updating a banning letter from the Governing Body, confirming ban: to parent/carer with child/ren at the school

Recorded delivery

Dear .....

On (give date) I wrote to you informing you that on the advice of the Head of School, I had withdrawn permission for you to come onto the premises of (insert name of school) until (insert date).

To enable the Governing Body 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 **OR** 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 of School'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 of 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.

Notwithstanding this decision the Head of School and staff at (insert name of 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 phase: under the arrangements set out in my previous letter.)

The Governing Body 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 premises, the Governing Body 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 of School 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 Governing Body.

Yours sincerely

**Chair of Governors**

## Appendix 6

### Letter updating a banning letter from the Governing Body, withdrawing ban: to parent/carer with child/ren at the school

Recorded delivery

Dear .....

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

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 **OR** 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 of School, 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

Chair of Governors

## Appendix 7

Letter from the Governing Body, following formal review of a banning letter, extending ban: to parent/carer with child/ren at the school

Recorded delivery

Dear .....

I wrote to you on (insert date) withdrawing permission for you to come onto the premises of (insert name of 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 of School, 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 of school) without the prior knowledge and approval of the Head of School remains in place until (insert date).

I shall undertake a further review of this decision on (insert date). If you are dissatisfied with this decision, you have a right to request a review of the decision by the Governing Body.

Yours sincerely

Chair of Governors

## Appendix 8

### Letter from the Governing Body following formal review of a banning letter, ending ban: to parent/carer with child/ren at the school

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 of 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 of School, 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

Chair of Governors

## Appendix 9

### Unreasonable Parents - Staff Guidance

All HAT staff should expect to be treated with respect and dignity by parents and other members of the public. This document sets out guidelines to enable staff to deal fairly and appropriately with unreasonable complaints or unreasonable parents and those who harass members of staff in school.

In implementing this approach staff will seek to ensure that their actions are in accordance with obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both parents and all other stakeholders.

Parents/carers/members of the public who raise either informal or formal complaints with the school can expect:

- the HAT complaints procedure to be accessible and followed
- to be listened to and treated with respect

### Definition of an unreasonable complaint / unreasonable parent

A *persistent complainant* is a parent/carer or member of the public who repeatedly complains about issues (either formally or informally) that have already been addressed, and/or whose behaviour is unreasonable. This may be characterised by:

- actions or contact which may be viewed as obsessive, persistent, harassing, prolific, or repetitious
- an insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes
- an insistence upon revisiting meritorious complaints in an aggressive or inappropriate manner.

*Harassment* is unreasonable contact with staff in such a way that:

- appears to be targeted over a significant period of time on individual members of HAT staff
- causes on-going distress to individual HAT staff through their conduct or actions
- has a significantly adverse effect on the whole/parts of the school

In all such cases, staff are advised to seek advice around appropriate actions from a line manager. The following steps may be judged necessary if the complainant's behaviour is not modified.

- To verbally (in person or on the telephone) inform the complainant that his/her behaviour is considered to be or becoming unreasonable/unacceptable and may be considered to fall under unacceptable conduct
- To record all correspondence or conversations that have occurred, gathering evidence that supports the concern
- To inform the complainant in writing that his/her behaviour is now considered by the school to be becoming unreasonable/unacceptable
- To inform the complainant that all meetings with a member of staff will be conducted with a second person present, and that notes of meetings may be taken in the interests of all parties
- To inform the complainant that, except in emergencies, all communication from the complainant to the school should be carried out in writing
- To refer to the Head of School for consideration of issuing the complainant with a ban,

- or a warning about potential banning from the school site (on a temporary or permanent basis)
- To seek advice from the appropriate Constabulary on requesting an Anti-Social Behaviour Order To take advice from the appropriate Constabulary on pursuing a case under Anti-Harassment legislation

### **Conclusion**

The school is to accept and deal with complaints which are presented in a reasonable manner and allow reasonable time for response and resolution, even if that resolution does not, after investigation, favour the complainant. Staff should also feel protected from unreasonable behaviour by the complainant in the pursuance of a resolution for their complaint.

## Appendix 10

### Sample letters for unreasonable behaviour

#### Sample 1

Dear XXX

I am writing to ask you not to communicate with staff in the tone and manner in the email / letter / phone call / meeting (add date). As you may understand this is unacceptable behaviour towards our staff who have the right to be treated with respect and dignity by parents as well as students.

If this type of communication is repeated I will need to ask that in future, all correspondence regarding XXXX's education is in writing and is addressed to me. Any meetings that may be necessary to have at the school with his teachers regarding XXXX's education are also conducted with me present. I would be very happy to discuss your concerns with you in person and am keen to ensure that we can continue to work together positively.

Could I also ask that if you wish to make a complaint about the (refer to specific Policy procedure or incident), please refer to the Complaints Policy document and procedure on the website.

#### Sample 2

Good afternoon

I have been informed that you were in school this morning and were waiting to see a member of staff.

Unfortunately, I have also been informed that whilst you were waiting you were using very inappropriate language (detail the incident)

As you will appreciate we always aim to resolve any issues in a mature and calm manner, in order that our young people learn how to resolve disagreements effectively and safely. I am sure you are also aware that our Reception is a space where members of the public will gain their first impressions of the school and as such we ask that all visitors behave in a respectful manner.

I recognise that at times adults may feel aggrieved or upset but as a school is primarily a place of education I hope that you will bear this in mind on the next occasion you visit the school.

Regards

## Appendix 11

### Suggested phrases to end difficult meetings or phone calls

Our response as HAT employees is always calm and professional and we never respond 'in kind' to difficult behaviour from parents/ visitors.

- I can see/hear that you are upset/angry. However, it is our school policy not to continue calls/meetings when someone is swearing. I am going to end the call/meeting now, but will be happy to speak to you about this tomorrow/ on another day, when you feel calmer.
- I appreciate that you are angry/upset about this. However, you have now started to use unacceptable language/swearing. If that continues, I am afraid I am going to have to stop this phone call/meeting and we can resume the conversation on another day when you are calmer.
- I am very sorry, but I am going to end this phone call now, as you are still using unacceptable language/swearing/ raising your voice.
- I can hear/see that you are angry/upset about this, but you have started to raise your voice. It is our school policy to not continue meetings/calls if someone is shouting. If that continues, I will have to end the call/meeting.

### Suggested phrases for leaders when following up lower level incidents of swearing/shouting from parents visitors

- Mr/Ms X has mentioned that you were very upset/angry when you came into reception yesterday. He/She did also say that they you were swearing/ shouting.
- I would like to remind you that it is in a school environment such behaviours are not acceptable. I would be grateful if you could make sure that that does not happen again.

If necessary/ in case of repeated incident

- We do have a set procedure in response to adults shouting at/swearing at school staff. I will be passing on details of this incident to the Head of School.

## Appendix 12

### Useful websites

The Department for Education's Academy 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/Academys/adminandfinance/healthandsafety/f00191759/departmental-health-and-safety-advice-on-legal-duties-and-powers-for-local-authorities-headteachers-staff-and-governing-bodies>

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

<http://www.justice.gov.uk/downloads/youth-justice/prevention/SaferAcademyPartnershipsGuidancefinal0509.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 Academy 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-students-advice/guidance-on-social-networking/?locale=en>