

Dr Walker's C of E Primary School



An Exceptional Place to Flourish

Though your beginning was small,
your future will flourish indeed.
Job 8:7

NON-STATUTORY POLICY

Unacceptable and Abusive Behaviour Policy

Shared with staff	March 2022
Ratified by Governors	20 March 2022
Review Cycle	Every 2 years

Chair of Governors: Mrs K Bush	
Headteacher: Dr L Lawson	

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Pre-amble: School Vision, Ethos and Values

Dr Walker's is a mixed Church of England Voluntary Controlled Primary School in Fyfield, Ongar, Essex.

We support all pupils to succeed in reaching their God given potential at Dr Walker's – 'An Exceptional Place to Flourish', by developing

- **Belief** in self and the development of confidence, respect and trust for others and an appreciation of spirituality and an understanding of faith in God;
- **Engagement** in a love for learning by nurturing curiosity and independence; and
- **Excellence** in reaching personal goals by demonstrating resilience and positive behaviour.

Our **CHRISTIAN VALUES** are reflected in:

- Standing with **COURAGE** for what is right.
- Using **CREATIVITY** in problem solving and making life beautiful.
- Treating every person and everything with **RESPECT**.
- Having **COMPASSION** for others.
- Completing every task with **PERSEVERANCE**.
- Taking **RESPONSIBILITY** for ourselves.
- Living with **HOPE** for a better future.

At Dr Walker's we provide every pupil with the care and support they need to develop as individuals and become educated and successful British Citizens who understand the importance of the following British values:

- **Democracy**
- **The rule of law**
- **Individual liberty**
- **Mutual respect and**
- **Tolerance of those with different faiths and beliefs.**

Acknowledgement

- Adopted from ECC's *Unacceptable and Abusive Behaviour Policy* for maintained schools (March 2022).
- This Policy is based on the *NAHT Model Policy* and guidance and will be reviewed biennially.

Introduction

This policy informs all of our school staff and parents and visitors onto our school site.

The staff and Governing Body of Dr Walker's Church of England Primary School encourages close links with parents and the community.

We believe that pupils benefit when the relationship between home and school is a positive one. The vast majority of parents, carers and others visiting our school are keen to work with us and are supportive of the school. However, on the rare occasions when a negative attitude towards the school is expressed, this can result in aggression, verbal and or physical abuse towards members of school staff or the wider school community.

The Governing Body expects and requires its members of staff to behave professionally in these difficult situations and attempt to diffuse 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 aggression and abuse, and have the right, in an extreme case, of appropriate self-defence.

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 where behaviour is unacceptable.

- At all times the common purpose remains clear: to ensure all members of the school community, and all visitors to the school, can be confident that they are operating within a safe environment.

Types of behaviour that are considered serious and unacceptable and will not be tolerated:

- Shouting at members of the school staff, either in person or over the telephone
- Physically intimidating a member of staff, e.g. standing very close to her/him
- The use of aggressive hand gestures
- Threatening behaviour
- Shaking or holding a fist or finger towards another person
- Swearing
- Pushing
- Hitting, e.g. slapping, punching and kicking
- Spitting
- Racist or sexist comments
- Breaching the school's security procedures
- Aggressive and threatening phone calls or emails
- Aggressive or threatening behaviour towards staff or their families via social media

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

Unacceptable behaviour may result in the local authority and the police being informed of the incident.

Procedure to be followed

- If a parent/carer/visitor behaves in an unacceptable way towards a member of the school community, the Headteacher or appropriate senior member of staff 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 extreme act of violence, a parent or carer may be banned by the Headteacher 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/visitor 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 and Local Authority will be informed of the ban
- 4) Where appropriate, arrangements for pupils being delivered to, and collected from the school gate will be clarified.

The length of a 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 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.

What does a ban achieve?

- It confirms to a parent that the school will not tolerate misbehaviour
- Shows the school takes health and safety of its 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.

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 usual parent consultations 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). This may also take the form of a written report or telephone call if a face to face meeting is deemed inappropriate.

Options for the Headteacher

- After evaluating all available information, and any other relevant factors, there are several actions the Headteacher may wish to take. These can include:

<p>Inviting the parent to a meeting to discuss events</p>	<ul style="list-style-type: none"> • This could be helpful where a planned and structured meeting has either not been held before or has previously been productive. • Skilled facilitators may need to be used. • A full restorative meeting may be considered, but if it is not safe to bring all the parties together at a meeting, a restorative process can still take place through the exchange of information. • The safety and well-being of those attending such a meeting must be carefully considered. • It is strongly recommended that members of school staff should be accompanied by at least one other colleague at any such meeting. • Consideration should be given to the seating arrangements, and care taken to ensure exits cannot be blocked by a parent who could potentially become aggressive. • The main points of discussion and any agreed actions should be noted, and a follow-up letter sent to confirm the school's expectations and any agreed actions. • Some parents may covertly record meetings and then seek to use the information obtained to support their case, and therefore schools should state explicitly that information obtained without permission will not be permissible.
<p>Clarifying to the parent what is considered acceptable behaviour by the school</p>	<ul style="list-style-type: none"> • In some instances, it may be appropriate simply to ensure the parent is clear about behaviour standards expected by the school. • This could be explained at a meeting, or by letter, however any verbal explanation should be followed by a written confirmation of the discussion and the standards of behaviour outlined.
<p>Forming strategies to manage future situations of potential conflict</p>	<ul style="list-style-type: none"> • It is sometimes possible to identify situations of potential conflict and to plan for these in a way that minimises potential risks. • For example, where a parent persistently engages in arguments with staff in corridors at the beginning or end of the school day, the parent could be informed that any discussions with school staff must be held by prior appointment. • Alternatively, the parent may be asked not to approach the class

	<p>teacher, but should instead arrange to meet the Headteacher (or another member of the senior leadership team), who will deal with their concerns.</p> <ul style="list-style-type: none"> • In more serious cases a further option may be to advise the parent that in future their concerns should be dealt with by written communication. • Any such arrangements should be confirmed in writing to the parent.
<p>Withdrawing permission for the parent to enter the school site and/or buildings</p>	<ul style="list-style-type: none"> • In more serious cases of actual or threatened aggression/violence, or persistent abuse/intimidation, the Headteacher may need to consider whether it is safe for the parent to continue to come onto the school site or enter the buildings. In such circumstances, it is strongly recommended that the Headteacher first consult with the Chair of Governors and, if necessary, Essex Legal services. • Cases of actual assault should be also reported to the Local Authority.
<p>Calling for police assistance</p>	<ul style="list-style-type: none"> • In an emergency, police assistance should be sought. In cases where a ban is in place but is ignored and the person comes onto the school site, the police should be notified immediately. (Staff will need to be aware of the ban and have agreed procedures in place should the person come onto the school site). • In situations where there is no immediate threat to staff, pupils, other members of the school community or the school's property, the Headteacher may still wish to make their local community police officer (e.g. neighbourhood support team, youth intervention officer) aware of the situation. • The police could consider warning the offender of formal action, which may include legal proceedings.

Legal proceedings

Where individuals persist in coming onto the school site even when permission to do so has been withdrawn, it is possible for legal proceedings to be pursued. The options include:

<p>Prosecution under section 547 of the Education Act 1996</p>	<ul style="list-style-type: none"> • This requires substantial evidence to be gathered and presented by the police. • Clearly it is not a quick process, and whilst in most cases the threat may prove to be a sufficient deterrent, prosecution can only be seen in the last resort as a punitive measure.
<p>Appropriate behaviour contracts</p>	<ul style="list-style-type: none"> • These are voluntary agreements made between people involved in anti-social behaviour, and the agency/school concerned. • They are flexible in terms of content and format, and can be an effective means of encouraging young adults, children and parents to take responsibility for unacceptable behaviour. • The person named does not always agree with the contract, but it can be used as evidence at a later stage for an application for an anti-social behaviour order. • Conditions can be put on the contract, e.g. not to enter school grounds.
<p>Anti-social behaviour orders (Crime and Disorder Act 1998)</p>	<ul style="list-style-type: none"> • These are most likely to be used where the offender (aged over 10) has acted in a manner which causes harassment, alarm, or distress, and is needed to protect others in the same area from similar behaviour. • Anti-social behaviour orders (ASBOs) may be sought by the local authority or the chief officer of police. • ASBOs are designed to deal with persistent bad behaviour, and the police will need to show that other options have been tried or are unsuitable.

<p>Restraining orders (Protection from Harassment Act 1997)</p>	<ul style="list-style-type: none"> • Section 2 of the Protection from Harassment Act 1997 provides for criminal or civil prosecution, for cases where someone causes alarm or distress to another person on more than two occasions. Section four provides for criminal or civil prosecution where people have been put in fear of violence on at least two occasions. • In each case the sanctions include both criminal penalties (fines, imprisonment, or community sentences) and a restraining order. These orders are generally quicker and easier to obtain, but are part of a criminal conviction.
<p>Prosecution for criminal damage/assault</p>	<ul style="list-style-type: none"> • Prosecutions for causing deliberate damage or injury may occasionally be the most appropriate course of action. • If the police are called, the option to make criminal allegations is readily available, and they may arrest suspected offenders there and then. • Official allegations should only be made if there is no intention of later withdrawing the complaint. • Criminal proceedings can be initiated at a later date. • All possible steps should be taken to prevent the loss of evidence. In particular witnesses should be asked to make a record of exactly what they saw and heard at the earliest opportunity. • Legal advice is available through Essex Legal Services. • Individual cases should always be discussed with the Chair of Governors, who will work with the Headteacher and Legal Services to decide the most appropriate response. • Whilst the emphasis will usually be on ensuring safety and security of persons and property, and therefore the injunction route is likely to be the most effective deterrent legal action, it does not necessarily guarantee against the behaviour of the more persistent offender.

Record keeping

- There will be clear and detailed records of all events which must be kept up to date.
- Any witness statements (where appropriate) and notes of any subsequent meetings held to discuss the events should also be retained on the school electronic system. (*ScholarPack*)
- Any physical evidence should be bagged and labelled, and witnesses should be asked to make a record of exactly what they saw and heard at the earliest opportunity.
- If the police are asked to deal with an incident as a criminal investigation, there are a number of actions that may thwart this process.
- Witness details should not be made known to suspected offenders or their families.
- Groups of witnesses or suspects should not be left together, or allowed to discuss what happened, before the police interview them. If in doubt always seek the advice of the police officer first.

Support for employees

- If a member of staff is unfortunate enough to be one of the very small, minority subject to serious physical and/or verbal abuse there are a variety of sources of potential support available to them.
- In such circumstances the immediate and ongoing support of colleagues will be invaluable.

Conclusion

- The Local Authority itself may take action where behaviour is unacceptable or there are serious breaches of our home-school code of conduct or health and safety legislation.
- In implementing this policy, the school will, as appropriate, seek advice from the Local Authority's education, health and safety and legal departments, to ensure fairness and consistency.

Appendix A - Dealing with abusive telephone calls

- Sometimes staff may have to deal with challenging, abusive, aggressive or threatening telephone calls. It is unacceptable for any member of staff to be subjected to such abuse, but staff may not know how to handle such a telephone call.
- This guidance has been produced to assist staff if they are faced with such a situation.
- To reduce the likelihood of callers becoming abusive staff should conduct themselves in a courteous and professional manner and make every attempt to meet the needs of the caller.
- Staff should also have the confidence that it is acceptable to end an abusive telephone call.

Always	Never
<ul style="list-style-type: none"> • Remain calm and polite. • Stay in control of the situation. • Actively listen – repeat information back to the caller to test understanding of the issue and gain their agreement. • Inform the caller they are trying to help them. • Be positive and say what you can do. • Be clear and avoid using jargon. • If necessary, apologise for an error and take action to put it right. • If you have to go and get some information, let the caller know why you are putting them on hold and do not leave them on hold for a long time. Update them as necessary. • Make notes of the conversation. • Follow the procedure below if appropriate. • Refer to the caller to the Headteacher, deputy etc. 	<ul style="list-style-type: none"> • Respond in the same manner as an abusive caller. • Take it personally. • Allow yourself to be bullied. • Slam the phone down.

Script for abusive telephone calls

When the caller starts to raise their voice/be abusive:	<p>Mr/Mrs/Ms...</p> <p>Pplease don't raise your voice/swear at me, I am not raising my voice/being rude to you. If you continue to raise your voice/be rude to me then I will be forced to terminate the call.</p>
When the caller continues to raise their voice/be abusive:	<p>Mr/Mrs/Ms.....</p> <p>I understand you are upset/frustrated however I am not prepared to continue to be shouted/sworn at so you can either call back when you have calmed down or if you prefer you can put your views in writing.</p>
If, despite the two warnings above, the caller continues to raise their voice/be abusive:	<p>Mr/Mrs/Ms....</p> <p>I advised you earlier during this call about raising your voice/swearing and you have continued to do this, so I am afraid I am going to have to terminate this call. Hang up.</p>

Further actions:

- Record the incident (ScholarPack) and report the incident to the Headteacher.

Appendix B - Abuse/bullying using cyber technology

Staff in schools may become targets of cyber abuse/bullying and, like other forms of bullying, it can have a significant impact on their health, well-being and self-confidence. Protecting staff from abuse is best done within a prevention framework, including whole school policies and appropriate practices.

Cyber abuse/bullying may consist of threats, harassment, embarrassment, humiliation, defamation or impersonation. It may take the form of general insults, or prejudice-based abuse, e.g. homophobic, sexist, racist or other forms of discrimination. It may involve email, virtual learning environments, chat rooms, websites, social networking sites, mobile and fixed-point phones, digital cameras, games and virtual world sites.

Abuse using cyber technology can occur at any time and incidents can intrude into the victim's private life. The audience for such messages can be very large and can be reached rapidly. The content of electronically forwarded messages is hard to control and the worry of content resurfacing can make it difficult for the victim to move on.

The Governing Body endorses the decision of any school to operate a zero tolerance policy towards direct or indirect harassment or assault against any member of staff, volunteer, or member of the school community. This includes the use of social media and other forms of electronic communications to facilitate the act.

Cyberbullying and the law

While there is not a specific criminal offence called cyberbullying, activities can be criminal offences under a range of different laws, including:

- The Protection from Harassment Act 1997
- The Malicious Communications Act 1988
- Section 127 of the Communications Act 2003
- Public Order Act 1986
- The Defamation Acts 1952 and 1996

It is the duty of every employer to ensure, so far as reasonably practicable, the health, safety and welfare at work of all employees. Incidents that are related to employment, even those taking place outside the hours or place of work may fall under the responsibility of the employer.

Effectively tackling abuse using cyber technology

- School behaviour policies and procedures should explicitly refer to and outline how the school will deal with cyber abuse/ bullying of both staff and pupils.
- They should include: rules on the use of equipment, software and network access provided by the school, the use of staff and pupil owned equipment and internet access routes, where they are used on school premises and within school hours, e.g. mobile phones, digital cameras and laptops acceptable behaviour including behaviour outside of school e.g. use of social networking services and other sites, regarding harming others and bringing the school into disrepute.

Appendix C - Responding to incidents

Staff should never retaliate i.e. personally engage with cyberbullying incidents.

- Keep any records of abuse – texts, emails, voice mails, or instant messages. Take screen prints of messages or web pages. Record the time, date and address of the site. This should be recorded on ScholarPack
- Inform the appropriate person e.g. headteacher, or head of year at the earliest opportunity.
- Where the perpetrator is known to be a current pupil, parent, or co-worker, this should be dealt with through the school's own behaviour management / disciplinary procedures.
- Monitoring and confiscation must be appropriate and proportionate - parents, employees and learners should be made aware in advance of any monitoring (for example, of email or internet use) or the circumstances under which confiscation might take place.
- A designated member of the leadership team should contact the police where it appears that a law has been broken – for example, where death threats, assault, or racially motivated criminal offences are involved. Where a potential criminal offence has been identified, the school should ensure that any internal investigation does not interfere with police inquiries. School staff are of course able to report incidents directly to the police.
- If a potential criminal offence has been committed and the school is not able to identify the perpetrator, the police may issue a Regulation of Investigatory Powers Act 2000 (RIPA) request to a service provider, enabling them to disclose the data about a message or the person sending it.

Essex legal services are available to offer support and advice.

Getting offensive content taken down

- Where online content is upsetting / inappropriate and the person(s) responsible for posting is known, the school will need to contact the host (i.e. the social networking site) to make a request to get the content taken down.
- The material posted may breach the service provider's terms and conditions of use and can then be removed.
- It is important to be clear about where the content is – for example by taking a screen capture of the material that includes the URL or web address.
- If you are requesting, they take down material that is not illegal, be clear how it contravenes the site's terms and conditions.
- In cases of actual/suspected illegal content, the school should contact the police.

Appendix D - Letter to be sent to violent and abusive parents / carers / visitors

Dear

At Dr Walker's Church of England Primary School, all members of staff have the right to work without fear of aggression and abuse. We expect parents and other visitors to behave in a reasonable way towards members of school staff. Types of behaviour that are considered serious and unacceptable and will not be tolerated:

- Shouting at members of the school staff, either in person or over the telephone.
- Physically intimidating a member of staff, 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;
- 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.

I am writing to advise you that 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, 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 pupils. Therefore, I am writing to advise you that an incident log has been completed and will be kept on record should further episodes of this type be reported and further action be necessary.

Yours faithfully,
Headteacher
Cc Chair of Governors

Appendix E - Withdraw permission pending review (sent by Chair of Governors)

Dear

I have received a report from the Headteacher of Dr Walker's Church of England Primary School about your conduct on

..... at

(add summary of incident and its effect on staff and pupils) (optional reference to first letter from headteacher)

I must inform you that the governors, in line with our policy, will not tolerate conduct of this nature on the school premises and will act to defend school staff and pupils. On the advice of the Headteacher, I am therefore instructing you that until I have reviewed this incident, you are not to reappear on the school premises from xxx date. If you do not comply with this instruction, I shall arrange for you to be removed from the premises. If you cause a nuisance or disturbance on the premises you may be prosecuted under section 547 of the Education Act 1996; if convicted under this section, you are liable to a fine of £500.

For the duration of this decision you may bring your child(ren) to school and collect them at the end of the school day, but you must not go beyond the school gate/onto the school premises.

The withdrawal of permission for you to enter the school premises takes effect immediately and will be in place for 10 school days in the first instance. 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 that I have received from the headteacher. These comments may be to challenge or explain the facts of the incident, to express regret and give assurances about your future good conduct. To enable me to take a decision on this matter, please send me any written comments you wish to make by **(date 10 school days from 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 your case or use the school's Complaints Policy.

I am copying this letter to the headteacher and the Local Authority

Yours sincerely
Chair of
Governors cc: HT
and LA.

Appendix F - Withdrawal of permission confirmed (sent by chair of governors)

Dear

On I wrote to inform you that on the advice of the Headteacher I had withdrawn permission for you to come onto the premises of Dr Walker's Church of England Primary School. To enable me 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

I have not received a written response from you/I have received a letter from you dated, the contents of which I have carefully considered.

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 of the school. If you cause a nuisance or disturbance on the premises, you may be prosecuted under Section 547 of the Education Act 1996; if convicted under this section, you are liable to a fine of up to £500.

Even though we have taken this decision, the Headteacher and staff at Dr Walker's Church of England Primary School remain committed to the education of your child(ren), who must continue to attend school as normal.

This decision will be reviewed again(insert review date which should be within a reasonable period and no longer than six months). When deciding whether it will be necessary to extend the withdrawal of permission to come onto the school premises, consideration will be given to the extent of your compliance with the decision, any appropriate expressions of regret and assurance of future good conduct received from you; and any evidence of your co-operation with the school in other respects.

If you wish to pursue the matter further you have a right to complain to a panel of school governors who have not been involved previously and who will consider the circumstances of the decision to withdraw permission for you to come on to the school site. You can make your complaint by writing, using the school's Complaints Policy, to the Clerk to the Governors, c/o Dr Walker's Church of England Primary School.

Yours sincerely,

Chair of Governors
cc: HT / LA

Appendix G - Restore permission after review by Chair of Governors (sent by Chair of Governors)

Dear

On I wrote to inform you that on the advice of the Headteacher I had temporarily withdrawn permission for you to come onto the premises of Dr Walker's Church of England Primary School. To enable me 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

I have not received a written response from you/I have received a letter from you dated, the contents of which I have carefully considered.

In the circumstances, and after consulting further with the Headteacher, I have decided that it is not necessary to confirm the decision and I am therefore restoring to you permission to come onto the school premises, with immediate effect.

(Optional) I must warn you, however, that if it should become necessary in the future I shall not hesitate to withdraw permission for you to come onto the school premises once again.

Yours sincerely,

Chair of Governors
cc: Chair of Governors

Appendix H - Continue ban after second review (sent by Chair of Governors)

Dear

I wrote to you on confirming that permission for you to come onto the premises of Dr Walker's Church of England Primary School had been withdrawn until further notice. I also advised you I would take steps to review this decision by

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. **(Add brief summary of reasons).**

I therefore advise that the instruction that you are not to come onto the premises of Downham School, without the prior knowledge and approval of the headteacher remains in place until further notice. If you do not comply with this instruction I shall arrange for you to be removed from the premises and you may be prosecuted under section 547 of the Education Act 1996; if convicted under this section, you are liable to a fine of up to £500.

I shall undertake a further review of this decision by**(insert review date which should be within a reasonable period and no longer than six months).**

In the meantime you can write to me with a statement of your views, which I will consider.

Yours sincerely,

Chair of Governors cc: HT