



Staploe Education Trust

Excellence through partnership



Banning Parents from the School Premises Policy

Policy owned by Kennett and The Shade Advisory Body	
Approved on:	June 2017
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Chair Signature:	J Humphrey





Policy for Banning Parents from School Premises

This policy has been written with support from Cambridgeshire County Council's briefing paper 15. It addresses the specific issues and requirements relating to banning a parent from coming on to school premises. It outlines and is based on DfES guidance, 'A legal toolkit for schools: tackling threats and violence towards members of the school community'.

1.0 Overview

Kennett and The Shade Primary Schools endeavour to communicate effectively with parents/carers. We aim to develop trusting relationships, where parents/carers feel comfortable raising issues in school, before they become a serious concern or cause unwanted anger or upset. This policy is a last resort, if previous communication has broken down or of a one-off incident results in anti-social behaviour on the school's premises.

If a parent repeatedly comes onto the school site and behaves in a way that is antisocial, threatening or abusive, the Headteacher may decide to ban that parent from the school premises. If the parent were to breach this ban, they would be committing the offence of trespass on educational premises under Section 547 of the Education Act 1996. If convicted, the person would face a fine and gain a criminal record. However, to effect a criminal conviction the school would need to a) persuade the police that this offence warranted a court action and b) have witnesses prepared to offer evidence in court.

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at certain times and for certain purposes, but if the parent's behaviour is unreasonable this permission may be withdrawn and they will become a trespasser.

2.0 School Policies

Kennett and The Shade Primary Schools have a robust Critical Incident Plan which covers incidents involving abusive, threatening or violent adult visitors. This provides a readily available set of procedures on:

- What to do when an incident arises (ask the person to leave, or invite them into a room away from other people)
- Who to contact during an emergency (i.e. at the school, LEA, police)

- How to record incidents and who to report the incident to (see incident report form on p7)
- What follow up action is necessary (i.e. any legal action to be taken; if a parent, whether they should be refused entry to the premises)
- What support is available from the employer, e.g. counselling
- Liaison with the police whenever necessary

3.0 Conducting a risk assessment

Risk assessments are in place to assess the risk to staff and others from abusive visitors. This risk assessment should:

- Identify and assess the risks;
- Determine appropriate actions
- Implement the actions
- Monitor the results
- Provide feedback

4.0 Procedure for considering warning or a banning parents – The Headteacher/Head of School's role

4.1 The Headteacher/Head of School should ask people who witnessed the relevant incident to make witness reports in writing as soon as possible after the incident. These will be essential if court action is pursued. Reports should be signed and dated. The incident report form on page 7 should be used to record actions undertaken by the Headteacher/Head of School. The Headteacher/Head of School should make it clear that these reports may be disclosed to the perpetrator of the anti-social behaviour and the relevant witness(es) should say whether or not they are prepared for this to happen. If they are not prepared for this to happen then the Headteacher/Head of School must consider the case on the basis of the evidence which s/he has of the incident.

4.2 Once the Headteacher/Head of School has considered all the written accounts of the incident, s/he should consider whether the person should be given a warning letter or be banned from the premises. The Head will discuss this with the Chair of the Advisory Body, who will be kept informed. The Head may wish to take legal advice if s/he is unsure how to proceed. It is always advisable to seek legal advice if the incident under discussion is the latest in a long line of disputes that the person has had with the school.

4.3 If the Headteacher/Head of School decides that it would be appropriate to send a warning letter to the parent, a letter should be sent to him or her along the lines of Model Letter 1.

4.4 If the Headteacher/Head of School decides that the parent should be banned from the premises, s/he should give the parent an opportunity to make representations about this before finalising the ban. If the Headteacher/Head of School considers it unwise to allow the parent back on the premises at this time, s/he should impose a temporary ban for, say a week, to give the parent an opportunity to make representations in writing within this period. Model Letter 2 may be used. As soon as those representations have been considered, the Head should write to the parent informing him or her of the decision either to extend the ban or not to renew it after the initial week has elapsed. Model Letter 3 may be used.

4.5 If a ban is renewed after the initial week, it is advisable for the Headteacher/Head of School to impose any further ban for a fixed period of time and explain that s/he will review the ban at the end of that period. This allows for rehabilitation to take place or the ban to be extended if it is still considered unwise to have that person on the school premises.

4.6 When putting in place a ban, a Headteacher/Head of School should include in the letter the procedures a parent should follow if they wish to raise concerns about their child with a member of staff, how the school will keep them informed, and also how the school will view attendance at events such as school plays, sports day or parents' evenings.

5.0 Procedure for considering warning or a banning parents – The LEA's role

5.1 If the incident is of a serious and/or violent nature, the Headteacher/Head of School and Staploe Education Trust may agree that correspondence should be sent directly from the Trust or an LEA officer. In such circumstances, Headteacher/Head of School are advised to contact the Education Helpline co-ordinator on (01223) 717970.

5.2 The Headteacher/Head of School and/or the LEA officer should ask people who witnessed the relevant incident to make witness reports in writing as soon as possible after the incident. Reports should be signed and dated. The Headteacher/Head of School should make it clear that these reports may be disclosed to the perpetrator of the anti-social behaviour and the relevant witness(es) should say whether or not they are prepared for this to happen. If they are not prepared for this to happen then the Headteacher/Head of School must consider the case on the basis of the evidence which s/he has of the incident.

5.3 Once the Headteacher/Head of School and/or the LEA officer have considered all the written accounts of the incident, s/he should consider whether the person should be given a warning letter or be banned from the premises. The Head/SET/LEA officer will discuss this with the Chair of the Advisory Body and secure his/her agreement to proceed and keep him/her informed.

5.4 If it is decided that it would be appropriate to send a warning letter to the parent, a letter should be sent to him or her along the lines of the model at Annex C from the LEA officer.

5.5 If the Headteacher/Head of School and/or the LEA officer decide that the parent should be banned from the premises, they should give the parent an opportunity to make representations about this before finalising the ban. If they consider it unwise to allow the parent back on the premises at this time, they should impose a temporary ban for say a week, to give the parent an opportunity to make representations in writing within this period. Annex B may be used. As soon as those representations have been considered, the LEA officer should write to the parent informing him or her of the decision either to extend the ban or not to renew it after the initial week has elapsed. (See Annex D, E and F)

5.6 If a ban is renewed after the initial week it is advisable for the Headteacher and/or the LEA officer to impose any further ban for a fixed period of time and explain that s/he will review the ban at the end of that period. This allows for rehabilitation to take place or the ban to be extended if it is still considered unwise to have that person on the school premises.

5.7 When putting in place a ban, the Headteacher and/or the LEA officer should include in the letter the procedures a parent should follow if they wish to raise concerns about their child with a member of staff, how the school will keep them informed, and also how the school will view attendance at events such as school plays, sports day or parents' evenings.

6.0 Dealing with trespassers

6.1 Trespassers are people who have no right to be on the premises. Whilst school staff and pupils clearly have rights to be on the premises at certain times of the day, others may have an implied right. Other people with implied rights could include visitors wishing to make an appointment to see the Headteacher or people making deliveries. People who clearly have no rights to be on the premises could include excluded pupils and pupils from other schools who have no legitimate reason to be there. It is easier to prosecute under section 547 of the Education Act, if the person concerned has received a banning letter leaving no room for argument about their status as a trespasser. Although the offence is actually the causing of nuisance or disturbance on school premises whilst being a trespasser, the act of trespass may in itself constitute a nuisance in the context of the need for schools to ensure security and not to have unauthorised people on site.

6.2 Where the person causing a nuisance is not a parent, the model letter contained in Annex C may be used. It may be more appropriate for the Solicitor (or legal adviser) to send a warning letter to the person, in addition to a letter and/or oral warnings from the Headteacher/Head of School. Such persons are committing an offence under the Education Act 1996 Section 547.

7.0 Advice and assistance

7.1 Legal/procedural Advice

Kennett Primary School or The Shade Primary School, with support from Staploe Education Trust, may seek advice from a Solicitor on these issues, and receive guidance on writing to parents in such circumstances. (The model letters attached are recommended by the Education Solicitor for Cambridgeshire County Council).

7.2 Police Assistance In the event of a parent (or other person) becoming aggressive or violent, schools should not hesitate to contact the police using 999. When the situation does not require immediate Police response, but there is prior knowledge of likely trouble, the Headteacher/Head of School may contact the local Police Station or the school's Police Liaison Officer for advice.

7.3 The Education Helpline Cambridgeshire County Council's Education Helpline Co-ordinator, is available to offer help and support 01223 706399. They will also contact the school's Education Officer to provide advice and support as necessary.



INCIDENT REPORT FORM

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

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

Date of incident _____ Day of week _____

Time _____

1. Member of staff reporting incident

Name _____

Work address (if different from school address)

Position _____

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

Name _____

Work address (if different from school address)/home address (if pupil)

Job/Position (if member of staff) _____

Dept/Section/Class _____

Age _____ Sex _____

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

4. Witness(es) if any

Name _____

Address _____



Age (approx) _____ Sex _____

Other information

Relationship between member of staff/pupil and trespasser/assailant, if any

5. Details of incident

a) **Type of incident** (e.g. if trespass, was the trespasser causing a nuisance or disturbance and how; if assault, give details of any injury suffered, treatment received etc)

b) **Location of incident** (attach sketch if appropriate)

c) **Other details:** describe incident, including, where relevant, events leading up to it; relevant details of trespasser/assailant not given above; if a weapon was involved, who else was present.

6. Outcome: (e.g. Whether police called; whether trespasser was removed from premises under section 547; whether parents contact; what happened after the incident; any legal action)

7. Other information (to be completed as appropriate)

a) Possible contributory factors

b) Is trespasser/assailant known to have been involved in any previous incidents YES/NO

c) Give date and brief details of (b) if known

d) Had any measures been taken to try to prevent an incident of this type occurring? If so, what? Could they be improved?

e) If no measures had been taken beforehand, could action now be taken? If so, what?

f) Name and contact details of police officer involved, and incident number or crime reference number, as appropriate.



g) Any other relevant information

Signed _____

Date _____



Model Letter 1 - warning letter from Headteacher/Head of School

Dear

Re. Your conduct on school premises on (insert date)

I refer to the incident that took place on school premises today (or insert relevant day) when you (insert details of the incident).

If the Headteacher/Head of School did not witness the incident they may wish to use the following text: I have considered the witness accounts of the incident, (if relevant: including your own), and it would appear (insert details of incident).

Your behaviour falls short of the standard of conduct expected of those visiting the school. I must therefore warn you that if you are involved in a similar incident again, you will leave me with no alternative other than to ban you from coming onto the school site without my written permission. I do hope that this will not be necessary and that I can rely on your co-operation in this matter.

Yours sincerely

Headteacher/Head of School



Model Letter 2 - Ban from school premises for one week (or so) whilst obtaining the parent's account and views from Headteacher/Head of School

Dear

Your conduct on school premises on (insert date)

I refer to the incident that took place on school premises today (*or insert relevant day*) when you (*insert details of the incident*)

If the Headteacher/Head of School did not witness the incident, the following text may be used: I have considered the witness accounts of the incident, (if relevant: including your own), and it would appear (insert details of incident).

Your behaviour falls short of the standard of conduct expected of those visiting the school.

(Omit if this is a first incident - As you will remember, I have previously warned you about your behaviour when I wrote to you on (date)). I have considered the matter very carefully and have decided that you should not be allowed on to the school premises from now until (insert date). During that time I will review the situation. Before I make a final decision you may, if you wish, write to me to give me any further information you want me to take into consideration. You have until (insert date) to write to me.

If you need to speak to me or a member of staff about any matter, please telephone and I will make the necessary arrangements and confirm them to you in writing. You will not be allowed to come onto the school site unless you have a letter from me giving you authorisation.

If you do not comply with this ban, you will be guilty of causing a nuisance or disturbance on educational premises. This is a criminal offence under section 547 of the Education Act 1996. If you were to commit this offence, you would be liable to prosecution in the magistrates' court. If you were to be convicted, you would be liable to a fine and a criminal conviction. I regret that I have had to take this action and hope that I can rely on your co-operation.

Yours sincerely

Headteacher



Model Letter 3 - Ban from school premises for specified period from Headteacher

Dear

Your conduct on school premises on (insert date)

I refer to the incident that took place on school premises on (insert relevant day) when you (*insert details of the incident*). In my letter dated (*insert date*), I referred to my intention to ban you from the premises and I invited you to make representations to me about this.

I have considered the points you have made to me and I have decided to proceed with the ban for a period of (*insert number of weeks or an indefinite period*), until (*insert date*) after which the ban will be reviewed by the Chair of the Advisory Body and myself. I will write to you again when this review is going to take place so that you may make written representations, which we will take into account. When we have made our decision, I shall write to you to inform you of it together with our reasons.

If you need to speak to me or a member of staff about any matter, please telephone and I will make the necessary arrangements and confirm them to you in writing. You will not be allowed to come onto the school site unless you have a letter from me giving you authorisation.

If you do not comply with this ban, you will be guilty of causing a nuisance or disturbance on educational premises. This is a criminal offence under section 547 of the Education Act 1996. If you were to commit this offence, you would be liable to prosecution in the magistrates' court. If you were to be convicted, you would be liable to a fine and a criminal conviction.

I regret that I have had to take this action and hope that I can rely on your cooperation.

Yours sincerely

Headteacher/Head of School



Model Letter 4 - Unban from school premises from Headteacher/Head of School

Dear

Your conduct on school premises on (insert date)

On *(insert date)* I wrote to you informing you that, I had temporarily withdrawn permission for you to come onto the school premises. To enable me to determine whether to confirm this decision for a longer period, I gave you the opportunity to let me have your written comments on this incident by *(insert date)*.

I have not received a written response from you/I have now received a letter from you dated *(insert date)*, the contents of which I have noted. *(delete either sentence as appropriate)*.

[However] In the circumstances, *(insert detail)* I have decided to restore 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 premise again.

Yours sincerely

Headteacher/Head of School