

## **Allegations of Abuse against Staff Policy**

Guidance and Policy for dealing with disruptive, aggressive or abusive parents and visitors to academies who cause nuisance or create a disturbance.

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## Managing violent and abusive visitors - Guidance

### 1. Summary

Day to day access to an academy is within the control of the Principal (read also Headteacher). Normally parents/carers (and those with parental responsibility) are granted "limited licence" to visit the grounds and buildings of an academy. The Academy will establish procedures which set out the acceptable purposes for such visits; the areas of the academy that may be entered at particular times; the standard of behaviour expected etc. Where there is a breach of such procedures the academy 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 academy and stating its unacceptability
- vary the person's "licence", say, through the addition of conditions
- 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
- It is possible for a Principal to initiate any of these actions on their own authority, but is less likely to lead to personal confrontation if the more serious sanctions are initiated by the Academy Local Governing Body (LGB) supported by SAET, as appropriate.

### 2. Introduction

As a general rule, academies are orderly, safe places, where relationships between staff and visitors, especially parents/carers, demonstrate mutual respect and recognition of shared responsibility for pupils' welfare and educational progress. Parental involvement is an important factor in educational success and in dealing with emerging problems at an early stage. If a parent/carer has concerns we will always listen to them and seek to address them.

The Severn Academies Educational Trust (SAET) and the LGB's are responsible for, and will act to protect, the health and safety of their staff and pupils and ensure that they remain a safe place for pupils, staff and all other members of the community.

The Academy expects that members of the public, parents and other visitors to our academies will behave in a polite and courteous manner to each other, to staff and to pupils. It is expected that parents and carers will be good role models with respect to conduct and managing individual concerns.

The Academy will not tolerate aggressive, violent, abusive or anti-social behaviour towards anyone on the academy site. This includes abusive telephone calls and abuse using cyber technology. Should there be evidence that there has been a breach of this behaviour code, the Academy's Local Governing Body (LGB) / Principal of an academy will take action, to protect members of the academy community. This may include banning the individual from the academy premises, informing the police or pursuing other legal action if appropriate.

This document is about dealing with inappropriate conduct of parents / carers, including those cases where the parent/carer has been asked not to come onto the premises. Some of the remedies listed may also be applicable when dealing with other intruders on academy premises.

Violence, threatening behaviour and abuse against academy staff or other members of the academy community will not be tolerated. All members of the academy community have a right to expect that their academy is a safe place in which to work and learn. There is no place for violence, threatening behaviour or abuse in academies. Where such behaviour does occur, the academy must know that SAET will play a proactive role in ensuring all appropriate actions to deal with any issues are put in place.

In certain circumstances, this will mean SAET taking the lead in initiating action on the academy's behalf, and in other circumstances SAET will support the Academy's Local Governing Body (LGB) / Principal in actions that the academy itself will initiate and resolve.

At all times the common purpose remains clear: to achieve zero tolerance of violence, threatening behaviour or abuse in academies, and to ensure all members of the academy community, and all visitors to the academy, can be confident that they are operating within a safe environment.

Academies, may wish in the first instance, ask SAET for advice on the appropriateness of the remedies available. Any parental/carer site bans must be reported to the SAET CEO.

### **3. Examples of unacceptable behaviour**

Types of behaviour considered serious and unacceptable include (but are not limited to):

- shouting at members of academy 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 or language
- shaking or holding a fist towards another person
- swearing
- pushing
- hitting e.g. slapping, punching and kicking
- spitting
- breaching school security procedures

### **4. General advice to be given to parents and carers for raising concerns with staff**

- make an appointment to see the relevant person. If you just turn up at the academy, they may not be able to give you the time you need
- make a note of the things that you are unhappy about. It will help to clarify the issues and help you when you meet the member of staff
- don't jump to conclusions. What made you angry may not be exactly what happened in reality
- deal with your anger before going to the academy. An angry confrontation will normally get a defensive response rather than a helpful one. Academy staff may also refuse to talk to you while you are angry, so you will have achieved nothing.
- consider having a friend with you when you have your meeting if you find it difficult to manage meetings
- don't expect an immediate solution. The person you're talking to may need to investigate your concerns before being able to take any action or reach a solution
- if you feel that your concern has not been dealt with effectively you should ask for a copy of the academy complaints procedure. This will tell you the informal and formal procedure for taking your concerns further

## **5. The Banning Process**

The Principal 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 LGB/SAET 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

## **6. 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.

The duration of the ban must be clear. Academy schools must also consider, and make any amendments to a ban, when considering the safety of students' arrival and departure from school. This is particularly the case for younger students.

## **7. What does a ban achieve?**

- it confirms to a parent that the academy will not tolerate misbehaviour
- shows the academy takes the 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 academy premises without permission
- it may form the basis for an application for an injunction to curtail repeated instances of misbehaviour

## **8. Parental / carer rights**

Every attempt should be made to maintain normal communications with parents/carers, including giving them the opportunity to participate in elections for parent governors. Even where a parent/carer has been banned from the academy premises, they retain their right to an annual consultation in relation to the educational progress of their children. However, the academy 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) and decide whether this will only take place via either telephone, or written format only.

The interests of the child should continue to be paramount.

## **9. Model incident report form**

This is attached as an annex. It will assist with the recording of any incidents of abuse, threatening behaviour or violence against any members of the academy 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 academy's policy, and should ideally inform future risk assessments.

If there is an injury to staff from an assault, the academy will need to report the injury following the health and safety policy.

The model letters included suggest how use might be made of section 547 of the Education Act 1996 in the letters that are sent to parents.

Section 547 makes it an offence for a trespasser on academy 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 an academy normally has implied permission (limited licence) to be on the academy'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 academy premises and displaying unreasonable behaviour may be removed and prosecuted under section 547.

The LGB or SAET may take the lead in authorising the removal of a person believed to be causing or permitting a nuisance or disturbance and may bring proceedings against them should the head teacher wish this to happen.

The LGB or SAET 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 academy premises and to bring proceedings for an offence under this section.

Academies wishing action to be taken against someone they believe has committed an offence under s547 should contact the SAET as appropriate. If the police have been involved the academy should clarify whether the police intend to summons or charge and whether the Crown Prosecution Service has decided that there is sufficient evidence to prosecute. In most cases it will be in the public interest to prosecute if there is sufficient evidence to support a prosecution.

## **10. Model letters**

At Annex 3 are examples of letters (which can be modified for different legal purposes where necessary) to parents/carers or other visitors to academy premises whose permission to be on the premises is to be, or has been, withdrawn by the LGB or SAET on behalf of the academy. The letters show that where such a parent re-enters academy premises and causes a nuisance or disturbance, section 547 might be used.

A Principal has the right to decide who can come onto academy premises but the letters should be sent by the LGB or SAET, on behalf of the Principal.

Using powers under section 547 allows for action which the LGB or SAET can take on behalf of a academy and which can be straightforward, quick and effective in removing violent, aggressive or abusive people from academy 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. SAET will be able to advise the academy of how to achieve this.

### **Annex 1 - Incident report form**

Relevant incidents include trespass, nuisance or disturbance on academy 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 pupil or parent/carer/visitor, a member of staff should complete the form on their behalf.

The completed form should be passed to the Principal, for appropriate action and recording.

<b>Date of incident</b>
<b>Time of incident</b>
<b>Name of person reporting incident</b>
<b>Date incident reported</b>
<b>Member of staff recording incident</b>
<b>Date incident recorded</b>
<b>Name(s) of person(s) causing incident</b> (Where name(s) is/are unknown, provide other details of which may allow their identification)
<b>Status(es)</b> (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 statuses**

**Initial action/outcome** (e.g. informal conciliation; police intervention; warning or banning letter issued)

**Summary of subsequent actions taken by the academy, including risk assessments**

**Linked incidents** (if any)

## Annex 2 - Sample Letters

### **Warning letter, from the Principal: to parent/carer with children at the academy**

Recorded delivery

Dear .....

I have received a report about your conduct at the academy 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 Academy's Local Governing Body / Severn Academies Educational Trust (SAET) **(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 access to the academy 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,

Principal



**(Banning Letter, from the Academy's LGB or SAET: to parent/carer with children at the academy)**

Recorded delivery

Dear .....

I have received a report from the Principal at **(insert name of Academy)** 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 Academy's Local Governing Body / Severn Academies Educational Trust (SAET) **(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 Principal, I am therefore instructing that until **(add date)** you are not to reappear on the premises of **(insert name of Academy)**.

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 academy include:***

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

***In the case of infant children, also insert***

Arrangements have been made for **(insert children(s) names)** to be collected, and returned to you, at the academy gate by a member of the academy's staff.

The withdrawal of permission for you to enter the academy 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 Principal. 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 academy premises will be reviewed by the Academy's Local Governing Body / SAET **(delete as appropriate)**. That review will take account of any representations that you may have made and of your subsequent conduct.

Yours sincerely,



**(Banning Letter, from the Academy's LGB or SAET: to member of the public)**

Recorded delivery

Dear .....

I have received a report from the head teacher at **(insert name of Academy)** 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 Academy's Local Governing Body / Severn Academies Educational Trust (SAET) **(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 Principal, I am therefore instructing that you are not to reappear on the premises of the academy. 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,



**(Letter updating a banning letter, from the Academy's LGB or SAET, confirming ban: to parent/carer with children at the academy)**

Recorded delivery

Dear .....

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

To enable the Academy's Local Governing Body (LGB) / Severn Academies Educational Trust (SAET) **(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 Principal's report, I have determined that the decision to withdraw permission for you to come onto academy 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 academy 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 Principal and staff at **(insert name of Academy)** remain committed to the education of your child/children **(delete as appropriate)**, who must continue to attend academy as normal. **insert in the case of a primary academy:** under the arrangements set out in my previous letter.

The Academy's Local Governing Body / Severn Academies Educational Trust (SAET) **(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 academy's premises, LGB / SAET **(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 academy in other respects. **(Include where the incident has arisen within the context of a parental complaint against the academy)**

Finally, I would advise you that I have asked the Principal to ensure that your complaint **(give brief details)** is considered under the appropriate academy procedure. You will be contacted about this by the academy 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 academy's LAB.

Yours sincerely,



**(Letter updating a banning letter, from the Academy's LGB or SAET, withdrawing ban: to parent/carer with children at the academy)**

Recorded delivery

Dear .....

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



**(Letter, from the Academy's LGB or SAET, following formal review of a banning letter, extending ban: to parent/carer with children at the academy)**

Recorded delivery

Dear .....

I wrote to you on **(insert date)** withdrawing permission for you to come onto the premises of **(insert name of Academy)** 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 Principal, 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 Academy)** 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)**.

If you are dissatisfied with this decision, you have a right to request a review of the decision by the governing body.

Yours sincerely,



**Letter, from the Academy's LGB or SAET, following formal review of a banning letter, ending ban: to parent/carer with children at the academy)**

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 Academy)** 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 Principal, 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 academy premises, with immediate effect.

I trust that you can now be relied upon to act in full co-operation with the academy 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,

## **Annex 3 - Legal Remedies**

### **Legal remedies, for violence or abuse against members of a academy community**

As well as invoking section 547 of the Education Act 1996, the following vehicles may be used by SAET on an academy's behalf.

#### **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 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 SAET would take the lead on taking relevant action under the above legislation as appropriate.

#### **Protection from Harassment Act 1997 (under review)**

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 an academy, or from making phone calls to the academy 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 academy 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 academy, 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 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 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 academy 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.

## **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 academy premises. Under section 139B a police officer may enter a academy and search for a weapon; where one is found they may seize and retain it. A person who has a weapon on academy 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.

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 academies from imposing their own bans on pupils carrying them.

In general, where a academy suspects a weapon to be on academy premises the police should be called. Where the police have reasonable grounds for suspecting a weapon to be on a academy's premises they can enter without permission from the academy.

## **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. Academies might also be able to develop non-statutory acceptable behaviour contracts for some parents similar to those that have been developed by the Police mainly in respect of pupils. These require the agreement of the person to an acceptable level of behaviour.

## **Annex 4**

### **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/academys/adminandfinance/healthandsafety/f00191759/departental-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-pupils-advice/guidance-on-social-networking/?locale=en>