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UNACCEPTABLE BEHAVIOUR POLICY FOR VISITORS

2022 - 2025

Mission Statement

To inspire our family of schools to provide opportunities for our pupils, staff and leaders to be the best they can be; to create a passion for lifelong learning; to enable our pupils to become kind, confident and impactful world citizens.

INTRODUCTION

The vast majority of parents, carers and other visitors to our Academies are supportive of the teachers, other members of staff, students, their parents and other visitors, and act in a reasonable way, ensuring that our Academies are a safe, orderly environment in which students can learn. Occasionally, however, a negative attitude is expressed in an aggressive, verbally abusive or physically abusive way towards these members of the Trust community which is unacceptable and will not be tolerated.

The Empower Learning Academy Trust (the Trust) requires its teachers and other members of staff to behave professionally in these difficult situations, attempting to defuse the situation wherever possible, and to seek the involvement of other members of staff as appropriate. Members of our community have a right to work, learn and play without fear of harassment, violence, intimidation or abuse.

The Trust expects parents and other visitors to always behave in a reasonable way towards all members of the Trust community. This policy outlines the steps that will be taken where the behaviour displayed falls below the standard the Trust expects.

The types of behaviour which are unacceptable and will not be tolerated are:

- physical assault
- shouting, either in person or over the telephone;
- using intimidating language or behaviour;
- using threatening language or behaviour;
- using abusive language or behaviour;
- using insulting language or behaviour;
- using aggressive or offensive hand gestures;
- shaking or holding a fist towards another;
- swearing;
- pushing, shoving or jostling;
- hitting, slapping, punching or kicking;
- spitting;
- any other behaviour likely to cause anybody witnessing it (including the recipient) alarm, distress or to fear that violence may be used against them or others.

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

PERMISSION TO ENTER AND BE ON ACADEMY PREMISES

Parents have "implied permission" to enter and be on Academy premises for reasons relating to their child / children's education. This means that parents are welcome to come to the Academy to drop off and collect their children, to speak to teachers and other members of staff about their children, or for meetings, parents' evenings and social events. Parents do not have a legal right to enter or be on the Academy's premises without a good reason.

In education law, the term "parent" includes the natural or adoptive parents of a student, as well as a non-parent with care of a student and a non-parent with parental responsibility of a student. For the purposes of this policy only, the term "parent" will also include a non-parent who does not have care of or parental responsibility for a student, but who is involved in looking after a student on a regular basis (for example, a childminder, non-resident partner of a parent or relative who takes the student to or from Academy, is involved with the care of the student in some other way, or a person whose emergency contact number we have been provided with).

Other visitors also have "implied permission" to enter and be on the Academy's premises if they have a reason, for example a courier or delivery person, or a member of the public attending the Academy's office to make enquiries about something. Members of the public without a good reason for entering or being on the Academy premises are trespassing.

WITHDRAWAL OF PERMISSION TO ENTER AND BE ON ACADEMY PREMISES

The Academy has the right to withdraw the "implied permission" for a parent or visitor to enter or be on the Academy's premises if their behaviour while they were previously on the Academy's premises or in attendance at an Academy event was unacceptable. The withdrawal of the "implied permission" will be effective as soon as the parent or other visitor has been told that they must leave and are prohibited from returning, and will be confirmed in writing by recorded delivery if the home address is known. The full procedure that the Academy will follow is outlined in further detail below.

Once the "implied permission" has been withdrawn, the Academy will ask the police to remove the parent or visitor if they appear on the Academy's premises. If the parent or visitor causes a nuisance or disturbance while they are on the Academy's premises, they may also be prosecuted in the criminal courts under Section 547 of the Education Act 1996, be liable to pay a fine of up to £500 and have a criminal conviction recorded against them.

Where a parent has had their "implied permission" to enter and be on the Academy's premises withdrawn, the Academy will, in appropriate cases, make alternative arrangements for the parent's children to be dropped off and collected from the Academy, and in relation to parents' evenings and other meetings.

OTHER CRIMINAL OFFENCES

In addition to the criminal offence under Section 547 of the Education Act 1996 outlined above, unacceptable behaviour by a parent or visitor can also amount to several other forms of criminal offence. Some of these criminal offences are listed below:

- **Common Assault**

  This is committed when member of the Trust community has been assaulted and no injury or very minor injuries have been caused. The offence is more serious if it is racially aggravated by the words or behaviour used just before or during the assault.

- **Assault occasioning Actual Bodily Harm**

  This is committed when a member of the Trust community has been assaulted and slightly more serious injuries have been caused falling short of fractures or deep wounds. The offence is more serious if it is racially aggravated by the words or behaviour used just before or during the assault.

- **Grievous Bodily Harm**

  This is committed when a member of the Trust community has been assaulted and serious injuries have been caused such as fractures or deep wounds. The offence is more serious if it is racially aggravated by the words or behaviour used just before or during the assault, and there are two forms of the offence; intention to cause the injury (the more serious of the two) and being reckless as to causing the injury.

- **Public Order Offences**

  This group of offences are committed when a parent or visitor has used threatening, abusive or insulting words or behaviour likely to cause harassment, alarm or distress; or likely to cause fear of violence; or with intent to cause fear of violence; or using or threatening unlawful violence likely to make those witnessing the incident fear for their safety.

- **Criminal Damage**

  This is committed when a parent or visitor has destroyed or damaged property belonging to the Trust or a member of the Trust community, intending to do so or being reckless as to doing so. The offence is more serious where the damage was caused by fire, or there was an intention or recklessness as to endangering life.

- **Possession of an Offensive Weapon or Bladed Article on Academy Premises**

  This is committed when a parent or visitor enters the Academy's premises with a knife or an offensive weapon. It does not matter if the parent or visitor intended to use the knife or weapon.

Where the Academy believes that parent's or visitor's conduct would amount to a criminal offence, the Academy will report the incident to the police for immediate investigation and prosecution. The Academy will co-operate fully with the police, including encouraging teachers and other members of staff to provide witness statements and to attend court to give evidence at a trial.

Where a parent or visitor's conduct amounts to a criminal offence, the Academy will, in all but exceptional cases, immediately withdraw their "implied permission" to enter and be on the Academy's premises.

THE PROCEDURE FOR WITHDRAWING IMPLIED PERMISSION TO BE ON ACADEMY PREMISES

The initial decision to withdraw "implied permission" will be made by the Headteacher/Principal or, in the Headteacher/Principal's absence from Academy, the Deputy Headteacher/Vice Principal. The decision will be reviewed on a regular basis by the Chair of the Local Governance Committee (LGC), who can delegate this task to another member of the LGC in appropriate cases.

STAGE 1 - WARNING LETTER FROM THE HEADTEACHER/PRINCIPAL BEFORE IMPLIED PERMISSION WITHDRAWN

Where a parent or visitor has behaved in a way which is unacceptable to the Academy for the first time, they are likely to receive a letter warning them that, if the behaviour is repeated, their "implied permission" to enter and be on the Academy's premises will be withdrawn. The Headteacher/Principal will send a letter to the parent or visitor confirming the warning and the consequences of failing to heed it.

However, where the unacceptable behaviour is serious and/or amounts to a criminal offence, it is likely that the parent or visitor's "implied permission" will be withdrawn immediately without warning under Stage 2.

STAGE 2 – LETTER FROM HEADTEACHER/PRINCIPAL WITHDRAWING IMPLIED PERMISSION

Where a parent or visitor has already received a warning letter under Stage 1 and has behaved in an unacceptable way again, or where a parent or visitor has engaged in serious misconduct and/or conduct amounting to a criminal offence, their "implied permission" to enter and be on the Academy's premises will be withdrawn. If possible, they will be verbally informed that they are prohibited from entering or being on the Academy's premises immediately after the incident or as soon as practicable thereafter. In any event, the Headteacher/Principal will send a letter to the parent or visitor confirming the withdrawal of their "implied permission" and the consequences of failing to comply.

The prohibition will initially last for **ten school days** from the date of the letter. The parent or visitor will be invited to provide written comments within **five school days** of the date of the letter. By the **tenth school day** from the date of the letter, the Chair of the LGC will review the Headteacher/Principal's decision in accordance with Stage 3 (whether or not any written comments have been received) having been provided with all documentation relating to the incident (and any previous incidents), the Headteacher/Principal's record of the decision and the reasons for it.

STAGE 3 – REVIEW OF HEADTEACHER/PRINCIPAL'S DECISION BY CHAIR OF THE LGC

The Chair of the LGC will, within **ten school days** of the date of the letter notifying the parent or visitor of the Headteacher/Principal's decision to withdraw their "implied permission" to enter and be on the Academy's premises, review the decision made, having considered all documentation relating to the incident (and any previous incidents), the Headteacher/Principal's record of the decision, the reasons for it, confirmation as to whether the parent or visitor has complied with the instruction, and any written comments received from the parent or visitor.

The Chair of the LGC must consider whether the Headteacher/Principal's decision, made in the immediate aftermath of the incident, was unjustified; whether, although the Headteacher/Principal's decision was justified at the time, the withdrawal of "implied permission" for a period of ten Academy days is sufficient to serve as a warning and to allow the parent of visitor time to reflect upon their past and future behaviour; or whether the Headteacher/Principal's decision was entirely justified and should be confirmed for further review at a later date.

The Chair of the LGC will, by the **tenth school day** from the date of the letter, write to the parent or visitor confirming whether the decision of the Headteacher/Principal has been confirmed or revoked, stating their reasons.

Where the decision has been confirmed, the letter will confirm the date of the next review, which will be for a period of between fifteen and thirty Academy days, or until the last day of the term or half term period, at the Chair of the LGC's discretion, subject to **a maximum period of thirty school days**.

Where the decision has been confirmed, the parent or visitor will be invited to provide further written comments **at least five school days** before the date of the next review. These comments should be restricted to the parent or visitor's conduct since the decision was last confirmed or any new consequences of the decision, and should not repeat comments provided previously which the Chair of the LGC will already be in possession of.

STAGE 4 – FURTHER REVIEWS OF THE DECISION

Where the Headteacher/Principal's decision was confirmed by the Chair of the LGC under Stage 3, or the decision has previously been confirmed under Stage 3, the Chair of the LGC will carry out a further review of the decision **by the review date,** having considered all documentation relating to the incident (and any previous incidents), the Headteacher/Principal's record of the original decision, the reasons for it, confirmation as to whether the parent or visitor has complied with the instruction since the last review, any written comments provided by the parent or visitor previously, the record of the Chair of the LGC previous review, and any further written comments received from the parent or visitor following the last review.

The Chair of the LGC must consider whether, in view of the length of time that the parent or visitor has been prohibited from entering or being on the Academy's premises, and in light of the parent or visitor's conduct since their "implied permission" was withdrawn, and in consideration of any genuine assurances given in their written comments as to their future conduct, it is now appropriate to revoke the decision to withdraw their "implied permission" to enter and be on the Academy's premises.

The Chair of the LGC will, by the **review date**, write to the parent or visitor confirming whether the decision has been further confirmed or revoked, stating their reasons.

Where the decision has been further confirmed, the letter will confirm the date of the next review, which will be for a period of between fifteen and thirty school days, or until the last day of the term or half term period, at the Chair of the LGC's discretion, subject to **a maximum period of thirty school days**.

Where the decision has been further confirmed, the parent or visitor will be invited to provide further written comments **at least five school days** before the date of the next review. These comments should be restricted to the parent or visitor's conduct since the decision was last confirmed or any new consequences of the decision, and should not repeat comments provided previously which the Chair of the LGC will already be in possession of.

The procedure under Stage 4 will be followed in relation to all further reviews.

PROHIBITING THIRD PARTIES FROM ENTERING AND BEING ON THE ACADEMY'S PREMISES

The procedure outlined above relates to parents and visitors who had a valid reason for entering and being on the Academy's premises. Sometimes, members of the public enter the Academy's premises when they have no good reason for doing so (for example, they do not have children registered as students at the Academy, and they are not delivering items or making valid enquiries at the Academy's office).

Such people do **not** have "implied permission" to enter and be on the Academy's premises, and are therefore trespassing. This means that, if they are causing a nuisance or disturbance on the Academy's premises, they can be prosecuted under Section 547 of the Education Act 1996. In those circumstances, the Academy will inform the third party that they are trespassing and ask them to leave the Academy's premises and, in appropriate cases, call the police and support any prosecution for criminal offences which follows.

Although third parties do not have "implied permission" to enter and be on the Academy's premises, for the avoidance of doubt, where the address of the third party is known, the Headteacher/Principal will write to the third party warning them of the consequences of reappearing on the Academy's premises.

PUBLICATION AND REVIEW

This policy will be published on the Empower Learning Academy Trust website and reviewed every three years by the Trust Board.