



POLICY FOR DEALING WITH INCIDENTS OF UNREASONABLE BEHAVIOUR TOWARDS STAFF

A thriving family of schools who work together to celebrate differences, and support each other in pursuit of excellence.

DOCUMENT CONTROL

This document has been approved for operation within:	All Chancery schools.		
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Summary of changes within this version

Title changed from 'Dealing with incidents of abuse, threats, intimidating behaviour and violence towards staff policy'

Requirement for schools to have a risk assessment in place.

Reference to the 2022 DfE Guidance.

DEALING WITH INCIDENTS OF UNREASONABLE BEHAVIOUR TOWARDS STAFF

Introduction

This policy covers the members, directors, governors and employees of Chancery Multi Academy Trust.

Violence, threatening or intimidating behaviour or abuse against Trust staff or any members of our Trust community will not be tolerated. All members of our Trust community have a right to expect to be in a safe place in which to work and learn. Where such behaviour does occur, specific legal action may follow. Our schools are orderly and safe places where relationships between staff and visitors, especially parents, demonstrate mutual respect and recognition of shared responsibility for our pupils' welfare and educational progress.

We value parental involvement and recognise that parental partnerships are an important factor in the educational success of our pupils and invaluable in dealing with emerging problems at an early stage.

Definition of abusive, threatening, intimidating and violent behaviour

The most common example of unreasonable behaviour is abusive and aggressive language for which the widely used remedy, where informal action is not considered to be appropriate or has proved to be ineffective, is the withdrawal of permission to be on school premises.

Where a person recklessly or intentionally applies unlawful force on another, or puts another in fear of an immediate attack, it is an offence in law which constitutes an assault. The police would normally be contacted immediately in such cases.

There are three categories of assault, based on the severity of the injury to the victim:

- Common assault – involving the threat of immediate violence or causing minor injury (such as a graze, reddening of skin or minor bruise).
- Actual bodily harm – causing an injury which interferes with the health or comfort of the victim (such as multiple bruising, broken tooth or temporary sensory loss).
- Grievous bodily harm – causing serious injury (such as broken bone or an injury requiring lengthy treatment).

There is also a racially aggravated form of assault where there is a racial element to the offence, which carries higher maximum penalties.

It is important to note that no physical attack or injury needs to have occurred for a common assault to have taken place. It is sufficient for a person to have been threatened with immediate violence and put in fear of a physical attack for an offence to have been committed. Individual circumstances will influence the decision as to whether a particular incident should be reported to the police. The police would expect to be involved where there is a clear injury (whether physical or emotional) and acknowledge that other factors may need to be taken into account such as the previous behaviour of the offender and the likelihood of a repetition if action is not taken to prevent it.

This policy details how Chancery MAT will deal with abusive, threatening, intimidating or violent behaviour by either pupils or parents/carers or any other school visitor or member of the public who is on any of our schools' premises.

Aim of this policy

To keep our schools happy and safe places for children, staff and visitors to work, learn and uphold common standards of decency through the creation of an environment that sets a good example to others.

To set out a procedure for what will happen in the event of an incident occurring.

To establish who the school will contact and how an incident will be reported.

To specify what follow up action may be taken.

Measures to be taken to avoid, prevent and minimise incidents

The headteacher in each school has the prime responsibility in their school to ensure that all school employees are protected and set a good example to others. This responsibility is delegated to members of the schools' senior leadership team (SLT) who share responsibility for the safety of staff on a day to day basis.

Each school should have a risk assessment in order to ascertain what steps need to be undertaken, if any, which might help to avoid, prevent, minimise or mitigate incidents where staff might be subjected to abuse, threats, intimidation or violence and to decide which other agencies may need to be involved.

Staff are advised, during the event of an incident, to speak calmly and not to raise their voice, to be assertive but not aggressive, to be polite but firm, to seek assistance, to think about an escape route should the need arise and to walk away or end the conversation by putting down the phone after warnings of their intention to do this.

Procedure to be followed in the event of an incident

In the event of an incident, staff should request assistance from a member of the SLT if available, otherwise the nearest member(s) of staff. An SLT member will identify themselves and request that the person causing offence leave the premises immediately. Should the person not comply, then the SLT member will call the police. The incident will be reported to the headteacher and, if appropriate, the governing body. Reassurance will be given to the victim as well as details of what action the school is going to take.

Following an incident, consideration will be given as to whether the member of staff concerned should be temporarily relieved of any duties or responsibilities or provided with additional support or counselling. Additionally, where a member of staff suffers shock or injury, the member of staff should be given first aid as necessary and should consult a doctor as soon as practicable and secure a written medical statement detailing injuries sustained. All parties involved should take into account the needs, views, feelings and wishes of the victim(s) at every stage. The school will ensure that sympathetic and practical help, support and counselling are made available to the victim at the time of the incident and subsequently.

In the event of a physical assault by a pupil, the headteacher will give consideration to the exclusion of the pupil concerned in accordance with the school's behaviour policy.

With legal advice, schools may write directly to the perpetrator/s advising them of the school's legal position and what action may be taken against them.

Dealing with weapons and other prohibited items

If a member of staff becomes aware either that there has been an incident involving a weapon the staff members should immediately inform the relevant member of staff present on site and should not try to deal with the situation alone. The headteacher or SLT member should decide whether it is necessary to contact the police and the school will consider whether to deal with the matter as a disciplinary issue.

When a weapon is confiscated by a member of staff it is important to ensure that the weapon is secure and involve the police immediately on their arrival and/or arrange for the weapon to be removed from the site.

If staff suspect a pupil is in possession of a weapon the school can search the pupil without consent using the school's powers of screening and searching. This would only happen in exceptional circumstances and should be conducted in the presence of a colleague or adult witness. If the pupil refuses to cooperate and becomes difficult, the police will be called. No further action will normally be taken until the police arrive. In some exceptional circumstances, action may have to be taken immediately. If this is the case, the pupil will be isolated from the other pupils with a colleague or adult witness present. In the event that a pupil has been found in possession of a weapon, the behaviour policy will be invoked.

School staff can search a pupil for any item (*DfE Guidance: Searching, Screening and Confiscation, July 2022*). The headteacher and staff authorised by them have a statutory power to search pupils or their possessions without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. Prohibited items are alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images and any article that the member of staff reasonably suspects has been, or is likely to be used to commit an offence, to cause personal injury to, or damage to the property of, any person (including the pupil).

The headteacher and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Involving the police

Cheshire Constabulary would normally expect all cases of assault, and all but the most minor incidents, to be regarded as serious matters which should be reported to the police and followed up with due care, attention and rigour. The 999 call system should always be used when the immediate attendance of a police officer is required. The police support the use of 999 in all cases where:

- There is a danger to life
- There is a likelihood of violence

- An assault is, or believed to be, in progress
- The offender is on the premises
- The offence has just occurred and an early arrest is likely

In non-urgent cases, where the incident is not thought to be an emergency but police involvement is nevertheless required, Cheshire Constabulary should be contacted via 101 so that an incident log can be created for possible future reference. The decision on whether or not to prosecute is made by the police or crown prosecution service on the basis of the evidence and with due regard to the relevant gravity or public interest factors including the victim's personal statement. If there is a need subsequently for the victim to give evidence in court, support can be provided by the Trust's legal advisers if not available from victim support.

Harassment

Situations can arise where Trust employees find themselves subjected to a pattern of persistent, unreasonable behaviour from individual parents which is not abusive or overtly aggressive, but which can be perceived as intimidating and oppressive. In these circumstances, staff may be faced with a barrage of constant demands or criticism (on an almost daily basis) which, whilst not particularly taxing or serious when viewed in isolation, can have the cumulative effect over time of undermining their confidence, well-being and health. In extreme cases, the behaviour of the parent/visitor may constitute an offence under the Protection of Harassment Act 1997. If so, the police have powers to take action against the offender. If the actions of apparent/visitor appear to be heading in this direction, the headteacher has the options of:

- Writing to and/or talking to the parent/visitor explaining the gravity of the situation and the possible outcomes/consequences
- Arranging for the Trust's legal services to prohibit the parent/visitor from school premises
- Using Trust's legal services to write directly to the parent/visitor on behalf of the school

Banning parents and other visitors from school premises

1. Trespassing - Section 547 of the Education Act 1996 makes it an offence for a person on school premises to cause or permit a nuisance or disturbance. It allows for the removal and prosecution of any person believed to have committed such an offence. The penalty for anyone convicted of this offence is a fine. A parent of a child/visitor attending the school normally has implied permission to be on the school's premises at certain times and for certain purposes. However, if the parent's/visitor's behaviour is unreasonable, this permission may be withdrawn and they will become a trespasser and may be committing an offence under the Section 547. The school's local governing body would take the lead in giving consent for proceedings against a parent/visitor. It is important throughout this process that a full record is made of each incident, including details of witnesses, since evidence will need to be provided to the court.
2. The headteacher at their discretion may decide to use the following legal measures where appropriate:
 - Section 222 Local Government Act 1972
 - Anti-social Behaviour Orders

- Protection from Harassment Act 1997
- Criminal Damage Act 1971
- Section 39 of Criminal Justice Act 1988
- Section 47 of the Offences against the Persons Act 1861
- Offences against the Public Order Act 1986
- Section 31 of the Crime and Disorder Act 1998
- Criminal Justice Act 1988

The headteacher will use the Trust's legal advisors to consult on the best course of action to undertake and will act on behalf of the school.

Procedure following an incident

Aside from the legal remedies detailed above, following an incident, the following strategies may be used:

- If appropriate, parents/visitors will be invited to make an appointment to speak to their child's class teacher/member of the SLT. The headteacher and/or LGB governor as appropriate will be present at this meeting and the discussion recorded.
- A class teacher/SLT member may refuse to speak to a parent/visitor if the level of aggression increases during any meeting to a point deemed to be unacceptable. In this case the meeting will be closed and the parent/visitor asked to leave the school's premises immediately.
- The headteacher/SLT member may request an appointment with the parent/visitor in place of the class teacher to discuss the incident. In this instance, a member of the LGB will be present as a witness at the meeting.

Assaults occurring off site

An assault on a member of staff occurring off-site is also the concern of the Trust provided that it arises through the course of, or out of the performance of, a member of staff's work. The procedures set out above should be followed by the headteacher/SLT as far as possible and appropriate.

Recording and reporting incidents

All incidents will be recorded. An incident could be but is not limited to:

- Trespass
- Social media comments
- Verbal abuse
- Sexual or racial abuse
- Threats
- Aggression
- Physical violence
- Intimidating behaviour
- Intentional damage to personal property

All incidents of physical or verbal aggression towards staff should be recorded on the PRIME system. Incidents should be recorded as quickly and comprehensively as possible, including dates, times, locations and as much factual information as possible. For an incident involving or witnessed by a pupil, a member of staff will record the incident on their behalf. Any discussion between one witness and another should not precede the recording of the incident to minimise collusion. In addition, any racist comments will be recorded in the racial incidents file, any injuries to staff or pupils will be recorded on an accident form and inputted into the PRIME system.

The recording and reporting of incidents are important because this will enable the school, Trust and its employees:

- To meet statutory duties in compliance with the health & safety at work and regulations, the reporting of injuries, diseases and dangerous occurrences regulations (RIDDOR) and social security regulations.
- To collect evidence as this may later be necessary if proceedings are brought against the alleged assailant and to prepare reports for the LGB/directors.
- To assist the Trust's insurers should any claim for compensation is made.
- To help in reviewing policies and informing future risk assessments.

In some instances, the school may need to carry out a risk assessment in relation to a specific individual whose behaviour has been, or may be, a cause for concern.

The role of the Trust schools' local governing bodies (LGB)

The schools' LGBs have a vital role in ensuring the emotional well-being and safety of staff members. They take their responsibilities very seriously and as such monitor all incidents of abuse, threats, intimidating behaviour or violence towards staff and pupils advising and taking action where necessary. Each term, LGB members are given a report summarising the number, range and outcome of any incident recorded. Directors of Chancery Trust will also monitor these incidents through the minutes of the LGBs.

The LGB will, from time to time, write a reminder to parents/carers regarding the existence and content of this policy. A copy of this policy should be displayed prominently in each Trust school staff room notice board and on each school's website, and a further copy will be held in each school's reception area accessible to all school visitors.

Linked Policies

- CMAT Complaints policy