

Unacceptable Behaviour Policy October 2020
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Unacceptable Behaviour Policy and Part 4 (Babcock and DCC)

1. Policy Aims and Expectations

1.1 The aim of this Unacceptable Behaviour Policy and Part 4 (Babcock and DCC) is to:

- a. ensure consistent communication between East-the-Water School and a parent, carer or member of the public;
- b. establish the behaviour expected of parents, carers, visitors and volunteers (adults)
- c. support the well-being of pupils, staff and those connected with the school, including governors and parents
- d. deal fairly with persistent complainants, poor behaviour and those who harass members of staff or pupils in the school.

1.2 The school expects all parents, carers or members of the public with a complaint to:

- a. correctly follow the school's Complaints Policy procedures;
- b. treat school staff and governors with courtesy and respect;
- c. behave reasonably;
- d. respect the needs of pupils and staff in the school;
- e. never use, or threaten to use, violence;
- f. never be aggressive or give verbal abuse;
- g. recognise the time constraints under which staff in the school work.

Where expectations are not met, this policy including part 4 (appendix 1) shall apply and sanctions shall be considered.

2. What is inappropriate behaviour?

Inappropriate behaviour is taken very seriously, and the school shall have absolute discretion to determine whether the behaviour of an adult is contrary to this policy.

Examples of inappropriate behaviour include, but are not limited to:

- a. any form of verbal abuse, threatening behaviour, aggressive and demanding language, racist and sexual comments or violence;
- b. publishing falsified information;
- c. trespassing on the premises (this includes accessing any part of the school outside of permitted hours or entering an area where they are not permitted to be);
- d. ignoring the instruction of a member of staff;
- e. unnecessary physical contact;
- f. subjecting staff to a pattern of persistent and unreasonable behaviour. Such behaviour may be face-to-face, by telephone, in writing or electronically (including email, websites or social media).

- g. inappropriate behaviour may be subject to the sanctions contained within this policy. In extreme cases, the behaviour may constitute an offence under the Protection from Harassment Act 1997. If so, the Police have powers to take action against the offender.

3. What is a persistent complaint?

A 'persistent complaint' is where a parent, carer or member of the public makes regular complaints under the school's Complaints Policy, or frequently raises issues that the complainant perceives to be within the remit of the school, and the volume or content of such complaints is unreasonable. Examples of such behaviour include:

- a. making substantially the same complaint to the school more than once;
- b. repetitious raising of historical complaints, for which the school's complaints process has been exhausted and a final response provided;
- c. continuous, unnecessary and prolific correspondence, by letter, email or telephone, which causes a high level of disruption;
- d. raising complaints about matters which do not affect the complainant or which have no merit;
- e. making repeated complaints with the intention to cause disruption or inconvenience;
- f. raising complaints for which the continued use of the school's resources to progress through all the stages of the Complaints Policy would be disproportionate;

4. What is harassment?

4.1 The school considers there to be 'harassment' where staff are subjected to a pattern of persistent and unreasonable behaviour from a parent, carer or member of the public. Such behaviour may be face-to-face, by telephone, in writing or electronically (including email, websites or social media).

4.2 Harassment does not have to be abusive or overtly aggressive to fall within this policy. It can include a member of staff receiving constant demands, criticism or complaints which, whilst not always serious in isolation, can have the cumulative effect over time of undermining their confidence, well-being and health.

4.3 Any form of verbal abuse, threatening behaviour, violence or publishing falsified information will automatically be categorised as harassment by the school.

4.4 Harassment can:

- a. be targeted over a significant period of time on one or more members of school staff;
- b. cause ongoing distress to staff at the school; or
- c. have a significant adverse effect on any of the school community

4.5 In extreme cases, the behaviour may constitute an offence under the Protection from Harassment Act 1997. If so, the Police have powers to take action against the offender.

4.6 The school shall have absolute discretion to determine whether the behaviour of a parent, carer or member of the public has become 'harassment' and falls within this policy.

5. Sanctions See Appendix 1 Part 4 (DCC and Babcock)

5.1 Where behaviour expectations are not met by a parent, carer or member of the public, through persistent complaints, poor behaviour or harassment, the school can exercise the following sanctions:

- a. stop investigating an existing complaint until the individual's behaviour is modified in a manner the school considers to be reasonable;
- b. make special arrangements for future meetings and communication with the school to ensure the safety of staff, governors and pupils;
- c. ban an individual from the school premises;
- d. consider legal action.

5.2 The sanction selected shall be at the absolute discretion of the school.

5.3 It is unlikely to be appropriate to ban a member of the public, with no child or children at the school, from the premises as they have no right to be there. If they do continue to access the school premises, legal advice will be sought to have the individual removed and prosecuted under Section 547 of the Education Act 1996. If convicted under this Act, that individual will be liable to a court fine.

5.4 All correspondence sent by the school in respect of the sanctions can be issued either by the Headteacher or Chair of Governors. Copies of any letters must be kept on file. Correspondence can be issued by email to any relevant party if an email address is held on file.

6. Process

6.1 In the first instance, complaints raised by parents, carers or members of the public will be dealt with under the Complaints Policy, until the school considers it necessary to refer the matter under this policy.

Stage 1 Letter

6.2 The school shall notify the parent, carer or member of the public (the Referred Party) in writing that their persistent complaint/behaviour is considered to be unacceptable/unreasonable and failure to modify their behaviour will result in sanctions. The recommended form of letter is contained in Schedule 1 (*Stage 1 Letter*).

6.3 Where Referred Party has been physically violent or threatening, or the behaviour is deemed sufficiently serious, the school does not need to issue a Stage 1 letter and can immediately move to a Stage 2 letter.

Stage 2 Letter

6.4 Where the Referred Party does not comply with the Stage 1 letter issued under paragraph 5.2 or paragraph 5.3 applies, they shall be notified in writing that their persistent complaint/harassing behaviour is unreasonable and sanctions will

consequently take place. Sanctions available to the school are listed in paragraph 4 above. The recommended form of letter is contained in Schedule 2 (*Stage 2 Letter*).

Stop Investigating Underlying Complaint

- 6.5** The school shall have absolute discretion to determine whether a Referred Party has satisfactorily modified their behaviour in order that the underlying complaint continues to be investigated. The Referred Party may not appeal this sanction.

Special Arrangements for Meetings and Communications

- 6.6** Where the Referred Party has been informed in a Stage 2 letter that special arrangements for future meetings or communication are to be put in place, the school shall issue either:

- a. A letter confirming that (i) all meetings with members of staff will be conducted with a third party present; and (ii) contemporaneous notes will be taken. The recommended form of letter is contained in Schedule 3 (*Special Meeting Arrangements Letter*).
- b. A letter confirming that all communications from the Referred Party will be in writing. The recommended form of letter is contained in Schedule 4 (*Communications Arrangements Letter*). The Referred Party may not appeal the special arrangements.

Banning From Premises

- 6.7** Where the Referred Party has been informed in a Stage 2 letter that they are to be banned from the school premises, the school shall issue a letter concerning the arrangements for such ban. There are four stages of a banning sanction. All letters must be sent by recorded delivery and email (if an email address is available).

- 6.8** In the first instance, a letter will be sent to the Referred Party confirming that they are not permitted on the school premises, the duration of the ban, the appeals process and limited exceptions. The banning may be appealed by the Referred Party back to the person who issued the letter within ten school days of that letter. The recommended form of letter is contained in Schedule 5 (*Banning Letter 1*).

- 6.9** Once the time period to appeal the banning has expired, the school will consider whether the ban is to continue or be lifted based upon the representations made by the Referred Party (if any). A letter will be sent to the Referred Party confirming the decision made. The banning may be further appealed by the Referred Party to the Headteacher or Chair of Governors (as the school shall decide appropriate). The recommended form of letter is contained in Schedule 6 (*Banning Letter 2*).

- 6.10** Where the Referred Party has sent an appeal request to the Headteacher or Chair of Governors in accordance with paragraph 5.8 above, they shall consider whether the ban is to continue or be lifted based upon:

- a. the representations made by the Referred Party; and
- b. discussion with the original decision maker.

The decision of the Headteacher or Chair of Governors shall be final and communicated to the Referred Party in writing. The recommended form of the letter is contained in Schedule 7 (*Banning Letter 3*).

6.11 At the review date of any banning decision, as set out in the relevant letter, the school may continue or lift the ban placed upon the Referred Party. The decision maker will consider:

- a. the Referred Party's compliance with the ban;
- b. any expressions of regret; and
- c. any assurance of future good conduct.

Where the ban is lifted, a letter shall be issued by the last decision maker to the Referred Party confirming the lifting. The recommended form of the letter is contained in Schedule 8 (*Banning Letter 4*). Where the ban is to continue, a letter shall be issued by the last decision maker to the Referred Party confirming the continuation. The recommended form of the letter will be a modified version of that contained in Schedule 7 or Schedule 8 (as appropriate). Legal Action

6.12 If the School wishes to take legal action against a Referred Party it shall consult with the governing body before commencing any action.

Legitimate New Complaints

6.13 Where a Referred Party wishes to raise a new complaint, it shall be managed in accordance with the school's Complaints Policy provided that their behaviour does not fall within this policy.

Relapse in Behaviour

6.14 If a Referred Party relapses into unreasonable persistent complaint behaviour or harassment, following a period of modified behaviour, the school shall activate this policy again at the last level of sanction.

7. Review

The referred party may request a review of any sanctions applied after the equivalent of a term, in accordance with this Policy. If after a review it is deemed necessary to keep sanctions in place, or if there is a repeat offence then the Referred Party will be eligible to apply for a review termly from a date specified by the Headteacher. To organise a review they will need to inform the Headteacher in writing or by telephone. If the Referred Party does not request a review the ban will continue as it will be assumed that they have no intention of correcting their behaviour. The right to request a review will remain until the Referred party chooses to request one.

Appendix 1

Managing Unreasonable Behaviour Part 4

The following appendix is taken from Babcock and Devon County Council's 'Managing Unreasonable Behaviour' and will be used whether the unreasonable behaviour is as a result of an ongoing concern or complaint which the parent has expressed about the school, or not. The school will take action to protect staff from behaviour which is considered unacceptable, including that which is abusive, offensive or threatening.

At East-the-Water School we recognise that parents and carers are the single biggest influence on their children and their achievements. Therefore, we are committed to building positive and responsive relationships with parents and carers so that together we can ensure that our young people get the most out of their time with us.

East-the-Water School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We encourage partnerships with our parents and carers, and work hard to maintain mutual respect and recognition of shared responsibility for the children. However, in a very small minority of cases, the behaviour of a few parents or carers can cause disruption, resulting in abusive or aggressive behaviour towards staff and this will not be tolerated. All members of the school community have a right to expect that their school is a safe place.

East-the-Water School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher or chair of the governing board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact East-the-Water School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from East-the-Water School. Schools are not public places and although parents and carers have rights to attend and enter school premises for legitimate proper purposes, The Education Act of 1996 states that it is an offence for a trespasser on school premises to cause a nuisance or disturbance. The school is entitled to withdraw the implied right a parent or carer has to enter the school, if that parent or carer is violent or aggressive. If the parent or carer then enters the premises, they are in breach of the law, and they can be prosecuted in the criminal courts.

This policy applies to all those that engage with the school and not just to parents.

Behaviours which can lead to a ban include:

1. Physical or verbal threats towards staff, pupils, or other parents
2. actual violence,
3. damage to property
4. refusal to leave when asked
5. disruption of the running of the school
6. general abusiveness

The Headteacher will decide whether the situation has been reached for proposing an actual ban. In extreme circumstances, i.e. if the incident is considered to be very serious, then s/he can issue a short-term temporary ban immediately, if required.

If the issue presents a less immediate threat then the Headteacher will consider issuing a warning letter which says that repeats of such behaviour will likely result in a ban. Events may occur in a number of stages and it may be that upon consideration by the Headteacher that a warning letter needs to be issued.

The school will write to the parent/carer setting out:

- what has happened and why it is unacceptable
- that the school will consider banning the parent/carer from the school premises
- give a clear explanation of why the ban is proposed
- give the parent/carer 5 working days to respond in writing giving their own version of events
- state the length of the proposed ban and give a review date.

Following receipt of the written response:

- The Headteacher will decide whether or not to ban the parent/carer
- The parent/carer will be informed in writing within 3 days of the decision taken
- The terms of any ban will be clear, with explicit paths of communication between the school and the parent
- Pick up and drop off of children will be taken into consideration
- A date for the review will be given, which will take account of what has happened in the interim period
- If no further concerns have arisen regarding the parent's behaviour, a meeting date will be set which will seek to re-establish a productive working relationship between the school and the parent/carer

If a parent/carer wishes to appeal against a ban, they may do so in writing (following the complaints procedure). The first stage of this appeal will be undertaken by an appointed governor who would invite the Headteacher to review the matter with a view to lifting the ban. If the outcome to this stage is that the ban is still in place, then the parent may appeal further to a panel of governors according to the usual complaints process.

In some cases if the unacceptable behaviour is so extreme (for example, an assault on a member of staff) that the Headteacher may feel that there is no alternative but to impose a lengthy or permanent ban. In these criminal cases the Headteacher will inform the police and contact their legal advisors (DCC Solicitors in maintained schools).