

Ebor Gardens and Victoria Primary Academies



BARRING OF PEOPLE FROM THE SCHOOL PREMISES

Policy updated:	Sept 2020
Adopted:	Sept 2020
Review date:	June 2022

Victoria and Ebor Gardens Primary academies are committed to providing a broad, balanced and effective education for all the children who attend our schools.

The contents of this document relating to barring of parents and non-parents from school premises relates either of the two Leeds sites.

Section 1 Introduction

Our academies are generally orderly, safe places where relationships between staff and visitors, especially parents, are normally good.

However, at times, the behaviour of a few parents can cause severe disruption or result in abusive and aggressive behaviour towards staff members and other members of the school community.

The Governing Body is responsible for protecting the Health, Safety and Welfare of its staff and pupils and, as such, procedures are in place to protect members of staff from abuse and threatening behaviour whilst on academy premises.

This document deals with the barring of a person from school premises resulting from an event of violence/aggression that has occurred on premises or as a result of trespass on school premises.

Section 2 Definition of Violence to Employees

Violence to employees is:-

1. any intentional act which causes apprehension, fear, psychological or physical injury to an employee arising out of or in connection with their authorised duties;
2. the deliberate damage to the property or belongings of an employee which is attributable to the carrying out of duties.

This would include the following listed below.

- **Physical attack** – whether injury occurs or not.
- **Verbal abuse** – when an employee feels an unacceptable threat has been made against his/her person.
- **Attack against property** - as a means of intimidating an employee.
- **Threats of attack** – against employee's family.

The most common type of incident that occurs in schools is verbal abuse, where a person has been aggressive and an unacceptable threat has been made towards an employee.

Employees should report incidents on the basis that they perceive a threat is taking place or about to take place directed towards them. Action will be taken where an employee decides that they have been victim to actual physical attack, or any abusive/threatening behaviour which they find unacceptable.

Section 3 The Legal Position

A person who persists in entering the school premises and displaying unreasonable behaviour may be removed by the Head of School / Executive Principal and prosecuted under Section 547 of the Education Act 1996. (*Nuisance or disturbance on school premises*)

Unreasonable behaviour is defined as follows:

1. Violence as falling within the definition of violence stated above;
2. Anyone on premises who causes or permits a nuisance or disturbance to the annoyance of persons who are lawfully on premises.

Those persons falling into category 2 above, need to be dealt with under separate procedures relating to trespass which are detailed in Section 6 of this guidance.

The Governing Body can authorise the removal of someone from the premises and may also authorise the Executive Principal to take legal proceedings to prosecute.

Barring from premises where violence/aggression has occurred

The position relating to barring from premises in respect of violence is determined by:

- whether the person does have a reason to enter school premises eg parent, governor **or**
- whether the person is a member of the public who does not have permission to be on premises

A parent of a child attending a school normally has a license 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 which means that their license to enter school premises is suspended. This would apply in the same way for a school governor.

As members of the general public do not have permission to be on school premises, it is necessary to draw a distinction between the two groups, as only those categories of people who have a right to enter school premises are accorded a right to make representations to the governing body.

In practical terms there is no difference between a person being barred and having their license to enter premises suspended in the sense that, the relevant person should not thereafter come into school or onto school grounds without being invited. A person without a license such as a member of the public who is barred has not lost a right or privilege because they do not have one to lose.

A person who does have a right or privilege in the form of a license should not lose that benefit, for human rights reasons, without first being given an opportunity to make representations.

Suspension of such a person's license is therefore the mechanism by which that person can be kept out of school until such time as their representations and all other relevant matters can be properly considered by the governing body.

The advice and guidance contained in this document also applies to a parent who carries out an act of violence and aggression towards another parent whilst on school premises.

Schools will need to devise their own letters to parents. The parent will have the right of appeal. If the person who carries out the act is not a parent they do not have the right of appeal.

Section 4 Procedure for barring of Parents from the school

Step 1 - Reporting

The Report of Aggression or Violence (Form W2 – Appendix 1) is completed and sent to the Chair of Governors and Wellspring Academy Trust.

Following the incident, in conjunction with the Executive Principal, the Head of School must decide whether or not they intend to bar the parent from the school premises.

Step 2 - Decision to bar or not to bar

Option A - Parent not barred from the school premises

The school must send a letter to the parent based on the proforma letter A (Appendix 2)

Option B - Parent to be barred from the school premises

The school must send a letter to the parent based on the proforma letter B (Appendix 3)

In addition the academy must email the Chair of Governors to inform him that the parent is to be barred from the school premises. The email should contain name and address of the parent and the date of the incident.

A letter will then be sent to the parent from the Chair of Governors - letter C (Appendix 4), and a copy sent by email to the Executive Principal.

Step 3

Where the Head of School / Executive Principal bars the parent from the school, a panel of the governing body must convene to consider the barring.

The Head of School / Executive Principal must write to the parent to inform them of the date/time and location of this meeting, allowing at least 5 days' notice, based on proforma letter D (Appendix 5).

The panel should meet within 15 days from the date the parent receives the letter from the Chair of Governors. It is the school's responsibility to notify the parent of the meeting.

Appendix 6 provide advice to the governing body on managing the process.

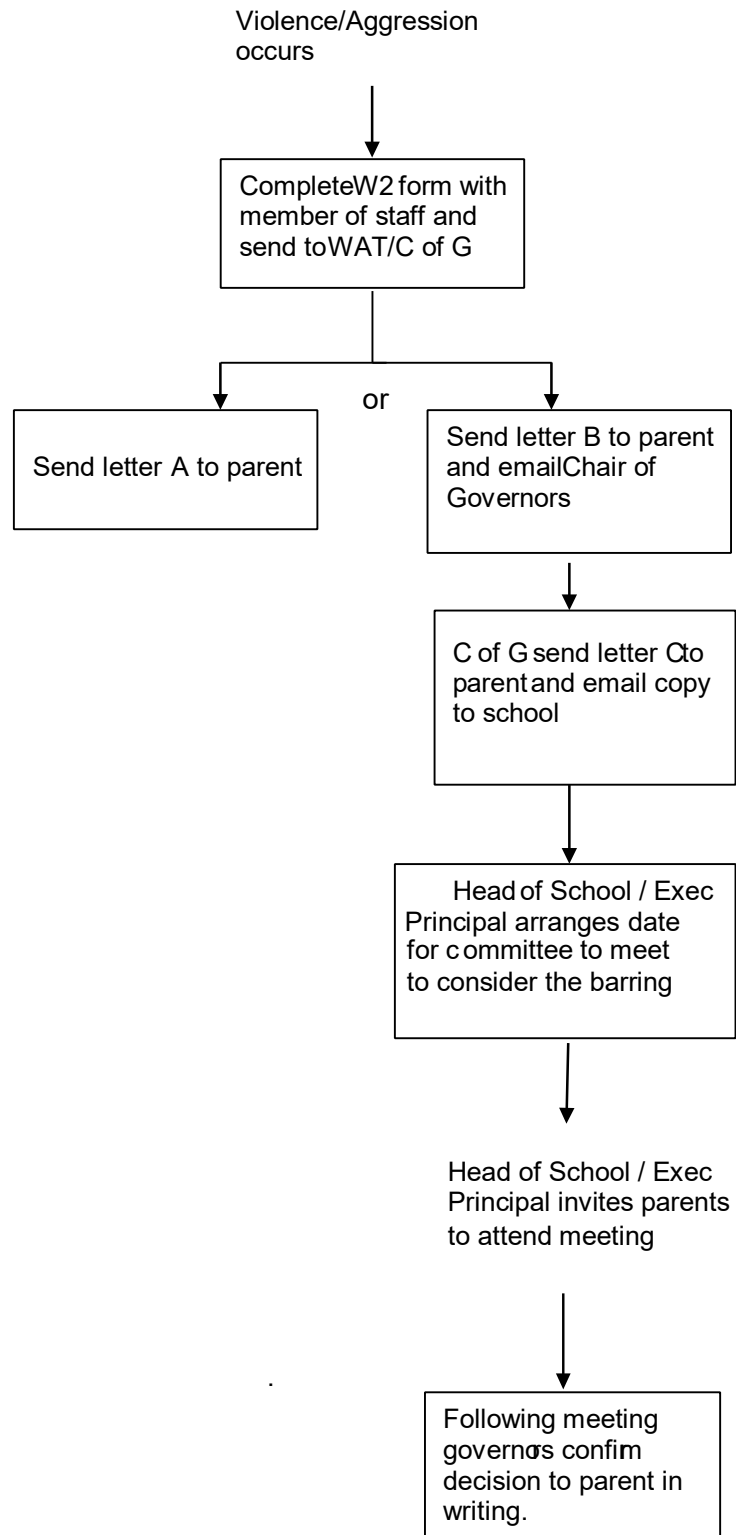
The procedure for barring parents from the school applies to incidents of violence and aggression between parents which take place on school premises, however Form W2 must not be completed as it only relates to aggression or violence directed towards academy staff.

Section 5 Advice for Governing Bodies in Considering the Barring of Parents

- 1 Governors need to be aware of the following:
 - a) where a parent has their license to enter the school premises or grounds suspended by the Head of School / Executive Principal a panel of governors must be convened to meet to consider the suspension;
 - b) it is the responsibility of the governing body to bar a parent from the school premises and grounds;
 - c) the Head of School / Executive Principal can bar any other person who does not have a license to enter the school premises or grounds.
- 2 Where a parent has had their license to enter the school premises and grounds suspended the panel must meet within 15 school days from the date the suspension letter is received by the parent, to consider the suspension.
- 3 The parent must be notified of the date and time of the meeting by the school and advised that they can attend the meeting to make a representation or submit a letter for the governors to consider. The parent may bring one other person for support only provided that the panel is in agreement to this. Dependant on the circumstance governors may feel that it is not appropriate to hold the meeting in school and use an alternative venue.
- 4 The meeting should be clerked by an independent person familiar with the Academy's procedure and not employed at the School.
- 5 The Governors hearing the representation will determine whether witness can be called to give evidence, and whether CCTV footage is available to consider as evidence.

Where witnesses are called they will be subject to questions as appropriate.
- 6 The following need to be included in the Terms of Reference for the panel:
 - To consider suspensions of parents and from the school premises.
 - To consider representations from a parent who had had their license to enter the school premise suspended.
 - To determine whether or not the parent could continue to be barred from the school premises.
 - To determine the period of time for a barring where the Committee uphold the Head of School's /Executive Principal's decision.
- 7 The Executive Principal must not attend the meeting as a governor. They will be in attendance to present the evident for barring.
- 8 The Head of School / Executive Principal may wish to ask his/her Trade Union Representative to be present.
- 9 If it is the Executive Principal who is the subject of the violence and they feel uncomfortable with the situation or the alleged perpetrator objects they should not present the case and the case should be presented by another member of staff.
- 10 On any procedural matter arising during the hearing the Governors will make a determination upon advice from the Clerk.

SCHOOL PROCEDURE FOR BARRING PARENT



The governing body need to ensure that the meeting is clerked by an experienced clerk.

Section 6 Procedure for Barring of a Non-Parent

The procedure for barring a person from premises who is not a parent and therefore does not have a right to be present on school premises is different to that of a parent as they are not accorded a right to make representations to the governing body.

Act of violence/aggression occurs

STEP 1

Complete W2 Form with member of staff. Complete W2 form with member of staff and send to WAT and C o G

STEP 2

Head of School / Executive Principal bars perpetrator from premises and sends letter D and notifies the Chairperson of the Governing Body

Step 1

The W2 Aggression and

Violence Form needs to be completed with the member of staff.

Step 2

The Executive Principal does not need to obtain consent of the governing body before barring the person from the premises. Proforma letter D (Appendix should be sent to the person by the Executive Principal. The decision is final. There is no right of appeal to the governing body, who therefore do not have to meet to consider the case.

Section 7 Trespass

Trespass on school premises a criminal offence under certain circumstances.

In order for the offence to be committed, a person will be liable if he/she refuses to leave premises after being asked to do so by an authorised person.

Categories of activities that fall under the Act

- driving of unauthorised vehicles;
- unauthorised use of the premises for games or sports which are likely to cause damage to the premises or disturbance;
- the exercising of dogs within school grounds;

- inappropriate behaviour by youths or others on premises to the serious detriment of legitimate activities;
- any other activity by trespassers which can be shown to adversely affect the interests of the school including the misuse of facilities.

Procedure to follow when confronted with a possible offence

- 1 If a member of staff is satisfied that a trespasser is likely to cause damage or disturbance then the member of staff should ask the trespasser to leave premises (to include school grounds). In some circumstances it may be advisable for two members of staff to act together to advise the person to leave the school premises/grounds.
- 2 In the most potentially serious situation the person is best not approached and the Police called for to deal with the situation.
- 3 The request to leave should be simple and clear and if felt necessary be accompanied by a warning that failure to leave premises may result in prosecution. It should be made clear that the order relates to the whole of the premises irrespective of where the initial trespass occurs.
- 4 If circumstances suggest that police assistance is required the member of staff should not hesitate to contact the police. They should not try to tackle the offender directly.
- 5 If a trespasser fails to leave the premises after a request to do so police assistance should be summoned immediately.
- 6 If a trespasser duly warned returns within 30 days without lawful authority an offence is automatically committed. In such circumstances the police should be notified immediately.
- 8 A standard letter E will be sent to the trespasser and a copy of the letter will be sent to the Head of School for information. If the trespasser is under the age of 16 the standard letter will be sent to the parent.

W2 Report of Aggression & Violence

ABOUT THE PERSON INVOLVED			
Forename:			
Surname:			
Age:		Sex:	M F
Address:			
Is the Injured person:			
Employee:		Member of Public:	
Pupil:		Contractor:	
Other:			
Job Description (if applicable):			

ABOUT THE ACCIDENT/NEAR MISS								
PART OF BODY INJURED – PLEASE TICK WHETHER LEFT OR RIGHT SIDE								
	L	R		L	R		L	R
Head			Back			Hand		
Eye			Trunk			Leg		
Face			Arm			Foot		

TYPE OF INJURY – PLEASE TICK				
Bite	Burn	Distress	Strain/ Sprain	
Break/ Fracture	Cut/ Graze	Foreign Body	No Injury	
Bruise	Dislocation	Needle stick	Near Miss	

MAIN CAUSE – PLEASE TICK	
Physical violence aggression	
Verbal abuse	
Harassment	
Sexual harassment	
Racial harassment	
Intentional damage to property	
Weapon involved	
Mental illness	
Behavioral difficulties	
Response to service	
Substance use/abuse	
Medication	
Malicious intent	
Restricted physical intervention	
Cyberbullying	

AFTER THE ACCIDENT/NEAR MISS – PLEASE TICK	
Did you...	Did you require...
Visit hospital?	Hospital treatment?
Visit GP?	First Aid?
Go home?	No Treatment?
Return to work / class?	If bump to the head has letter been sent to parents / carer's?
Address of GP or Hospital (if applicable)	

DETAILS OF THE AGGRESSION / VIOLENCE	
Date of Incident/Near Miss:	DD/MM/YYYY
Time of Incident/Near Miss:	(24hour)
Premises / Address:	
Specific Area / Location:	
Name of Witnesses:	
Witness Statement Complete:	

DETAILS OF THE ASSAILANT(S) IF KNOWN		
Name(s):		
Address(s):		
Age(s):		
Sex(s):	M	F
Were the Police called?	Y	N
Has the assailant been involved in a previous incident?	Y	N
Relationship with injured and assailant?		

WHAT HAPPENED?	
Give as much detail as you can (including details of any substances or tools/machinery/equipment used: continue on a separate sheet if necessary. <i>Please state how many additional sheets used.</i>)	
1. I give consent for the details of this Accident/Near Miss, including my personal details, to be passed to a third party including trade union representatives	Please Initial
2. I do not give consent for the details of this Accident/Near Miss, including my personal details, to be passed to a third party including trade union representatives	Please Initial

SIGNATURE	
Injured Person (or on behalf of):	
Date:	
Name (print name if signed on behalf of):	
Name of person who reported the Aggression/Violence	

Events that need reporting to RIDDOR must be sent immediately to the Trust via Hannah Taylor h.taylor@wellspringacademies.org.uk who will report to RIDDOR on your behalf.

Incident Investigation

DETAILS OF INITIAL INVESTIGATION (continue on separate sheet if required)		
Please state number of additional sheets:		
Include details of relevant training		

RISK ASSESSMENT – see note below		
Had a risk assessment been carried out for the activity undertaken prior to the Incident?	Y	N
Has the risk assessment been reviewed following the Incident?	Y	N
Have amendments been made to the risk assessment following the Incident?	Y	N
Has information, instruction and training regarding the risk control measures been given to relevant people?	Y	N
Is the Incident considered to be a RIDDOR reportable?	Y	N
Where the employee has had seven or more days off work due to the Accident/Near Miss, has the employee obtained and has the manager seen a GP's Statement of Fitness for Work (colloquially referred to as a Sick Note /Doctor's Note / Fit Note) relevant to the Accident/Near Miss reported? Copies of ALL risk assessment and other necessary documents are to be sent along with this document.		
Y	N	N/A

REMEDIAL ACTION TAKEN TO PREVENT RECURRENCE (include resource implications and time scales)		
Has the employee been absent from work as a result of the Incident? If yes give dates below:	Y	N
From:	To:	
Manager's Signature:		
Date:		

FOR OFFICIAL USE ONLY – WELLSPRING

COMMENTS ON MANAGERS/SUPERVISOR INVESTIGATION		

ACCIDENT/NEAR MISS TYPE		
Major Injury	Over 2 weeks injury	
Over 3 days injury	Minor Injury	
Over 7 days injury	No Injury	
Period of Absence	From:	To:
Days Lost		

ACTION RATING		
Severity	Likelihood	
Extremely harmful	Likely	
Harmful	Unlikely	
Slightly harmful	Highly unlikely	

PROCESSING INFORMATION			
Date report form received			
Date report form checked			
Witness Statement requested	Date	Y	N
Further info requested	Date	Y	N
Further info received	Date	Y	N
Reported to RIDDOR	Date	Y	N

Inputted by:			
Date of input:			
Accident/Near Miss Number:			
Signature:			
Date:			

*When considering whether a risk assessment was/has been carried out or is required consider risk assessment in it's wider sense including: workplace inspection, general or specific risk assessment, safe system of work or a care plan.

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Proforma - letter A

TO BE SENT ON SCHOOL HEADED PAPER

Dear

VIOLENCE TO ACADEMY EMPLOYEES

I write to inform you that following the incident which occurred at the school on, I have reported it to the Chair of Governors as an act of violence and aggression towards an employee of Wellspring Academy Trust. The definition of violence and aggression is detailed on the reverse side of this letter.

I need to inform you that the Governing Body will not tolerate conduct of this nature on its premises and has advised all headteachers that parents who behave in a violent and aggressive manner could be barred from the premises.

On this occasion I am not barring you from the premises, but consider this letter as a warning that if there is another incident you will be barred from the school premises.

Headteachers may wish to add a paragraph setting out what they expect from the parent next time they come to the school eg apology, meeting with Headteacher etc.

Definition of Violence to Employees

The working definition of violence to employees is:

- 1 any intentional act which causes apprehension, fear, psychological or physical injury to an employee arising out of or in connection with their authorised duties;
- 2 the deliberate damage to the property or belongings of an employee which is attributable to the carrying out of duties on behalf of the Authority.

This would include the following:

- **Physical attack** - whether injury occurs or not. This will include sexual or racial attack.
- **Verbal abuse** - when an employee feels an unacceptable threat has been made against his / her person. This will include sexual or racial harassment.
- **Attack against property** - as a means of intimidating an employee.
- **Threats of attack** - against employee's family.

Proforma - letter B

TO BE SENT ON SCHOOL HEADED PAPER

Dear

VIOLENCE TO ACADEMY EMPLOYEES

I write to inform you that following the incident which occurred at the school on, I have reported it to the Governing Body as an act of violence and aggression towards an employee of Wellspring Academy Trust. The definition of violence and aggression is detailed on the reverse side of this letter.

I need to inform you that the Governing Body will not tolerate conduct of this nature on its premises and has advised all headteachers that parents who behave in a violent and aggressive manner could be barred from the premises.

I am therefore following that guidance from the Governing Body and your license to enter the school premises and grounds without my permission is suspended. This means that you have been barred from the school premises and grounds until you are notified to the contrary.

The Governing Body will be writing to you to advise of the procedure that will be followed by the School Governors considering your exclusion.

If you have care of a child who you escort to the school then you should arrange to leave or collect the child at the school gate.

Yours sincerely

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This would include the following:

- **Physical attack** - whether injury occurs or not. This will include sexual or racial attack.
- **Verbal abuse** - when an employee feels an unacceptable threat has been made against his / her person. This will include sexual or racial harassment.
- **Attack against property** - as a means of intimidating an employee.
- **Threats of attack** - against employee's family.

Proforma - letter C

TO BE SENT ON SCHOOL HEADED PAPER

Dear

VIOLENCE TO ACADEMY EMPLOYEES

I write to inform you that I have received a report from Academy regarding an incident which took place on at involving alleged violence and aggression. The definition of violence and aggression is detailed on the reverse side of this letter.

I must inform you that the Governing Body will not tolerate conduct of this nature on its premises and will act to defend its staff and pupils.

I must advise you that it is our policy to investigate such incidents with a view to facilitating legal action against perpetrators of violence.

Pending notification to the contrary you licence to enter the premises or grounds of Academy is suspended. This means that you must not enter school buildings or grounds. If you do not comply with this instruction, I have instructed the Executive Principal to arrange for you to be removed from the premises. In such circumstances you could be prosecuted and, if convicted, you will be liable to a fine.

A Committee of the Academy Governing Body will meet to consider the suspension of your licence to enter the school. You may wish to appeal against the decision to suspend you at this meeting.

You will be informed of the details of the meeting by the Academy which you have the right to attend, however, if you do not wish to attend in person you can put your views in writing.

At the meeting, the Committee will consider the suspension and make a decision on whether or not to uphold the Executive Principal's decision.

A copy of the procedure to be followed at the meeting is attached to this letter.

Yours sincerely

Chair of Governors
enc

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This would include the following:

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- **Attack against property** - as a means of intimidating an employee.
- **Threats of attack** - against employee's family.

Proforma - letter D

TO BE SENT ON SCHOOL HEADED PAPER

Dear,

ENTRY ONTO SCHOOL SITE

I wrote to you on to suspend your access to the school site. Following on from this, a meeting has been confirmed with the Governing Body. The meeting will take place on atat

You are welcome to bring along a representative to the meeting.

Could you please confirm your attendance at the meeting by to

Yours sincerely

Procedure for the Governing Body / Committee Meeting

- 1 The Head of School /Executive Principal and Parent will be invited into the meeting.
- 2 Those present will introduce themselves.
- 3 The Clerk will explain the procedure for hearing the Parent's representation.
- 4 The case for barring the Parent will be made by the Head of School/ Executive Principal or delegated academy staff member.
- 5 The Parent will be invited to ask questions on the case presented by the Head of School / Executive Principal.
- 6 The Governors will ask questions on the Head of School / Executive Principal's case.
- 7 The Parent will be invited to present their case for not being barred from the school premises.
- 8 The Head of School / Executive Principal will be invited to ask questions on the Parent's case.
- 9 The Governors will ask questions on the Parent's case.
- 10 The Head of School / Executive Principal and Parent will be invited to summarise their cases.
- 11 The Head of School / Executive Principal and Parent will leave the meeting.
- 12 The Governors will then determine whether to:
 - (a) allow the Parent to enter the School grounds and premises with immediate effect;
 - (b) set a date on which the Parent will be allowed to enter the School grounds and premises;
 - (c) indefinitely bar the Parent from the School grounds and premises and set a date to review the decision.
- 13 The Clerk will record in the minutes the reasons for the decision taken under step 12 above.
- 14 The Clerk will write to the Parent informing them of the Governors' decision.

Proforma letter E

TO BE SENT ON SCHOOL HEADED PAPER

Dear

As a result of the incident that occurred on
which involved alleged violence to a Wellspring Academy Trust employee, I must inform you that conduct of this nature cannot be tolerated on school premises and as a consequence of this I am required to bar you until further notice from school premises and grounds.

The definition of violence and aggression is detailed on the reverse side of this letter.

The Governing Body has been notified of the incident.

Should you not comply with my instructions I shall contact the police, which could lead to you being prosecuted.

Yours sincerely

Sam Bailey
Executive Principal

Definition of Violence to Employees

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- **Threats of attack** - against employee's family.

Standard letter F

TO BE SENT ON SCHOOL HEADED PAPER

Dear

TRESPASS TO:

It has been brought to my attention that you have been on school premises at without the requisite permission or consent of the Head of School.

I now give you formal warning that if you return to within the next 28 days (including any adjoining school fields, playground or annexe) then it will be my intention to notify police with a view to the commencement of legal action.

If legal action is necessary then any legal costs incurred by the academy will be recharged to you.

Please take this letter as a final warning. I cannot condone trespass to academy premises. I will continue to monitor the situation and liaise with staff at the school. If there is no immediate improvement then legal action will be initiated.

Yours sincerely

Sam Bailey
Executive Principal