London Borough of Enfield

Visitor Behaviour Policy

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This plan will be amended according to legislation / changes to better practice and will be updated as and when required.

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Director for Education's Policy Statement

As Director for Education, I, have overall responsibility for all health and safety matters within schools. As such I am committed to the continuous improvement in health and safety standards for staff, clients, pupils, and visitors and a better working environment for everyone.

It is essential to the achievement of our Strategy for Health and Safety to ensure that access to the right knowledge, skills, and support is available to staff when they need it, and that this is widely communicated and understood.

I am committed to the continuous improvement in health and safety management by setting clear objectives and monitoring performance through health and safety management plans and proactive audit programmes. All Headteachers, Managers, including the Department Management Team and Service Managers must lead by example by demonstrating best practice in health and safety management and ensuring whenever possible, that all management decisions further health and safety objectives.

Effective partnerships between Headteachers, Managers and Staff are crucial to successful health and safety management. Poor health and safety management is rarely the result of malicious intent. Education and training in health and safety skills and risk management are key to achieving a strong health and safety culture which benefits all staff, clients, pupils, visitors, and contractors who work in our premises, and improves the quality of our service.

Peter Nathan

Director for Education

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Introduction

The Visitor Behaviour Policy was originally written following a Stress Audit of Schools and Children's Services staff (formally Education Group). Violence and abuse and bullying by the public was raised as a major concern by a number of different staff groups, and the production of this policy was an Action Point on the list of recommendations as an outcome of the audit.

Since that time, violence and aggression still remains a factor that staff in Schools deal with, in some cases, regularly.

Purpose and Scope

The aim of this policy is to ensure, as far as reasonably practicable, the safety of staff that have contact with the public. Whilst it is important for the public, including parents, students, and family members, that they are treated fairly and without discrimination, it is equally important that staff are treated similarly by the public.

By having a clear understanding of what constitutes unacceptable behaviour and a consistent procedure for responding to situations where behaviour is unacceptable. The purpose of this policy is to help the public gain an understanding of the boundaries and staff will feel reassured that should they find themselves in this situation there is a process to resolve it.

Consequences of Unacceptable Behaviour

Step one

1.1 On the first instance of an individual's behaviour being unacceptable, they should be immediately informed of this and asked to regain their composure. If necessary, staff should withdraw from the area and wait for the individual to become calmer. If they do regain their composure and are able to proceed in an acceptable manner the interview/discussion should be completed. The member of staff should complete the Violence and Aggression Form on the Smartaa reporting system. No further action against the individual should be necessary.

1.2 If staff are concerned that the individual has not been able to regain their composure, they should ask them to leave the premises. If the individual leaves, albeit reluctantly, the member of staff should complete the Violence and Aggression Report Form on the Smartaa reporting system, and Step Two should be applied.

1.3 If they do not do so, or they react to this request in a violent manner, the police should be contacted, and Step 4.2 should be applied.

Step Two

2.1 The individual should be contacted formally by letter to confirm that their behaviour was unacceptable and be provided with a copy of the Statement of Expectation of Behaviour (appendix 1). They should be offered an appointment

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to discuss the incident and/or the matter which gave rise to their behaviour in a calm and co-operative manner. When the individual attends the meeting, they should not be seen by a lone member of staff.

2.2 They should also be advised that failure to attend the meeting or to submit their case in writing will mean a decision is taken in their absence.

2.3 If you suspect that the individual may have literacy needs, which would inhibit their understanding of the correspondence sent to them, this should be established so as to investigate alternative methods of communication. This may include the use of the Translation Service, relaying the information by telephone or the inclusion of an advocate into the arrangements. (see appendix 4).

Step three

3.1 If at the meeting the individual presents acceptable behaviour, i.e. is calm and understands the actions that the manager has taken, and dialogue relating to the underlying concern is possible, no further action should be taken.

3.2 If, however, the individual presents unacceptable behaviour at the meeting they should be advised to leave the premises as in Step one.

Step Four

4.1 The school can bar someone from the premises if they feel that their aggressive, abusive or insulting behaviour is a risk to staff or pupils. It is enough for a member of staff or a pupil to feel threatened.

4.2 The school should tell an individual that they've been barred or they intend to bar them, in writing. Letters should usually be signed by the headteacher, though in some cases the local authority, academy trust or proprietor may wish to write instead. The individual must be allowed to present their side. A school can either:

- bar them temporarily, until the individual has had the opportunity to formally present their side
- tell them they intend to bar them and invite them to present their side by a set deadline

4.3 After the individual's side has been heard, the school can decide whether to continue with barring them. The decision should be reviewed within a reasonable time, decided by the school.

4.4 The Department for Education (DfE) does not get involved in individual cases.

Step five

5.1 If the individual adheres to the prohibition (bar) and does not present unacceptable behaviour at the agreed review time, they should be invited to

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discuss the lifting of the prohibition. However, they should also be assured that any return to unacceptable behaviour will result in the reinstatement of the prohibition.

Step six

If the individual who is barred from the school attends the premises whilst barred and causes a nuisance or disturbance, they will have committed a criminal offence under Section 547 of the Education Act 1996. Trespassing itself does not constitute a criminal offence.

6.1 If a school has reasonable grounds to suspect that someone has committed an offence, then they can be removed from the school by a police officer, or a person authorised by the School or the local authority.

6.2 If the behaviour persists a written warning - Community Protection Notice (CPN) may be served by the Police.

Please follow this link to the government guidance: Controlling access to school premises - GOV.UK (www.gov.uk)

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Step seven

Removing individuals from school premises

Section 547 of the Education Act 1996 makes it a criminal offence for a person who is on school premises without legal permission to cause or permit a nuisance or disturbance. Trespassing itself does not constitute a criminal offence.

To have committed a criminal offence, an abusive individual must have been barred from the premises or have exceeded their 'implied licence', then also have caused a nuisance or disturbance.

If a school has reasonable grounds to suspect that someone has committed an offence, then they can be removed from the school by a police officer, or a person authorised by the appropriate authority such as the:

- governing board
- local authority
- proprietor of that school

Step eight

8.1 The presence of the individual once an injunction has been served should result in a call to the police to undertake the arrest.

8.2 The adherence to the injunction by the individual should result in a review as in Step 6.1.

Acceptable Behaviour

The aim must always be that an individual can access services and premises in a safe and non-abusive manner and that staff feel safe and secure in providing those services. The opportunity for the individual to demonstrate acceptable behaviour must be made available to them and thereby the removal of whichever step in the process their behaviour has achieved.

Reporting Incidents

All incidents of violence and aggression must be reported to the Schools Health and Safety Team on the violence and aggression form on the Smartaa database. The Schools' Health and Safety Team may also ask for further information so that the details of the violent or abusive individual can be shared with other Council Service Groups if appropriate.

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Translating & Interpreting Services

Enfield Council has a partnership agreement for The Language Shop (formerly Newham Language Shop (NLS)) to supply these services to the Council. Along with the Council, the partnership consists of; Newham Council, Barking & Dagenham, Redbridge, Havering, Tower Hamlets, Waltham Forest and Newham University Hospital.

The Language Shop is a well-established provider in the sector and will work with all of the partners to provide a cost-effective, high-quality service. With a vast number of freelance translators and interpreters covering over 100 languages, Enfield Council will now have access to The Language Shop's full range of expert T&I Services. Enfield is committed to including people in providing services to those in the community who need help because they don't speak English.

In order to book these services, you must first register on bookingsnls@newham.gov.uk

Interpreting services via the Language Shop web portal:
https://languageshop.newham.gov.uk/

(Also available through the Enfield Intranet) - Translation Services
via email: translation@newham.gov.uk

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Booking online offers several advantages:

- Greater control - make, track, amend and cancel bookings
- Faster service
- Cost savings - no admin fees
- Easy to use

Visit http://languageshop.org/ for more information about (NLS) Newham Language Shop

You are not obliged to use NLS; other translation services may be used.

Section 547 Education Act 1996

The model letters (pages 12 – 17) suggest how use might be made of section 547 of the Education Act 1996 in the letters that are sent to parents and other visitors.

Section 547 - makes it an offence for a person without lawful authority on school premises and causes or permits nuisance or disturbance is guilty of an offence and liable in summary conviction to a fine.

A parent of a child attending a school normally has implied permission 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, and they will become a trespasser. The model letters which may be adapted by the governing body to inform a parent or other person that they may not enter a school's premises and how to appeal against this decision.

A person who nevertheless persists in entering the school premises and displaying unreasonable behaviour may be removed and prosecuted under section 547.

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Model Letters and section 547 Education Act 1996

The following examples of letters (which can be adapted for different legal purposes where necessary) are to parents or other visitors to school premises whose permission to be on the premises is to be, or has been, withdrawn by the governing body on behalf of the school. The letters show that where such a parent re-enters school premises and causes a nuisance or disturbance, section 547 might be used.

A Headteacher has the right to decide who can come onto school premises, but the letters should be sent by the governing body – in the case of aided, foundation schools or academies – by the governing body, on behalf of the Headteacher.

Using powers under section 547 allows for action which the governing body can take on behalf of a school and which can be straightforward, quick, and effective in removing violent, aggressive or abusive people from school 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. The Council Legal Department should be consulted for further advice.

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BAN LETTER-1

Letter to ban parent with children at the school following incident

RECORDED DELIVERY

Dear Sir/Madam

Following the incident that happened at (insert name) School, and your conduct on (enter date and time).

[Add summary of the incident and of its effect on staff, pupils, and other parents.]

I must inform you that the board of governors will not tolerate conduct of this nature on its premises and will act to defend its staff and pupils. I am therefore instructing that (for a temporary period) you are not to reappear on the premises of the school. If you do not comply with this instruction, I shall 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.

In the case of a primary school include: For the duration of this decision, you may bring your son(s)/daughter(s) (complete as appropriate) to school and collect them/him/her (delete as appropriate) at the end of the school day, but you must not go beyond the school gate.
(In the case of infant children, also insert) Arrangements have been made for your (delete as appropriate) son(s)/daughter(s) (insert child/rens names) to be collected, and returned to you, at the school gate by a member of the school's staff.

The withdrawal of permission for you to enter the school 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 headteacher. 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, you will be supplied with details of how to pursue a review of the circumstances of your case.

Yours faithfully,

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BAN LETTER-1(a)

Letter to ban member of the public (not parent) following incident

RECORDED DELIVERY

Dear Sir/Madam

Following the incident that happened at (insert name) School, and your conduct on (enter date and time).

[Add summary of the incident and of its effect on staff, pupils, and other parents.]

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

I am instructing that you are not to reappear on the premises of the School. If you do not comply with this instruction, I shall arrange for you to be removed from the premises and prosecuted under section 547 of the Education Act. If convicted, you are liable to a fine.

Yours faithfully,

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BAN LETTER 2

Letter to parent with children at the school confirming ban

RECORDED DELIVERY

Dear Sir/Madam

On (give date) I wrote to you informing you that I had withdrawn permission for you to come onto the premises of (insert name) School. To enable the board of governors to determine whether to confirm this decision 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 date), the contents of which I have noted. (delete either sentence as appropriate).

In the circumstances, and after further consideration of the headteacher's report, I have determined that the decision to withdraw permission for you to come onto school premises should be confirmed. I am therefore instructing that until further notice you are not to come onto the premises of the School without the prior knowledge and approval of the headteacher. If you do not comply with this instruction, I shall 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.

Notwithstanding, this decision the headteacher and staff at (insert name) School remain committed to the education of your child/children (delete as appropriate), who must continue to attend school as normal insert in the case of a primary school: under the arrangements set out in my previous letter.

The board of governors will take steps to review the continuance of this decision on (give date). When deciding whether it is necessary to extend the withdrawal of permission to come onto the School's premises, the governors will take into account the extent of your compliance with the decision, any appropriate expressions of regret and assurance of future good conduct received from yourself and any evidence of your co-operation with the School in other respects.

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[Include where the incident has arisen within the context of a parental complaint against the School:]

Finally, I would advise you that I have asked the headteacher to ensure that your complaint that (give brief details) is considered under the appropriate stage of the School's parental complaints procedure. You will be contacted about this by the School in due course.

Yours faithfully

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BAN LETTER 3

Letter to parent with child/ren at the school after review of ban to inform ban still stands

RECORDED DELIVERY

Dear Sir/Madam

I wrote to you on (give date) withdrawing permission for you to come onto the premises of (insert name) School until further notice. In that letter I also advised you that I would take steps to review this decision on (give date).

I have now completed the review. However, after consultation with the Headteacher and board of governors 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) School without the prior knowledge and approval of the headteacher remains in place until further notice.

I shall undertake a further review of this decision on (give date).

[If the letter is from the Governing Body] If you are dissatisfied with this decision, you have a right to complain through the schools' complaints procedure.

[If the letter is from the LA] If you are dissatisfied with this decision because you consider it to be unfair, or not to have been made in a correct way, or believe there has been a case of maladministration, you have a right to a further review by the Local Government Ombudsman. They can be contacted at https://www.lgo.org.uk/contact-us or alternatively on **0300 061 0614** (Monday to Friday, between 10am and 12 noon)

Yours faithfully

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UNBAN LETTER 1

RECORDED DELIVERY

Dear Sir/Madam,

On (insert date) I wrote to you informing you that I had temporarily withdrawn permission for you to come onto the premises of (insert name) School. 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).

[However] In the circumstances, and after consulting with the Headteacher/chair of governors, 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 school 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 again.

Yours sincerely,

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UNBAN LETTER 2

RECORDED DELIVERY

Dear Sir/Madam,

I wrote to you on (give date) informing you that I had withdrawn permission for you to come onto the premises of (insert name) School until further notice. In that letter I also advised you that I would take steps to review this decision on (give date).

I have now completed the review. After consultation with the headteacher, 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 school premises, with immediate effect.

I trust that you can now be relied upon to act in full co-operation with the School 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 again.

Yours sincerely,

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Appendix 2

Education, Children and Families Services

STATEMENT OF EXPECTATION OF BEHAVIOUR

Whilst the public are on our premises there is an expectation that behaviour by both staff and visitors, including parents of pupils, will meet certain standards.

- Our staff will be polite and courteous towards you at all times. If you feel a member of staff has behaved in an unacceptable way, please end your discussion, and report the matter in writing to the head teacher or senior manager. They will then contact you to investigate and attempt to resolve your complaint.

- In return it is our expectation that you will be polite and courteous to staff. If staff are subjected to unacceptable behaviour, they have been instructed to end the discussion with you and inform you of the reasons. You will be asked to leave the premises. A letter to confirm the reasons why you were asked to leave and the action that we intend to take as a result will be sent to you. You will be given the opportunity to discuss the matter with us in a calm and civil manner. If the incident is particularly serious or is repeated, you may be barred from the premises.

The following behaviours are unacceptable, and the list is not exhaustive:

- swearing, spitting, shouting, threatening words or gestures
- physical intimidation and the use of force such as pushing, pulling, poking, prodding etc.
- use of any abusive language (e.g., racist, ageist and sexist comments etc.)
- being under the influence of drugs or alcohol whilst on our premises
- smoking or drinking whilst on our premises
- any kind of physical abuse
- threatening behaviour.

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