

# Barring individuals from Academy Premises

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Within this policy, the term 'parent' is used to refer to a parent or carer and 'Principal' will also refer to Executive Principals or Heads of School, depending on specific circumstances

## 1. Introduction

Our academies are 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 Academy community.

Wellspring Academy Trust and the Academy's Governing Body are responsible for protecting the health, safety and welfare of 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 Academy premises resulting from an event of violence/aggression that has occurred on the premises or as a result of trespass on Academy premises.

## 2. Definitions

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 an employee or their family.

The most common type of incident that occurs 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 directed towards them is taking place or about to take place. Action will be taken where an employee decides that they have been victim to an actual physical attack or any abusive/threatening behaviour which they find unacceptable.

### 3. Legal position

A person who persists in entering the Academy premises and displaying unreasonable behaviour may be removed by the Principal (*which in this context also refers to the Executive Principal or Head of School, as applicable*) and prosecuted under Section 547 of the Education Act 1996.

Section 547 makes it an offence for a trespasser on school premises to cause or permit a nuisance or disturbance and allows for the removal and prosecution of any person believed to have committed the offence. A person convicted of the offence is liable for a fine.

A parent of a child attending a Wellspring Academy normally has a licence to be on the Academy's premises at certain times and for a certain purpose, though if their behaviour is unreasonable this permission may be withdrawn, which means that their licence to enter the premises is suspended and they will become a trespasser.

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

### 4. Procedure following a report of Aggression or Violence

#### 4.1 Step 1 - Reporting

The Report of Aggression or Violence (Form W2 found at Appendix 1) should be completed and sent to the Chair of Governors via the Clerk to the Governing Body, Wellspring Academy Trust Support Centre.

*The procedure for barring parents from the Academy 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.*

*Other acts of violence and aggression should be reported to the Principal. Following the incident the Principal must decide whether or not they intend to bar the parent from the Academy premises.*

#### 4.2 Step 2 - Decision to bar or not to bar

There are two options:

##### **Option A – Parent not barred from the Academy premises**

The Principal must send a letter to the parent based on the template. (See Appendix 2).

##### **Option B – Parent to be barred from the Academy premises**

The Principal must send a letter to the parent based on the template. (See Appendix 3)

In addition, the Chair of Governors should be informed that the parent is to be barred from the premises. The communication should refer to the name and address of the parent and the date of the incident.

A letter will then be sent to the parent by the Chair of Governors (Appendix 4) and a copy sent to the Principal.

#### 4.3 Step 3 – Convening a panel to review the decision to bar a parent from school premises

Where a Principal bars a parent from the Academy, a panel of the Local Governing Body must convene to consider the barring.

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

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

Minutes will be taken by the Clerk to the Governing Body, or another member of the Trust's Governance Team if the Clerk is unavailable.

Appendix 6 provides advice to the Governing Body on managing the process.

## 5. **Equality Impact Statement**

*The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:*

- eliminate discrimination and other conduct that is prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

*In the development of this policy due regard has been given to achieving these objectives.*

## Appendix 1: W2 Report of Aggression or Violence

# 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. Please state how many additional sheets used).	
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](mailto: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? <b>Copies of ALL risk assessment and other necessary documents are to be sent along with this document.</b>			
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.

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

## Appendix 2: Decision not to bar/warning letter

TO BE SENT ON  
ACADEMY HEADED  
PAPER

Dear

### VIOLENCE TO EMPLOYEES

I write to inform you that following the incident which occurred at the X Academy on [date], I have reported it to the Chair of Governors as an act of violence and aggression towards an employee.

The definition of violence and aggression is outlined below:

- 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 includes 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.

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

On this occasion I am not barring you, though please consider this letter as a warning that if there is another incident you will be barred from the Academy premises and grounds.

*[You may wish to add a paragraph setting out what you expect from the parent next time they come to the Academy e.g. apology, meeting with a designated person etc]*

### Appendix 3: Decision to suspend licence to enter Academy premises

TO BE SENT ON  
ACADEMY HEADED  
PAPER

Dear

#### VIOLENCE TO EMPLOYEES

I write to inform you that following the incident which occurred at the X Academy on [date], I have reported it to the Chair of Governors as an act of violence and aggression towards an employee.

The definition of violence and aggression is outlined below:

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

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

I am therefore notifying you that your licence to enter the Academy premises and grounds without my permission is suspended. You are therefore barred from the Academy premises and grounds until you are notified to the contrary.

The Chair of the Governing Body will be writing to you to advise you of the procedure that will be followed in respect of this action.

If you escort a child/children to the Academy please arrange to leave and collect the child at the entrance gate.

Yours sincerely

## Appendix 4: Letter from the Chair of Governors to confirm suspension

TO BE SENT ON  
ACADEMY HEADED  
PAPER

Dear

### **VIOLENCE TO EMPLOYEES**

I write to inform you that I have received a report from [insert name], Principal [or other] of X Academy regarding an incident which took place on [insert date] at [insert time] involving alleged violence and aggression.

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. It is our policy to investigate such incidents with a view to facilitating legal action against perpetrators of violence.

Pending notification to the contrary your licence to enter the premises or grounds of [insert name] Academy is suspended. This means that you must not enter the academy building or grounds. If you do not comply with this instruction I have instructed that arrangements be made to remove you from the building or grounds. In such circumstances you could be prosecuted and, if convicted, you will be liable to a fine.

A Committee of the Governing Body will meet to consider the suspension of your licence to enter the Academy and make a decision on whether or not to uphold the decision.

You will be informed of the details of the meeting and have the right to attend. You may wish to appeal against the decision to suspend you. If you do not wish to attend in person you can submit your views in writing.

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

Yours sincerely

Chair of Governors

Enc [Appendix 6]

## Appendix 5: Invitation to the suspension meeting

TO BE SENT ON  
ACADEMY HEADED  
PAPER

Dear,

### ENTRY ONTO ACADEMY SITE

I wrote to you on [insert date] to suspend your access to the Academy building and site. Following on from this a meeting has been confirmed with the Governing Body. The meeting will take place on [insert details].

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

Could you please indicate whether you will be attending the meeting by contacting [name of contact person] by [insert date].

Yours sincerely

## Appendix 6: Procedure for the Review Meeting

### + Assuming the parent attends or makes representations

- 1 The Principal (or designated representative) 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 Principal (or designated representative).
- 5 The Parent will be invited to ask questions on the case presented.
- 6 The Governors will ask questions on the case presented.
- 7 The Parent will be invited to present their case against being barred from the Academy Premises and grounds.
- 8 The Principal (or designated representative) will be invited to ask questions on the Parent's case.
- 9 The Governors will ask questions on the Parent's case.
- 10 The Principal (or designated representative) and Parent will be invited to summarise their cases.
- 11 The Principal (or designated representative) and Parent will leave the meeting.
- 12 The Governors will then determine whether to:
  - (a) allow the Parent to enter the Academy premises and grounds with immediate effect;
  - (b) set a date on which the Parent will be allowed to enter the Academy premises and grounds;
  - (c) indefinitely bar the Parent from the Academy premises and grounds 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.
- 14 The Clerk will write to the Parent informing them of the Governors' decision.