Managing Violent and Abusive Visitors Policy

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Responsible Committee:	**Education Committee**

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Managing Violent and Abusive Visitors to Haileybury Turnford

Guidance for dealing with aggressive or abusive parents and visitors to Haileybury Turnford who cause nuisance or create a disturbance.

Summary

Day to day access to a Haileybury Turnford is within the control of the Principal.

Normally parents/carers (and those with parental responsibility) are granted "limited licence" to visit the grounds and buildings of Haileybury Turnford.

Haileybury Turnford has established procedures which set out: the acceptable purposes for such visits; the areas of Haileybury Turnford that may be entered at particular times; the standard of behaviour expected.

Where there is a breach of such procedures the school will respond in a measured way, depending on the seriousness of any inappropriate conduct, for example:

- initiate a meeting/dialogue with the individual;
- write to the visitor, describing their misconduct, explaining its impact on the school and stating its unacceptability;
- vary the person's "licence", say, through the addition of conditions;
- warn of the possibility of a "ban" (i.e. the withdrawal of their licence) if the misconduct is repeated;
- impose a ban with a review after a fixed period;
- impose a ban without review.

It is possible for the Principal to initiate any of these actions on their own authority, but is less likely to lead to personal confrontation if the more serious sanctions are initiated by the governing body.

Introduction

Haileybury Turnford is an orderly, safe place, where relationships between staff and visitors, especially parents/carers, demonstrate mutual respect and recognition of shared responsibility for students' welfare and educational progress. Parental involvement is an important factor in educational success and in dealing with emerging problems at an early stage.

However, on occasion, the behaviour of a few parents/carers can cause severe disruption or worse, resulting in abusive or aggressive behaviour towards staff, students, or other members of the Haileybury Turnford community.

The governing body is responsible for protecting the health and safety of staff and students.

This document is mainly about dealing with violence, threatening behaviour or abuse by parents of a student at Haileybury Turnford, including those cases where the parent has been asked not to come onto

the premises. Some of the remedies listed are also applicable when dealing with other intruders on Haileybury Turnford premises.

Violence, threatening behaviour and abuse against Haileybury Turnford staff or other members of the Haileybury Turnford community must not be tolerated. All members of the Haileybury Turnford community have a right to expect that their Haileybury Turnford is a safe place in which to work and learn. There is no place for violence, threatening behaviour or abuse in schools. Where such behaviour does occur, schools must know that their governing body will play a proactive role in taking all possible action to deal with it.

At all times the common purpose remains clear: to achieve zero tolerance of violence, threatening behaviour or abuse at Haileybury Turnford, and to ensure all members of the Haileybury Turnford community, and all visitors to Haileybury Turnford, can be confident that they are operating within a safe environment.

Haileybury Turnford policy for dealing with incidents

This policy provides a readily available set of procedures on:

- what to do when an incident arises (e.g. ask the person to leave, or invite them into a room away from other people);
- who to contact during an emergency (i.e. at Haileybury Turnford, governing body and police);
- how to record incidents and who to report the incident to;
- what follow up action is possible (i.e. any legal action to be taken; if a parent, whether they should be refused entry to the premises);
- what support is available from the employer, (e.g. counselling, occupational health or legal support);
- liaison with the police whenever necessary.

The existence of the policy will be publicised, by displaying suitable posters in areas of Haileybury Turnford that may be entered by visitors.

Conducting a risk assessment

The school's Finance & Resources Committee through the Risk Register will prepare an assessment of risk to staff and others from abusive or violent visitors. This will involve raising a number of questions to which we will generate answers.

A risk assessment should:

- identify and assess the risks;
- determine appropriate actions;
- implement the actions;
- monitor the results;
- provide feedback.

This should identify what the risks are (e.g. abuse, threatening behaviour, violence, and from whom), and who is likely to be at risk (e.g. reception staff, teachers etc). Identifying what the risks are and who is at risk are the crucial initial steps before considering how to manage these risks and how they can be minimised.

In some cases, potential violence can be reduced and even prevented if members of staff have the skills to spot conflict before it leads to aggression and to use techniques to reduce aggression before violence occurs.

It is recommended that members of staff are offered training, which can help in:

- enabling staff to defuse aggression and prevent situations escalating;
- teaching staff to recognise verbal and nonverbal precursors to aggression and use techniques to calm a potential assailant;
- improving staff confidence in dealing with aggression and the resulting stress;
- minimising the risk of an attack causing injury.

The Health and Safety Executive (HSE) has produced guidance on risk assessments which is on its website.

The Banning Process

The Principal will need to assemble the full facts before proceeding, making sure that all those involved in any incidents, or witnesses to those incidents, make a full written record as soon as possible.

Crucial elements:

Write to parent/carer/intruder to record in detail the incident and why it is unacceptable; explain that the governing body will consider banning the parent, giving the parent a period in which they may respond in writing giving their version and why they should not be banned; tell the parent when a decision will be made.

The length of a ban

The ban should be finite in length, as only the most serious misconduct would justify an indefinite ban.

The duration needs to be sufficient to convey a clear message about the seriousness of the associated misconduct, but not so long as to be disproportionate. The aim should always to be to restore “normal” relations as soon as is reasonably practicable.

Even if a ban is permanent, it should be reviewed periodically, taking account of subsequently demonstrated patterns of behaviour.

What does a ban achieve?

- it confirms to a parent that the school will not tolerate misbehavior;

- its shows that Haileybury Turnford takes health and safety of its staff, visitors and students seriously;
- it provides a key element in making it easier to use legal remedies to prevent repeated misconduct, including use of S547 of the1996 Education Act to enable Police removal and possible prosecution of those on Haileybury Turnford premises without permission;
- it may form the basis for an application for an injunction to curtail repeated instances of misbehavior.

Parental Rights

Every attempt should be made to maintain normal communications with parents/carers.

Even where a parent/carer has been banned from the Haileybury Turnford premises, they retain their right to an annual consultation in relation to the educational progress of their child/ren. However, the Haileybury Turnford may determine who will be present at the meeting (e.g a senior member of staff might accompany the class teacher) and its location (e.g. it may well be arranged off site). The interests of the child should continue to be paramount.

Model incident report form

This is attached as an annex. It will assist with the recording of any incidents of abuse, threatening behaviour or violence against any members of the Haileybury Turnford community. A record of an incident will help in the collection of evidence where necessary, such as when proceedings are being brought against an alleged assailant. Available photographic evidence of any injuries or damage, or relevant CCTV footage, can also be helpful. Recording details of incidents will also help in reviewing Haileybury Turnford's policy, and should ideally inform future risk assessments.

If there is an injury to staff from an assault, the employer may need to report the injury to the health and safety executive (HSE) under the requirements of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR), as amended in 2012.

Section 547, Education Act 1996

The model letters included suggest how use might be made of section 547 of the Education Act 1996 in the letters that are sent to parents.

Section 547 makes it an offence for a trespasser on Haileybury Turnford 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. The penalty for a person convicted of the offence is a fine of up to £500.

A parent/carer of a child attending Haileybury Turnford normally has implied permission (limited licence) to be on Haileybury Turnford's premises at certain times and for certain purposes but if their behaviour is unreasonable this permission may be withdrawn and they will become a trespasser.

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

The governing body can independently authorise the removal of someone from the premises and may also authorise a person to bring proceedings against that individual. Additionally, in all situations the police are authorised to remove someone from Haileybury Turnford premises and to bring proceedings for an offence under this section. The Principal is authorised to remove anyone causing a disturbance.

Model letters

In Annex 3 are examples of letters (which can be modified for different legal purposes where necessary) to parents/carers or other visitors to Haileybury Turnford premises whose permission to be on the premises is to be, or has been, withdrawn by the governing body on behalf of Haileybury Turnford. The letters show that where such a parent re-enters Haileybury Turnford premises and causes a nuisance or disturbance, section 547 might be used.

The Principal has the right to decide who can come onto Haileybury Turnford premises but the letters should be sent by the governing body, on behalf of the Principal.

Using powers under section 547 allows for action which the governing body can take on behalf of a Haileybury Turnford and which can be straightforward, quick and effective in removing violent, aggressive or abusive people from Haileybury Turnford 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 school's legal representatives should be in a position to advise the Haileybury Turnford of how to achieve this.

Annex 1

Summary position on managing aggressive behaviour from parents and visitors to Haileybury Turnford

Statement of principles

The governing body of Haileybury Turnford encourages close links with parents and the community. It believes that students benefit when the relationship between home and Haileybury Turnford is a positive one.

The vast majority of parents, carers and others visiting our Haileybury Turnford are keen to work with us and are supportive of the Haileybury Turnford. However, on the rare occasions when a negative attitude towards the Haileybury Turnford is expressed, this can result in aggression, verbal and or physical abuse towards members of Haileybury Turnford staff or the wider Haileybury Turnford community.

The governing body expects and requires its members of staff to behave professionally in these difficult situations and attempt to defuse the situation where possible, seeking the involvement as appropriate of other colleagues. However, all members of staff have the right to work without fear of violence and abuse, and the right, in an extreme case, of appropriate self-defence.

We expect parents and other visitors to behave in a reasonable way towards members of Haileybury Turnford staff. This policy outlines the steps that will be taken where behaviour is unacceptable.

Types of behaviour that are considered serious and unacceptable and will not be tolerated:

- shouting at members of the Haileybury Turnford staff, either in person or over the telephone;
- physically intimidating a member of staff, e.g. standing very close to her/him;
- the use of aggressive hand gestures;
- threatening behaviour;
- shaking or holding a fist towards another person;
- swearing;
- pushing;
- hitting, e.g. slapping, punching and kicking;
- spitting;
- breaching the Haileybury Turnford's security procedures.

This is not an exhaustive list but seeks to provide illustrations of such behaviour.

Unacceptable behaviour may result in the police being informed of the incident.

Procedure to be followed

If a parent/carer behaves in an unacceptable way towards a member of the Haileybury Turnford community, the Principal or appropriate senior staff will seek to resolve the situation through discussion and mediation. If necessary, the Haileybury Turnford's complaints procedures should be followed. Where

all procedures have been exhausted, and aggression or intimidation continue, or where there is an extreme act of violence, a parent or carer may be banned by the Principal from the Haileybury Turnford premises for a period of time, subject to review.

In imposing a ban, the following steps will be taken:

- The parent/carer will be informed, in writing, that she/he is banned from the premises, subject to review, and what will happen if the ban is breached, e.g. that police involvement or an injunction application may follow;
- Where an assault has led to a ban, a statement indicating that the matter has been reported to the police will be included;
- The chair of governors will be informed of the ban;
- Where appropriate, arrangements for students being delivered to, and collected from the Haileybury Turnford gate will be clarified.

Conclusion

The governing body itself may take action where behaviour is unacceptable or there are serious breaches of our home/Haileybury Turnford code of conduct or health and safety legislation. In implementing this policy, the school will, as appropriate, seek advice from it's legal representatives to ensure fairness and consistency.

This Policy will be reviewed every three years.

Annex 2

Incident report form

Relevant incidents include trespass, nuisance or disturbance on Haileybury Turnford premises, verbal abuse, sexual or racial abuse, threats, aggression, physical violence and intentional damage to property.

Where possible, the form should be completed before any discussion between witnesses is possible, as this might lead to allegations of collusion.

The completed form should be passed to the Principal, for appropriate action and recording.

Date of incident Time of incident
Name of person reporting incident Date incident reported Member of staff recording incident Date incident recorded Name(s) of person(s) causing incident
(where name(s) is/are unknown, provide other details of which may allow their identification)

Status(es) (parents/carers/visitors/trespassers)

Full description of incident (e.g. names of persons involved; location; nature of any injuries; attendance of emergency services)

Names of any witness(es) status(es)

Initial action/outcome (e.g. Informal conciliation; police intervention; warning or banning letter issued)

Summary of subsequent actions taken by Haileybury Turnford, including risk assessments

Linked incidents (if any)

Annex 3 – Examples of model letters

Warning letter from the Principal: to parent/carer with child/ren at Haileybury Turnford

Recorded delivery

Dear ……..

I have received a report about your conduct at Haileybury Turnford on **(enter date and time).**

(Add factual summary of the incident and of its effect on staff, students, other parents.)

I must inform you that the governing body will not tolerate conduct of this nature on its premises and will act to protect its staff and students.

Therefore, if in the future, I receive any reports of conduct of this nature I will be forced to consider removing your licence to enter Haileybury Turnford grounds and buildings. If you do not comply with that instruction, I will be able to 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 of up to £500.

Nevertheless, 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 about your conduct. 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).

Yours sincerely
Principal

Banning Letter from the governing body: to parent/carer with child/ren at Haileybury Turnford

Recorded delivery

Dear ……..

I have received a report from the Principal at Haileybury Turnford about your conduct on **(enter date and time).**

(Add factual summary of the incident and of its effect on staff, students, other parents.)

I must inform you that the governing body will not tolerate conduct of this nature on its premises and will act to protect its staff and students. On the advice of the Principal I am therefore instructing that until …….. **(add date)** you are not to reappear on the premises of Haileybury Turnford. If you do not comply with this instruction, I may 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 of up to £500.

The withdrawal of permission for you to enter Haileybury Turnford's 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 Principal. 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, or extended, you will be supplied with details of how to pursue a review of the circumstances of your case.

In any event, the decision to withdraw your licence to enter Haileybury Turnford's premises will be reviewed by ……. (complete as appropriate). That review will take account of any representations that you may have made and of your subsequent conduct.

Yours sincerely
Chair of governing body

Banning Letter from the governing body: to member of the public)

Recorded delivery

Dear ……..

I have received a report from the Principal at Haileybury Turnford about your conduct on **(enter date and time).**

(Add factual summary of the incident and of its effect on staff, students, other parents.)

I must inform you that the governing body (delete as appropriate) will not tolerate conduct of this nature on its premises and will act to protect its staff and students. On the advice of the Principal I am therefore instructing that you are not to reappear on the premises of Haileybury Turnford. If you do not comply with this instruction, I may 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 of up to £500.

Yours sincerely
Chair of governing body

Letter updating a banning letter, from the governing body, confirming ban: to parent/carer with child/ren at Haileybury Turnford

Recorded delivery

Dear ……..

On **(give date)** I wrote to you informing you that on the advice of the Principal, I had withdrawn permission for you to come onto the premises of Haileybury Turnford until
…… (insert date). To enable the governing bod to determine whether to confirm this decision, or to impose it 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 the date),** the contents of which I have noted. **(delete either sentence as appropriate)**

In the circumstances, and after further consideration of the Principal's report, I have determined that the decision to withdraw permission for you to come onto Haileybury Turnford premises should be confirmed/extended. **(delete as appropriate)** I am therefore instructing that until …… **(insert date)** you are not to come onto the premises of the Haileybury Turnford without the prior knowledge and approval of the Principal. If you do not comply with this instruction, I may 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 of up to £500.

Notwithstanding this decision the Principal and staff at Haileybury Turnford remain committed to the education of your child/children **(delete as appropriate),** who must continue to attend Haileybury Turnford as normal under the arrangements set out in my previous letter.

The governing body **(delete as appropriate)** will take steps to review the continuance of this decision by **(give date).** When deciding whether it is necessary to extend the withdrawal of permission to come onto Haileybury Turnford's premises, the governing body **(delete as appropriate)** will take into account the extent of your compliance with the decision, any appropriate expressions of regret and assurances of future good conduct received from yourself and any evidence of your co-operation with Haileybury Turnford in other respects.

(Include where the incident has arisen within the context of a parental complaint against Haileybury Turnford:)

Finally, I would advise you that I have asked the Principal to ensure that your complaint **(give brief details)** is considered under the appropriate Haileybury Turnford procedure. You will be contacted about this by Haileybury Turnford in due course.

If you wish to pursue the matter further, you have a right to a review of the circumstances of this case by Haileybury Turnford's governing body.

Yours sincerely
Chair of governing body

Letter updating a banning letter, from the governing body, withdrawing ban: to parent/carer with child/ren at Haileybury Turnford

Recorded delivery

Dear ……..

On …….. **(insert date)** I wrote to you informing you that, on the advice of the Principal, I had temporarily withdrawn permission for you to come onto the premises of Haileybury Turnford. 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)**

In the circumstances, and after consulting with the Principal, 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 Haileybury Turnford 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.

Yours sincerely
Chair of governing body

Letter from the governing body, following formal review of a banning letter, extending ban: to parent/carer with child/ren at Haileybury Turnford

Recorded delivery

Dear ……..

I wrote to you on …… **(insert date)** withdrawing permission for you to come onto the premises of Haileybury Turnford until …… **(insert date).** In that letter I also advised you that I would take steps to review this decision by …… **(insert date).**

I have now completed the review. However, after consultation with the Principal, 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)** Haileybury Turnford without the prior knowledge and approval of the Principal remains in place until …… **(insert date).**

I shall undertake a further review of this decision on …… **(insert date).**

(Insert if the letter is from the governing body) If you are dissatisfied with this decision, you have a right to request a review of the decision by the governing body.

Yours sincerely
Chair of governing body

Letter from the governing body, following formal review of a banning letter, ending ban: to parent/carer with child/ren at Haileybury Turnford)

Recorded delivery

Dear ……..

I wrote to you on …… **(insert date)** informing you that I had withdrawn permission for you to come onto the premises of Haileybury Turnford until …… **(insert date).** In that letter I also advised you that I would take steps to review this decision by …… **(insert date)**.

I have now completed the review. After consultation with the Principal, 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 Haileybury Turnford premises, with immediate effect.

I trust that you can now be relied upon to act in full co-operation with Haileybury Turnford 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 once more.

Yours sincerely
Chair of governing body

Legal remedies, for violence or abuse against members of the Haileybury Turnford community

Protection from Harassment Act 1997 (under review)

This Act is more informally described as anti-stalking legislation, although not only used for that purpose. This action can be taken either through criminal prosecution or a private action for damages in the civil courts. It can be done on behalf of an individual, or a group (e.g. a group of children or teaching staff). The sanctions include both criminal penalties (fines, imprisonment, or community sentences) and a restraining order, which is a flexible order which prohibits the offender from continuing their offending behaviour. For example, it could prevent a parent from coming within a certain distance of Haileybury Turnford, or from making phone calls to Haileybury Turnford or a teacher's home. The restraining order can last for as long as the court thinks appropriate.

Section 2 of the Act makes it an offence where someone pursues a course of conduct (on more than two occasions) that amounts to harassment of another, causing alarm or distress. The offence can only be tried in the magistrates' court with a maximum penalty of six months' imprisonment, a fine of up to £5,000, or both.

Section 4 creates a more serious offence where people have been put in fear of violence on at least two occasions. It can be tried in the magistrates' court or the crown court. The maximum penalty for the offence is six months' imprisonment, a fine up to £5,000, or both, in the magistrates' court. In the crown court, it is five years' imprisonment, an unlimited fine or both. Where there is a racial element to either the section 2 or section 4 offence, a higher level of sanction applies under section 32 of the Crime and Disorder Act 1998.

Section 3 of the Act provides for a civil route in relation only to the section 2 and 4 offences. The level of proof is lower for the civil proceedings, as it will be to the civil standard of a balance of probabilities rather than the criminal standard of beyond reasonable doubt. If a restraining injunction is imposed on a defendant under the civil route and the defendant breaches the restraining injunction, proceedings for breach of the order become criminal with the offender liable to up to five years' imprisonment.

Injunctions

These can be granted by a court to ban somebody from Haileybury Turnford premises. Generally, they are viewed as less flexible and more expensive than alternatives such as a restraining order granted under the Protection from Harassment Act 1997, described above.

Criminal Damage Act 1971

Under this, if a parent or carer destroys or damages property belonging to Haileybury Turnford, or to a teacher, he or she can be prosecuted for causing criminal damage. If the value of the damage is below £5,000, the case is tried in the magistrates' court, where the penalty is a fine up to £2,500 or up to three months' imprisonment or both. If the damage is above £5,000, the case can be tried in the magistrates' court or the crown court. The penalty in the magistrates' court is a fine up to £5,000 or not more than six months' imprisonment, or both. In the crown court, the penalty is an unlimited fine or ten years' imprisonment, or both. Where the criminal damage is committed with an intent to endanger life, the maximum period of imprisonment is life. This includes cases of arson with the same degree of intent. There is a racially aggravated form, which carries higher maximum penalties (Crime and Disorder Act 1998, section 30).

Common Assault

Where a member of staff is assaulted by a parent or carer and minor injury is caused, the parent or carer may be charged with common assault in accordance with section 39 of the Criminal Justice Act 1988.

This can only be tried in the magistrates' court. Where there is a racial element to the offence, the parent or carer may be charged with the offence of racially aggravated assault contrary to section 29 of the Crime and Disorder Act 1998. This can be tried either in the magistrates' court or the crown court. The maximum penalty for common assault is a fine of up to £5,000, or six months' imprisonment, or both. The maximum penalty for racially aggravated assault is six months' imprisonment or a fine up to £5,000, or both, in the magistrates' court. In the crown court it is an unlimited fine, or two years' imprisonment, or both.

Assault Occasioning Actual Bodily Harm

Under section 47 of the Offences Against the Persons Act 1861, a parent or carer can be charged with assault occasioning actual bodily harm where more serious injury is caused to a member of staff (such as broken teeth, extensive bruising or cuts requiring medical treatment). Again, there is a racially aggravated form of the offence. The first form is triable either way. In the magistrates' court, the maximum penalty is six months' imprisonment, or a fine up to £5,000, or both. In the crown court, the maximum penalty is five years' imprisonment. For the racially aggravated offence, the maximum sentence is the same in the magistrates' court. In the crown court, the maximum sentence is seven years, an unlimited fine or both.

Offences under the Public Order Act 1986

There are four separate relevant offences under this Act. The behaviour that they criminalise has some overlap with the Protection from Harassment Act, but unlike that Act, one incident alone is sufficient to constitute a public order offence. Three of them (sections 5, 4A and 4) are heard within the magistrates' court.

Section 5 is the lower level of public disorder where a parent or carer causes a disturbance in or outside Haileybury Turnford and causes alarm, harassment or distress.

Section 4A creates an intentional form of this offence.

Section 4 is more serious, where there is a fear or provocation of violence. The maximum sentence for section 5 is a fine up to £1,000. The maximum sentence for section 4 or 4A is a term of imprisonment not exceeding six months or a fine up to £5,000 or both. There is also a racially aggravated version of all three of the above offences, under section 31 of the Crime and Disorder Act 1998, with higher maximum penalties.

Section 3 of the Act, affray, may be tried either in the magistrates' court or the crown court. This offence is committed when a person uses or threatens unlawful violence such as would cause a reasonable person to fear for his safety; the threat cannot be made by the use of words alone. In the magistrates' court, the maximum penalty is six months, a fine up to
£5,000, or both. In the crown court, the maximum sentence is three years, an unlimited fine or both.

In the circumstances outlined above, although the local authority may not have the relevant power to take action itself, it should – as the employer – work with Haileybury Turnford to provide staff with full support in ensuring that action will be pursued against an alleged offender, under the above legislation as appropriate.

Criminal Justice Act 1988

Section 139A of the Act (as amended by the Offensive Weapons Act 1996) makes it an offence to carry an offensive weapon or knife on Haileybury Turnford premises. Under section 139B a police officer may enter a Haileybury Turnford and search for a weapon; where one is found they may seize and retain it. A person who has a weapon on Haileybury Turnford premises will be guilty of an offence, unless he can prove a statutory defence. The maximum penalty on conviction on indictment for carrying a knife is two years' imprisonment or an unlimited fine or both. The maximum penalty on conviction on indictment for carrying an offensive weapon is four years' imprisonment or an unlimited fine or both.

The weapons which are caught under section 139A and 139B include any article made or adapted for use for causing injury and any article which has a blade or is sharply pointed. A folding pocket knife with a blade under 3 inches long is, however, excepted although this does not prevent Haileybury Turnford from imposing their own bans on students carrying them.

In general, where Haileybury Turnford suspects a weapon to be on Haileybury Turnford premises the police should be called. Where the police have reasonable grounds for suspecting a weapon to be on a Haileybury Turnford's premises they can enter without permission from Haileybury Turnford.

Non statutory remedies
Aside from the legal remedies, there are other strategies that can help in preventing conflicts with parents or stopping them escalating. These include mediation and conflict resolution.

Haileybury Turnford might also be able to develop non-statutory acceptable behaviour contracts for some parents similar to those that have been developed by the local authority, mainly in respect of students. These require the agreement of the person to an acceptable level of behaviour.

Useful websites:

The Department for Education's publication Health & Safety: advice on legal duties and powers for local authorities, Principals, staff and governing bodies
https://www.gov.uk/government/publications/health-and-safety-advice-for-schools/responsibilities-and-duties-for-schools

Health and Safety Executive (HSE) guidance
https://www.hse.gov.uk/index.htm

Health and Safety Executive (HSE) guidance on reporting school accidents
https://www.hse.gov.uk/pubns/edis1.pdf

The HSE RIDDOR website
https://www.hse.gov.uk/riddor/