



POLICY FOR DEALING WITH VIOLENCE, THREATENING BEHAVIOUR AND ABUSE AGAINST ACADEMY STAFF OR OTHER MEMBERS OF THE SCHOOL COMMUNITY

Ratified by Governors/Principal:	Principal
Current ratification date:	Autumn 2017
Review frequency:	Two years
Next review date:	Autumn 2019
Responsibility of:	Ray Donnison

INTRODUCTION

Violence, threatening behaviour and abuse against Academy staff or other members of the school community will not be tolerated at Freebrough Academy.

All members of the school community have a right to expect that their school is a safe place in which to work and learn. There is no place for violence, threatening behaviour or abuse at Freebrough Academy.

When such behaviour does occur the Governing Body will take all possible action to deal with it, including involving the Police and taking legal action if appropriate.

SCOPE

The policy seeks to protect all students, staff, volunteers and Governors at Freebrough Academy.

It covers violent, threatening and abusive behaviour on Academy premises, by telephone, letter, email and text.

An assessment of risk to staff and others will be available to determine who is at risk and what risks they are likely to face whilst carrying out their role.

RESPONSIBILITY

The Governing Body have responsibility for supporting the school community in the event of violence or abuse against them.

In the first instance the Governors will set out the expectation of parents and visitors in relation to acceptable conduct.

This will be done by:

- The use of posters in public spaces outlining the rights and responsibilities of visitors to the Academy, explaining the steps that may be taken to remove visitors who are violent, threatening or abusive to any member of the Academy community.
- Information posted onto the website including the above and the policy for dealing with violence, threatening behaviour and abuse.
- The production of risk assessments to determine who is at risk and the risks they face.
- Training for key staff to de-escalate situations that could lead to potential violent, threatening or abusive behaviour by parents/carers/visitors.
- The development of non-statutory Acceptable Behaviour Contracts for some parents that require the agreement of a parent/carer to behave in an acceptable way.
- Mediation and conflict resolution.

Legal remedies for violence or abuse against members of the school community

At Freebrough Academy the Governing Body have responsibility for supporting the school community in the event of violence or abuse against them.

This can be achieved legally by invoking the following vehicles:

1. 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. The penalty for a person convicted of the offence is a fine up to £500.

A parent of a child attending the Academy normally has implied permission to be on the Academy premises at certain times for certain purposes. If the parent's behaviour is unreasonable then the Governors will withdraw this permission and they will become a trespasser.

It is the Governing Body who will authorise the Principal to action the removal of a person from the premises and will authorise the Principal to bring proceedings against that person.

2. Anti-social Behaviour Orders

Anti-social Behaviour Orders (ASBO) are imposed under the Crime and Disorder Act 1998. An ASBO can be sought by the Governing Body, in partnership with the Anti-social Behaviour Officer and the Police, in respect of anyone aged 10 or over who has acted in an anti-social manner (a manner which caused or is likely to cause harassment, alarm or distress).

The Governing Body, under their responsibility as an employer, will take the lead on taking action under the above legislation as appropriate.

3. Protection from Harassment Act 1997

This is more informally described as anti-stalking legislation, although not only used for this 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. group of children or teaching staff). The sanctions include both criminal penalties (fines, imprisonment or community sentences) and a restraining order which prohibits the offender from continuing their offending behaviour.

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 be tried in a 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 a Magistrates Court or the Crown Court. In the Magistrates Court the penalty is as above. In the Crown Court it can be five years imprisonment, an unlimited fine or both.

Section 3 of the Act provides for a civil route in relation only to the Section 2 and 4 offence. The level of proof is lower for the civil proceedings.

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 for up to five years imprisonment.

4. Criminal Damage Act 1971

Under this if a parent/carer or visitor destroys or damages property belonging to the school, or to a teacher, they can be prosecuted for causing criminal damage.

If the value of 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 it can be tried in the Crown Court where the fine is unlimited or ten years imprisonment or both.

5. Common Assault

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

This can be tried in a Magistrates Court. The maximum penalty is a fine up to £5,000 or six months imprisonment or both.

6. Assault Causing Actual Bodily Harm

Under Section 47 of the Offences Against the Person Act 1861 a parent/carer or visitor 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).

The offence can be tried in a Magistrates Court; the maximum penalty is six months imprisonment or a fine of up to £5,000. In a Crown Court the maximum fine is five years imprisonment.

7. Criminal Justice Act 1988

Section 139A of the Act makes it an offence to carry an offensive weapon or knife onto school premises. Under Section 139B a Police Officer may enter a school, search for a weapon and if one is found seize and retain it.

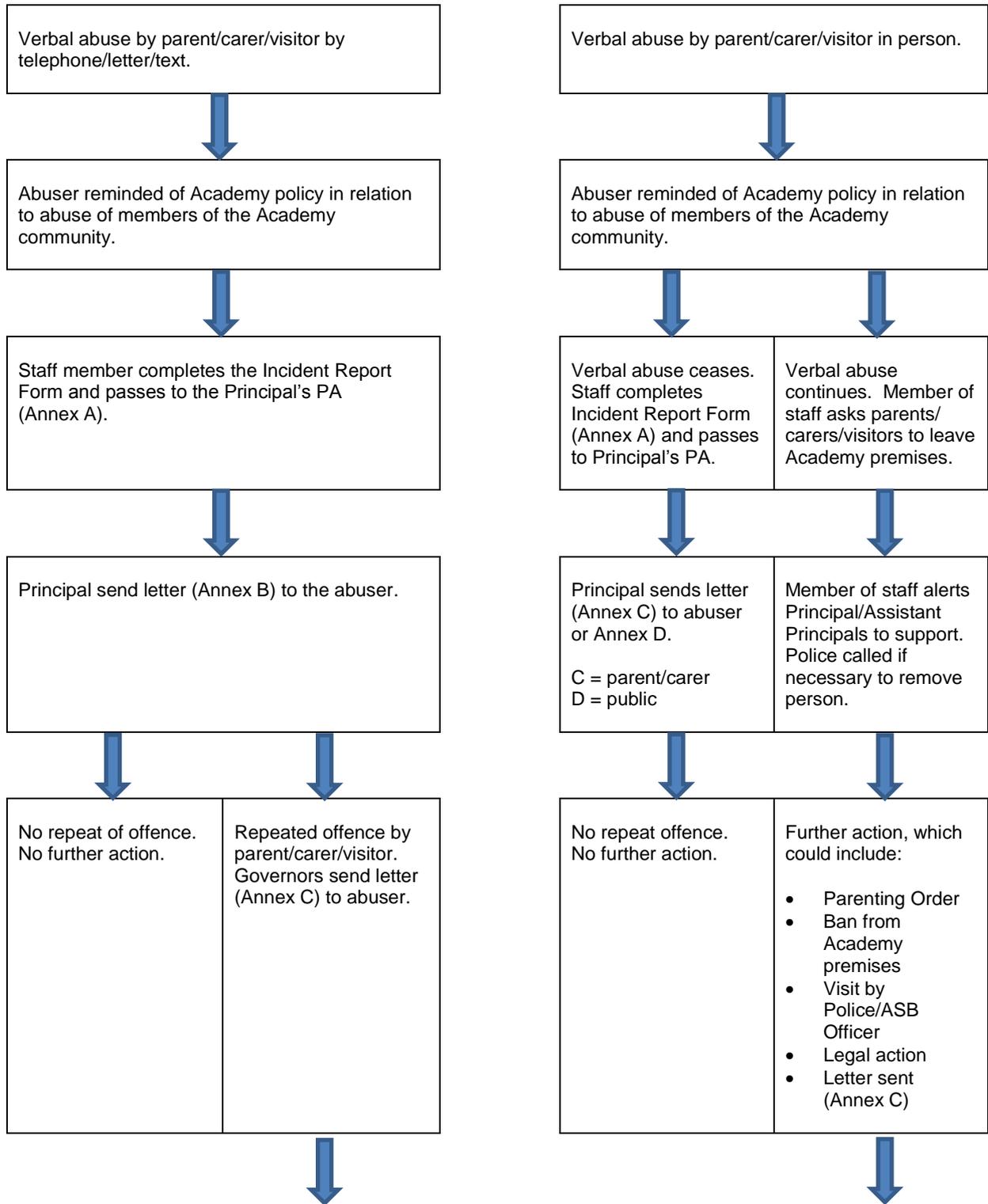
A person who has a weapon on school premises will be guilty of an offence unless they can prove statutory defence.

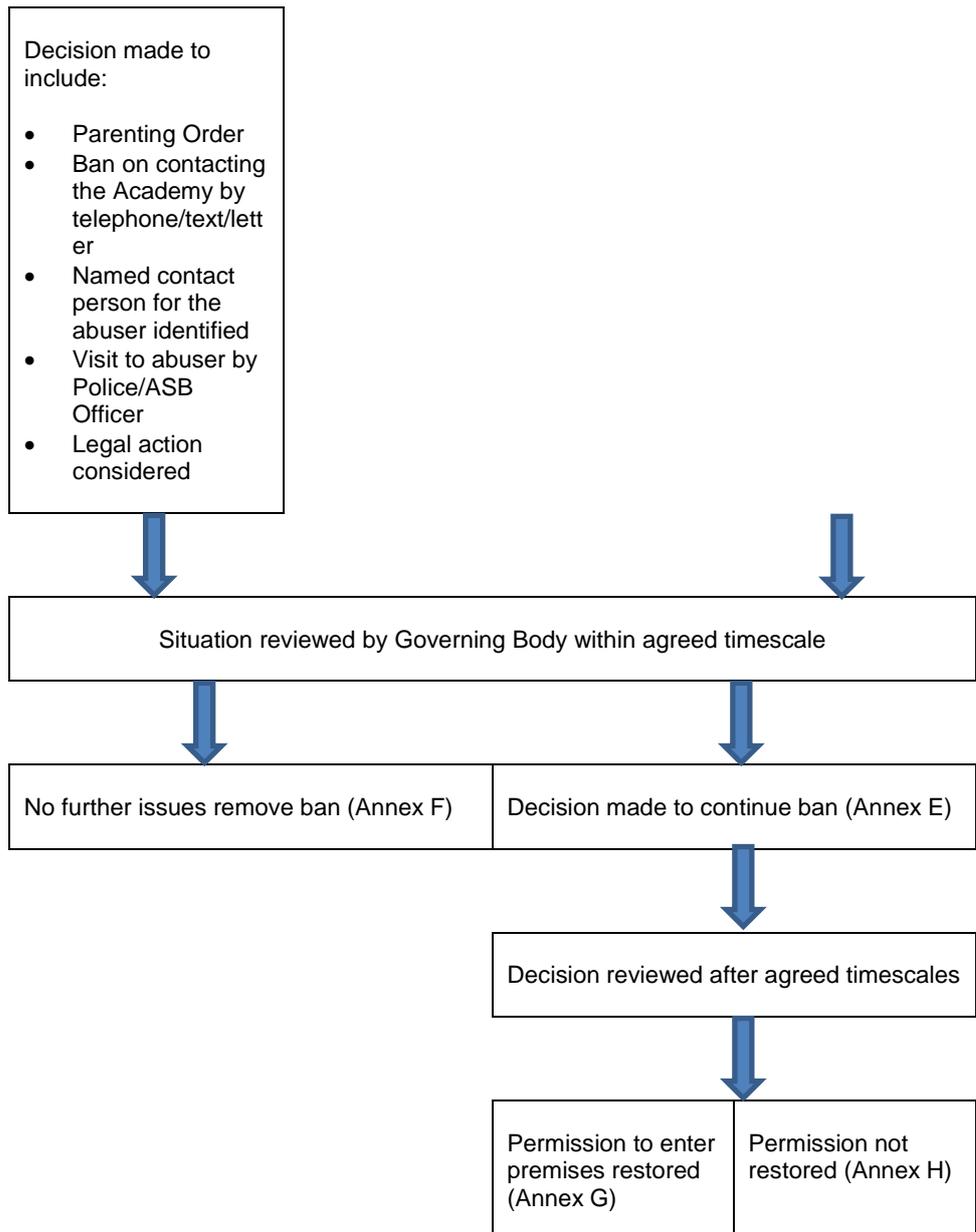
The maximum penalty is two years imprisonment, an unlimited fine or both.

The weapons under Section 139A and 139B may include any article made or adapted for use causing injury and any article that has a blade or is sharply pointed.

A folding pocket knife with a blade less than three inches long is excepted.

PROCEDURES – VERBAL ABUSE





PROCEDURES – PHYSICAL ABUSE/VIOLENCE

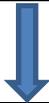
- Member of staff is physically assaulted by a parent/carer/visitor.
- Visitor/parent/carer is carrying a weapon.



Member of staff immediately alerts their nearest colleague who seeks the support of the Principal/ Assistant Principals



Police are called and abuser is removed from the Academy premises.



Legal action is taken in partnership with Police.