

**Document Type: Guidance and
Procedure**

BARRING OF PEOPLE FROM THE SCHOOL PREMISES

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BARNSLEY
Metropolitan Borough Council

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The contents of this document relating to barring of parents and non-parents from school premises relates to community and voluntary controlled schools where BMBC is the employer of staff. Voluntary aided schools will have to amend the procedure and letters to reflect that the governing body are the employers.

Section 1 Introduction

Schools 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 worse result in abusive and aggressive behaviour towards employees.

The Local Authority is responsible for protecting the Health and Safety and Welfare of its staff and pupils in its schools and as such procedures are in place to protect members of staff from abuse and threatening behaviour from parents and others whilst on school premises.

A guidance document 'Work Related Violence to Employees in School' exists to assist Headteachers in putting measures in place to prevent violence occurring and what to do in the event of an incident of violence/aggression occurring.

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.

This document does not deal with incidents of violence and aggression instigated by pupils on roll at school. Schools should have their own arrangements in place for managing these incidents.

Section 2 Definition of Violence to Employees

The Council's 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 listed below.

- **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.
- **Animal attack** – ie where an animal is used as a threat or tool of violence.
- **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 Headteacher and prosecuted under the Barnsley Borough Act 1981 or 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 Council's definition of violence;
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.

Prosecution of the person will be undertaken by the Local Authority for Community and Voluntary Controlled Schools. In respect of Voluntary Aided schools the governing body can itself independently authorise the removal of someone from the premises and may also authorise legal proceedings

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 bona fide 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 Aggression and Violence to Employees Form HS2(V) is completed and sent to Children, Young People and Families clearly addressed to:

Beverley Sadler
Principal Officer School Admissions

Following the incident the Headteacher 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 (page 8).

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 (page 10).

In addition the school must email Beverley Sadler (beverleysadler@barnsley.gov.uk) to inform her 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.

If no acknowledgement is received within 2 schools days, telephone Angela Finch (773502) and send a copy of the original email.

A letter will then be sent to the parent from the Local Authority - letter C on page 12, and a copy sent by email to the Headteacher.

Step 3

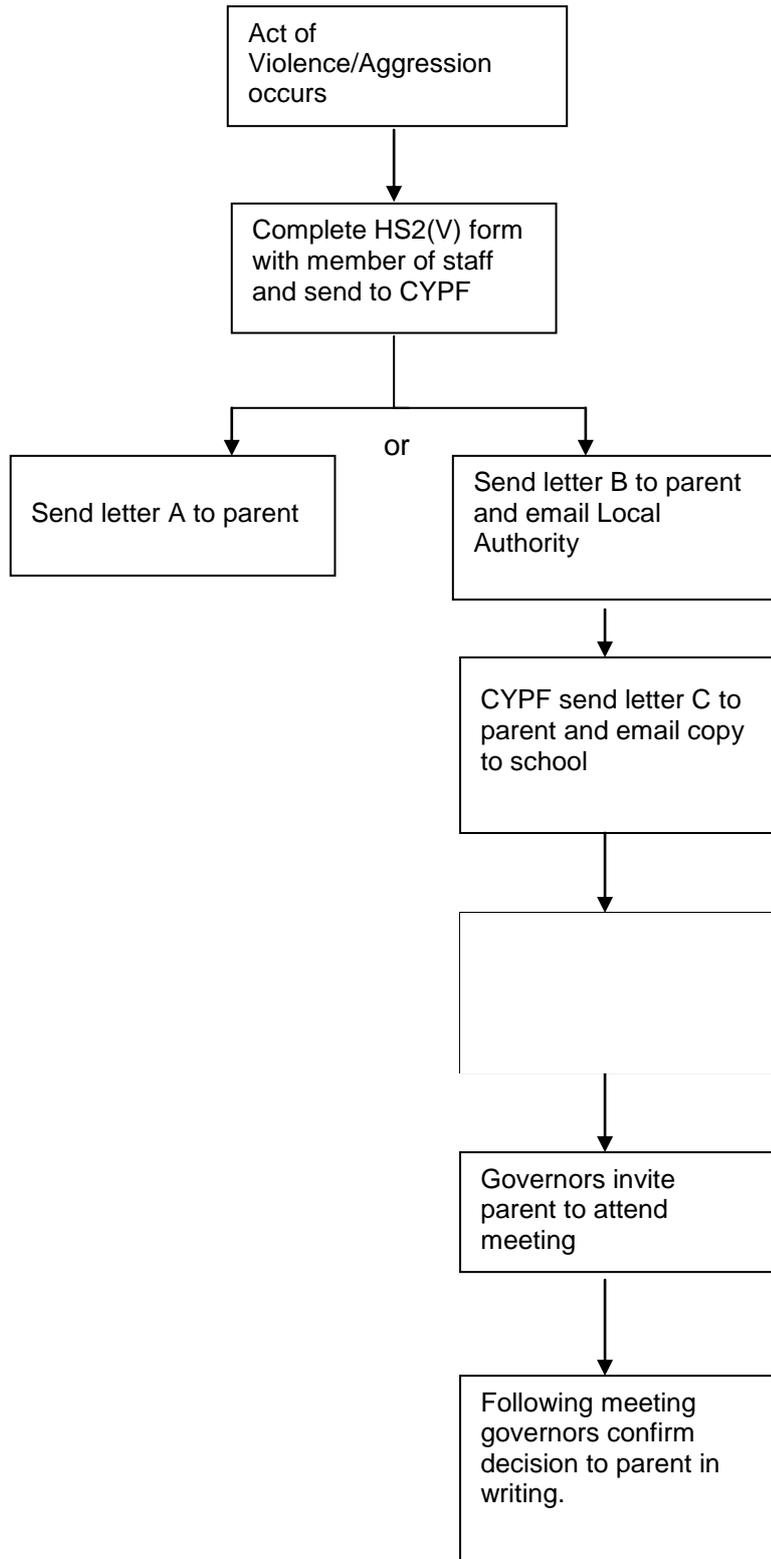
Where the Headteacher bars the parent from the school, a committee of the governing body must convene to consider the barring.

The committee should meet within 15 days from the date the parent receives the letter from the Local Authority. It is the school's responsibility to notify the parent of the meeting.

Sections 7 and 8 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 HS2(v) must not be completed as it only relates to employers.

SCHOOL PROCEDURE FOR BARRING PARENT



The governing body need to ensure that the meeting is clerked by an experienced clerk (consult Governor Services for advice).

Proforma - letter A

TO BE SENT ON SCHOOL HEADED PAPER

Dear

VIOLENCE TO BMBC EMPLOYEES

I write to inform you that following the incident which occurred at the school on, I have reported it to the Local Authority as an act of violence and aggression towards an employee of Barnsley MBC. The Council's definition of violence and aggression is detailed on the reverse side of this letter.

I need to inform you that the Local Authority 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 Council's 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.
- **Animal attack** - ie where an animal is used as a threat or tool of violence.
- **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 BMBC EMPLOYEES

I write to inform you that following the incident which occurred at the school on, I have reported it to the Local Authority as an act of violence and aggression towards an employee of Barnsley MBC. The Council's definition of violence and aggression is detailed on the reverse side of this letter.

I need to inform you that the Local Authority 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 Local Authority 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 Local Authority 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

Definition of Violence to Employees

The Council's 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.
- **Animal attack** - ie where an animal is used as a threat or tool of violence.
- **Attack against property** - as a means of intimidating an employee.
- **Threats of attack** - against employee's family.

Proforma - letter C

Directorate for Children, Young People and Families

Berneslai Close

Barnsley S70 2HS

Tel: (01226) 773500 Fax: (01226) 773599

Dear

VIOLENCE TO BMBC EMPLOYEES - COUNCIL POLICY

I write to inform you that I have received a report from
School 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 Local Authority 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 Council 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 School is suspended. This means that you must not enter school buildings or grounds. If you do not comply with this instruction, I shall 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 School 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 School 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 of the Committee will consider the suspension and make a decision on whether or not to uphold the Headteacher's decision.

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

Yours sincerely

enc

Definition of Violence to Employees

The Council's 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:

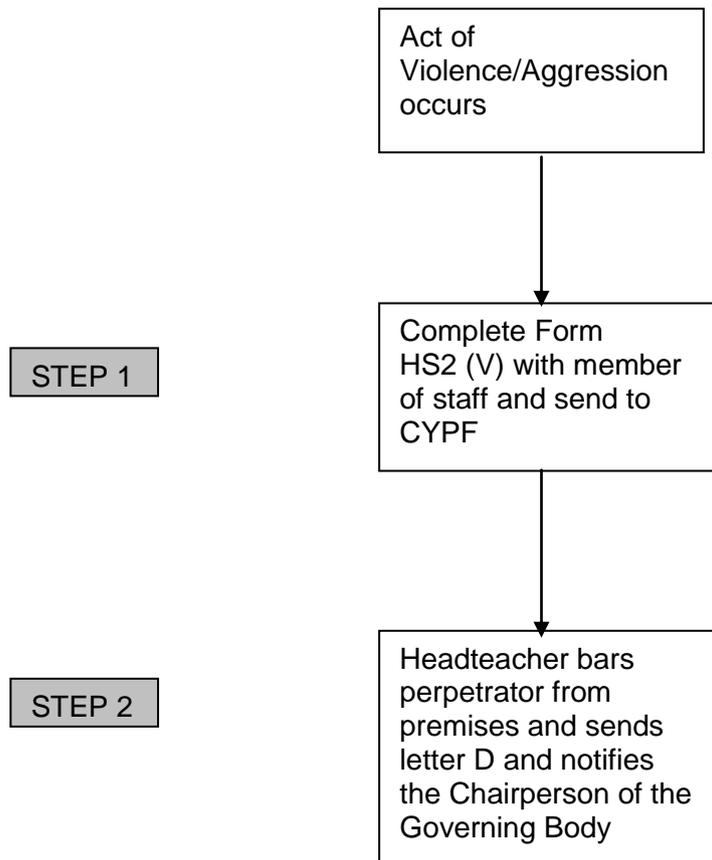
- **Physical attack** - whether injury occurs or not. This will include sexual or racial attack.
- **Verbal abuse** - when an employee feels an unacceptable threat has been made against his / her person. This will include sexual or racial harassment.
- **Animal attack** - ie where an animal is used as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

Procedure for the Governing Body / Committee Meeting

- 1 The Headteacher 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 Headteacher.
- 5 The Parent will be invited to ask questions on the case presented by the Headteacher.
- 6 The Governors will ask questions on the Headteacher's case.
- 7 The Parent will be invited to present their case for not being barred from the School premises.
- 8 The Headteacher will be invited to ask questions on the Parent's case.
- 9 The Governors will ask questions on the Parent's case.
- 10 The Headteacher and Parent will be invited to summarise their cases.
- 11 The Headteacher 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.

Section 5 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.



Step 1

The HS2(V) Aggression and Violence Form needs to be completed with the member of staff.

Step 2

The Headteacher does not need to obtain consent of the governing body before barring the person from the premises. Proforma letter D (page 16) should be sent to the person by the headteacher. The decision is final. There is no right of appeal to the governing body, therefore do not have to meet to consider the case.

Proforma letter D

TO BE SENT ON SCHOOL HEADED PAPER

Dear

As a result of the incident that occurred on
which involved alleged violence to a Council 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 follow Local Authority Guidance and bar you until further
notice from school premises and grounds.

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

The Local Authority has been notified of the incident.

Should you not comply with my instructions I shall arrange for the Local Authority
Legal Section to be informed which could lead to you being prosecuted.

Yours sincerely

Headteacher

Definition of Violence to Employees

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- 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:

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- **Animal attack** - ie where an animal is used as a threat or tool of violence.
- **Attack against property** - as a means of intimidating an employee.
- **Threats of attack** - against employee's family.

Section 6 Trespass

The Barnsley Borough Act 1981 seeks to control vandalism by enforcing the law on trespass. The Act makes trespass on school premises a criminal offence under certain circumstances.

In order for the offence to be committed notices need to be posted at the school describing the provisions of the Act and a person will then be liable if he/she refuses to leave premises after being asked to do so by an authorised person. Copies of the notice are available from Children Young, People and Families Directorate telephone 01226 773502.

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 and the Local Authority should be notified immediately.
- 7 Incidents of Trespass should be reported on the form 'Trespass on School Premises Incident Report Form' (page 21).

- 8 Upon receipt of the form in CYPF Directorate a standard letter E will be sent to the trespasser and a copy of the letter will be sent to the Headteacher for information. If the trespasser is under the age of 16 the standard letter will be sent to the parent.

Standard letter E

Directorate for Children, Young People and Families
Berneslai Close
Barnsley S70 2HS
Tel: (01226) 773500 Fax: (01226) 773599

| | | |
|------|--------------|---------------------------------|
| Ref | Enquiries to | Steve Brailsford |
| | Tel | 01226 773529 |
| Date | Email | stevebrailsford@barnsley.gov.uk |

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 Headteacher.

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 consult with the Borough Secretary and Solicitor to the Council with a view to the commencement of legal action.

If legal action is necessary then any legal costs incurred by the Council will be recharged to you. You would be well advised to stay clear of the school.

Please take this letter as a final warning. I cannot condone trespass to school 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

Steve Brailsford
Assistant Head of Service

Section 7 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 Headteacher a committee must 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 Headteacher 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 governing body/committee must meet within 15 school days from the date the Local Authority 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 committee 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 consideration of the suspension should be heard by a meeting of a committee with delegated powers.
- 5 It is recommended that the function of considering the barring of parents from the school premises is delegated to an existing committee rather than establishing a separate committee for that purpose.

The following need to be included in the Terms of Reference for the committee:

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 Headteacher's decision.

The delegation of a power to a committee must be done by resolution of the governing body.

- 6 Should the suspension take place and the need to hear the representation arise prior to the power being delegated to a committee, the representation must be heard by the governing body.

- 7 The headteacher must not attend the meeting as a governor. They will be in attendance to present the evidence for barring. The headteacher may wish to ask his/her Trade Union Representative to be present.
- 8 If it is the headteacher 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.

Section 8 Procedure for the Governing Body / Committee Meeting

- 1 The Headteacher 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 Headteacher.
- 5 The Parent will be invited to ask questions on the case presented by the Headteacher.
- 6 The Governors will ask questions on the Headteacher's case.
- 7 The Parent will be invited to present their case for not being barred from the School premises.
- 8 The Headteacher will be invited to ask questions on the Parent's case.
- 9 The Governors will ask questions on the Parent's case.
- 10 The Headteacher and Parent will be invited to summarise their cases.
- 11 The Headteacher 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.

Notes for Guidance

- 1 The meeting should be clerked by an independent person familiar with the Local Authority's procedure and not employed at the School.
- 2 Where the headteacher cannot attend the meeting the case can be presented by a person on the school staff nominated by the headteacher.
- 3 Parents may attend if they wish.
- 4 The Parent may be accompanied by a friend.
- 5 The Parent can be represented by a friend.
- 6 The Governors hearing the representation will determine whether witness can be called to give evidence.

Where witnesses are called they will be subject to questions as appropriate

- 7 The Headteacher can be accompanied by their Trade Union Representative if they wish.
- 8 On any procedural matter arising during the hearing the Governors will make a determination upon advice from the Clerk.

BARNSELY METROPOLITAN BOROUGH COUNCIL
 CHILDREN, YOUNG PEOPLE AND FAMILIES
 THE BARNSELY BOROUGH COUNCIL ACT 1981

**TRESPASS ON SCHOOL PREMISES
 INCIDENT REPORT FORM**

| | |
|-------------------------|------------------------------------|
| Person Reporting: | Designation: |
| School: | Date of Report: Signed |

Instructions:

- i Complete either **section one** or **section two** as appropriate.
 (In section two the name and address may not be known – this should be stated if it is case)
- ii Complete section three.
 eg that the trespasser is an excluded pupil or ex pupil/parent etc.
- iii Complete section four if damage to property has occurred.
- iv Complete section five if appropriate.
- v Any additional information can be included in section six.

| | |
|-----------------------------------|--|
| SECTION ONE | Where the person committing the trespass is a pupil of the school. |
| Name of Pupil: | Age: |
| Name of Parent or Guardian: | |
| Address: | |

OR

| | |
|--------------------|--|
| SECTION TWO | Where the person committing the trespass is not a pupil of the school. |
| Name: | |
| Address: | |

SECTION THREE Details of trespass

Date: Time: Location:

Reason for request to leave:

.....

Verification by Witness:

SECTION FOUR Damage to property

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SECTION FIVE Work Related Violence to Employees at School

A separate report will be submitted under the Council's policy on Violence to Employees.

(Please tick)
Yes No

(A separate report should only be submitted if the trespasser has acted or spoken in a way which meets the Council's definition of violence to employees).

SECTION SIX Any other relevant information

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**This report should be completed on the day the trespass occurred and sent
immediately to Children, Young People and Families
FAO Steve Brailsford**