

St. Bernadette's RC
Primary School



Abusive or Threatening
Behaviour on School Premises
Policy

Reviewed – September 2024

Review – September 2026

Advice on school security: Access to, and barring of individuals from, school premises

Key points:

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Parents of enrolled pupils have an 'implied licence' to come onto the school premises at certain stated times. It is for schools to define and set out the extent of such access. Parents exceeding this would be trespassing.

Parental access to premises

Usually, parental access to school premises will be by appointment, or by invitation to a school event. Parents of younger pupils will commonly be allowed into the playground, or part of the playground, at the beginning and end of the school day. Schools should have an agreed approach on parental access and make it known to parents.

What the law says – Barring

Trespassing is a civil offence. Schools can take civil action through the courts to stop persistent trespass. Schools may write to advise persistent trespassers of the potential offence.

A school may consider that aggressive, abusive or insulting behaviour, or language from a parent presents a risk to staff or pupils. It is enough for a member of staff or a pupil to feel threatened. In such a circumstance, schools have a power in common law to bar the parent from the premises.

Schools proposing to implement a bar should do so reasonably, in writing, giving the person concerned a formal opportunity to express their views. Letters relating to barring should usually be signed by the Head teacher though in some instances the local authority may wish to write instead.

In practice this means that the bar, if immediate, should be provisional until parents have been given the opportunity to make formal representations. The bar can then be confirmed or removed. Alternatively, the school can serve notice of intent, invite the parent to make representations within a certain deadline and then decide whether or not to bar. Any bar should be subject to review within a reasonable timescale to be stated by the school.

Allowing the parent a reasonable opportunity to make representations is an essential part of the process and has been upheld as necessary in Court.

The Department for Education does not become involved in individual cases since barring is not specifically empowered by the Education Acts and because section 547 of the Education Act 1996 relates to a criminal offence.

Removing intruders during the school day

Section 547 of the Education Act 1996 makes it a criminal offence for a person who is on school premises without lawful authority to cause or permit a nuisance or disturbance. Therefore trespassing on the premises does not constitute the offence in itself.

In the context of an abusive parent, this means that a parent would probably need to have been barred from the premises, or to have accessed the premises in a way that exceeds their 'implied licence' (see above), before a section 547 offence could be committed. The parent would then also have to cause or permit a nuisance or disturbance to commit a section 547 offence.

If there are reasonable grounds for suspecting that someone has committed an offence under section 547 then the offender can be removed from the school. The removal may be affected by a police officer, or a person authorised by the "appropriate authority". The "appropriate authority" means: (i) for voluntary-aided, foundation or foundation special schools, the governing body, or the local authority with the governing body's prior consent.

ACTION TO BE TAKEN IF AN INCIDENT OCCURS

- In the instance of inappropriate behaviour, the school will follow a number of procedures, depending on the severity of the situation. Instances of inappropriate behaviour will be recorded in writing by all members of staff involved using an Incident Reporting Form and will be given to the Head teacher.
- In the first instance, the adult who is creating a nuisance or disturbance will be asked to leave the premises or will be invited into a separate room to calm down.
- The Head teacher will write to the individual about their inappropriate behaviour and explain that further disturbance may result in the individual being barred from the premises.
- If disturbance continues after the letter from the Head teacher, or where there is a one-off extreme case of violence, the school has the power to bar the individual from entering the school property for a limited time, subject to review.

- Following a bar, the Head teacher will send a written letter informing the individual of this and the timescale during which they are prohibited from entering the premises
- If the adult has been previously barred from the premises, or has exceeded their implied licence and is causing a disturbance, the school will contact the police in order for the individual to be removed from the premises
- The school will also contact the police in the event of any serious violence and assault, and in the event of any actual harm caused to an individual.

Please see Incident Reporting form below

Incident Reporting form

Name of Individual	
Date of incident:	
Time of incident:	
Location of incident:	

Details of incident (please describe the incident in full detail, including the cause of the incident, names of individuals involved and the roles they played, what behaviour occurred, what happened following the incident, and any other information you deem necessary to assist with resolving the issue):

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Form Received by:	Signature:
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To be completed by the Head teacher:

Action taken following the incident:

Signature of Headteacher		Date:	
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