

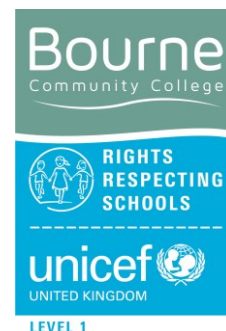
# BOURNE COMMUNITY COLLEGE



## ADVICE ON SCHOOL SECURITY

December 2012

*"The best interests of the child must be a top priority in all actions concerning children"*  
Article 3 - UNCRC



## About this advice

This is non-statutory advice from the Department for Education. It has been produced to help recipients understand their obligations in relation to section 547 of the Education Act 1996, which makes it a criminal offence for a person who is on school premises without lawful authority to cause or permit a nuisance or disturbance. This document summarises the current legal position. It does not constitute legal advice nor is it a ruling on the law.

School premises are private property and parents will generally have permission from the school to be on school premises. However, in cases of abuse or threats to staff, pupils or other parents, schools may ban parents from entering the school.

## Expiry/review date

This document will be reviewed as necessary.

## Who is this advice for?

School employers including: local authorities; governing bodies; academy trusts; and proprietors. Headteachers and other school staff.

## Key points

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Parents<sup>1</sup> 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.

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<sup>1</sup> "Parent" has a very broad meaning in education law: see section 576 of the Education Act 1976. "Parent" means not just the child's natural parents, but includes individuals with "parental responsibility" for the child (as defined in the Children Act 1989) or who have care of the child.

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 headteacher 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 effected by a police officer or a person authorised by the "appropriate authority".<sup>2</sup>

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<sup>2</sup> 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; (ii) for other types of schools maintained by a local authority, the local authority; and (iii) for non-maintained special schools or independent schools (and Academies), the proprietor of that school.