



Shanklea Primary School

Barring Individuals from School Premises Policy

Date policy last reviewed: September
2024

Signed by:

Laura Ritson Headteacher

Date: September 2024

Dawn Nicholson Chair of governors

Date: September 2024

Contents:

Statement of intent

1. Legal framework
2. Roles and responsibilities
3. Barring criteria
4. Barring process
5. Barring appeals
6. Monitoring and review

Statement of intent

While Shanklea Primary School is responsible for fulfilling a public function of providing education and maintaining an open and welcoming environment to learners, parents and the community, the school remains a private place in which action needs to be taken to ensure it is safe for pupils, staff, and other members of the community.

This policy has been created to reinforce the following:

- The expected conduct of anyone who comes onto the school grounds
- The viable reasons for an individual coming onto the premises
- What action the school will take if an individual's behaviour is a cause for concern

For the purposes of this policy, the term 'individual' is used to describe any person who is not a member of staff or pupil but is present on the school grounds, e.g. parents and visitors.

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- DfE (2023) 'Keeping children safe in education 2023'
- DfE (2021) 'Best practice guidance for school complaints procedures 2020'
- DfE (2019) 'School and college security'
- DfE (2018) 'Controlling access to school premises'
- Education Act 1996

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Parent Code of Conduct
- Complaints Procedures Policy

2. Roles and responsibilities

The headteacher will be responsible for:

- Communicating with individuals regarding decisions to bar them from the school premises.
- Setting out the rules for access to the school premises and what will happen if these rules are broken.
- Writing to individuals to warn them if their conduct violates the barring criteria.
- Ensuring this policy is implemented effectively and reviewed when required.
- Developing plans and procedures to manage and respond to any threats.

The governing board will be responsible for:

- Approving school policies relevant to the security of the school site and ensuring the safety of staff and pupils.
- Reviewing the headteacher's decision to bar or not bar an individual from the premises.
- Reviewing this policy and suggesting improvements.

The DSL will be responsible for:

- Implementing the correct procedures to ensure that all individuals coming onto the school premises are identifiable and are there for legitimate purposes.
- Contributing to this policy by suggesting ways in which safeguarding aspects could be improved.
- Identifying the risks associated with inappropriate individuals coming onto the school premises.

Parents and visitors will be responsible for:

- Treating all pupils and parents with respect.
- Informing the school of their visitation prior to entering the grounds and reporting to reception upon arrival.

- Not exceeding their implied licence to come onto the school premises at certain times, and limiting their attendance on the premises for legitimate purposes such as for appointments, events or to pick up their children.

3. Barring criteria

Barring due to persistent trespassing

No individual will have an automatic right to enter the school premises – all visitors must report to the reception to sign in and out when attending the school premises and will be required to wear visible identification on their person at all times.

Anyone who attends the school site beyond their implied licence will be committing a civil offence by trespassing and will be asked to leave the premises.

Failure to leave the premises when asked will lead to further action, and the police will be contacted to remove any unauthorised individuals from the premises.

Persistent trespassing and attending the school beyond an implied licence will result in the school taking civil action and informing the trespasser that, if they continue to do so, they may be committing a criminal offence, and the school may seek to bar them from the premises.

As per section 547 of the Education Act 1996, anyone without legal permission to be on the school premises, and who is also causing a nuisance or disturbance and exceeding their implied licence, will be committing a criminal offence and will be removed by a police officer or a person authorised by the appropriate authority, such as the:

- Governing board
- LA
- School proprietor

Barring due to aggressive or abusive behaviour

The school will reserve the right to bar any individual from the premises if it feels that an individual's aggressive, abusive, or insulting behaviour or language is a risk to staff or pupils.

The school will consider any action that has made a member of staff or pupil feel threatened as qualifying criteria for barring and will take any reports of threatening behaviour extremely seriously.

Persistent abusive, aggressive, or insulting behaviour or language will always result in the individual being barred, at least for a temporary period.

Cases of abusive and aggressive behaviour, and the bar put in place, will be reviewed on a case-by-case basis.

Any infliction of physical harm or harassment towards staff or pupils will always be reported to the police.

Barring on the basis of sexually inappropriate or harmful behaviour

Where the school has reason to believe that an individual may commit, or has committed, a harmful sexual offence, they will be barred or excluded from the premises in accordance with the appropriate procedures such as those outlined in the Child Protection and Safeguarding Policy.

The school will report any individual causing concerns that are relevant to harmful sexual behaviour to the police and, where the individual risks causing sexual harm, wait for the police to escort the individual away from the premises where they risk causing sexual harm.

The police or courts will usually seek to place a sexual harm prevention order (SHPO) on individuals who have been convicted of a sexual offence, meaning that they will not be permitted to visit the school or be in the vicinity of its pupils. The school will immediately report any individual on the school premises to the police if it is apparent that they are under a SHPO.

Any individual who is on the school premises without legal permission, and who is causing a nuisance or disturbance of a sexual nature, e.g. making sexual comments or gestures, will be reported to the police and removed from the premises immediately.

Where the school believes that an individual who has been convicted of a sexual offence poses a risk to staff or pupils or may make them feel threatened, the school will pursue a barring order on the individual in accordance with the DfE's 'Controlling access to school premises' guidance.

Barring due to illegal activity

Any individual found to be engaging in criminal activity on the school premises will be reported to the police immediately, and barring will be considered on a case-by-case basis.

Anyone who is known to have committed a criminal offence that has had a negative impact on the school and members of its community may be considered to be a threat to staff members and pupils and may be barred from the premises, depending on their representations, the type of crime that was committed, and the level of impact it has had on the school community.

4. Barring process

Each decision to bar an individual, both permanently and temporarily, from the premises will be considered on a case-by-case basis. The school will consider the following when making decisions:

- Whether the individual has caused, or intended to cause, harm towards a member of staff or pupil
- Whether the individual's actions could have put someone else in danger
- Whether the individual has caused concerns on prior occasions
- Their relationship to the school

- The individual's attitude and whether they show remorse for the actions leading to the school deciding to consider barring them
- Whether staff members and/or pupils have felt threatened by the individual
- Advice from the LA and governing board regarding the individual's actions and whether barring is justified

When the decision has been made to bar an individual, the school will either:

- Bar the individual temporarily, until they have had the opportunity to formally present their side.
- Inform the individual that they intend to bar them and invite them to present their side.

The headteacher will then send a letter to the parent informing them of the following information:

- Why they have been temporarily barred or face a bar
- The nature of the bar, i.e. if they are temporarily barred pending their representation or if they must present their side before the decision to bar can be made
- That they have the right to formally express their views on the decision to bar, in writing, to the appropriate person or body by a set deadline

After the individual's side has been heard, the school will decide whether to continue with barring them. This decision will be reviewed within a reasonable time and decided by the school.

5. Barring appeals

Individuals will always be given the opportunity to formally express their views on a decision to bar.

The headteacher's decision to bar will be reviewed by either:

- The chair of governors.
- A committee of governors.

Any representations made by the individual will be taken into account, and a decision will be made as to whether the school will confirm or lift the bar.

If the decision to bar the individual is confirmed, the individual will be notified in writing, explaining:

- How long the bar will be in place.
- When the decision will be reviewed.

Once the appeals process has been completed, individuals who remain barred may be able to apply to the courts for a review of the school's decision. Individuals wishing to exercise this option should seek independent legal advice.

Any complaints regarding barring decisions will be managed in accordance with the school's Complaints Procedures Policy.

6. Monitoring and review

This policy will be reviewed annually by the headteacher and governing board.

This policy will also be reviewed following any incidents relating to individuals coming onto the school premises.

The next scheduled policy review will be September 2025.