

# Southampton City Council

## Children and Families Guidance Prohibition / Warning of People

CORPORATE HEALTH & SAFETY | VERSION 1.02 | April 2021  
(information is accurate at time of issue)

### **STATEMENT:**

Case law has established that persons may be prohibited or warned, however, certain procedures need to be followed to avoid a prohibition being overturned by legal challenge. This Guidance is to assist Head Teachers to enable the correct use for prohibiting or warning of people, whose conduct is seen as abusive, violent, nuisance, foul play and misconduct, thus ensuring the correct legal process is followed.

### **SCOPE:**

Essentially the day to day control over maintained schools is with the Head Teacher (HT) and it is they who should approve all prohibitions or warnings.

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### Version Control

This Guidance Procedure is issued and managed by Corporate Health and Safety Service.

Version Number	Date	Amendments
Version 1.00	June 2011	New Handbook
Version 1.01	Sept 2017	Revised document
Version 1.02	April 2021	Revised Document. New format updates
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## 1.0. Process (Parent/s)

- 1.1. Make sure all those involved in any incidents or witnesses to those incidents make a full written record as soon as possible - i.e. before memories fade. The Head Teacher will need to assemble the full accurate facts before proceeding. The crucial elements are:
  - 1.1.1. Write to the parent/s setting out what has happened in detail and why it is unacceptable. Explain that the school will consider prohibiting the parent/s. Give the parent/s a 10-day period in which they may respond in writing giving their version and saying why they should not be prohibited.
  - 1.1.2. The key is that the parent/s has had an opportunity to put their side of the story to the HT in writing. It would normally be appropriate to tell the parent/s when the decision will be made.
  - 1.1.3. Points of thought: If the parent/s is unable to read or write, a different method of communication will be needed.
  - 1.1.4. Who, exactly, are you able to Prohibit? Lots of evidence against one parent/s doesn't mean there is a basis for prohibiting. You should only consider prohibiting those against whom there is good solid evidence of misbehaviour.
- 1.2. Head Teacher to make sure he/she has all the relevant evidence - including any written representation from the parent/s.
  - 1.2.1. NB - if the behaviour involved has been very serious, it may be appropriate for the Head Teacher to impose a temporary prohibition on the parent/s - but only as a short-term measure leading to the full procedure. All details of any such temporary prohibition should be explained fully to the parent/s - preferably in writing.
- 1.3. HT must consider all the evidence - including any witnesses and any parental representations. What to do re disputed facts. In this context, the events must be proved "on the balance of probabilities" i.e. is it more likely than not that it happened. Remember - the more serious the allegation, the stronger the evidence is likely to have to be to satisfy this test.
- 1.4. The HT decides whether to impose a prohibition and on whom.
  - 1.4.1. The prohibition should not be open-ended. It should be for a fixed period with a review at the end. The review should take into account what happens in the intervening period and then decide whether to extend the prohibition or not. It is suggested initial prohibitions should not be for over a Half a Term unless there are exceptional circumstances.
  - 1.4.2. The parent/s must receive a full written explanation of what has been decided and why - they must be able to follow the basis of the decision and what view the school took of any representations they made. The length of and premises covered by the prohibition must be explained as must its length and the review process. If a prohibition is not imposed, that must be explained to the parent/s.
  - 1.4.3. Practical Points: make sure, if the children of the parent/s are young or disabled, that safe and effective arrangements for delivery and collection of them at school are made i.e. the prohibition should not put the children at risk.

- 1.4.4. Make sure clear arrangements are made to enable the parent/s to request, through the Head Teacher, for a pre-arranged meeting with staff at the school for proper purposes. This will allow school to prepare and avoid depriving a parent/s of all rights to communicate with the school. Remember, you can control when these meetings happen and who attends.
- 1.4.5. Hold the review where appropriate and keep the parent/s informed.

## **2.0. Legal Advice Process (SCC Legal Services)**

- 2.1. It is always appropriate for a school to seek legal advice about this topic as it can lead to legal issues arising and procedures need to be up to scratch. It is necessary to keep Human Rights in the sense of “right to a fair trial” in mind.
- 2.2. If the Head Teacher have the need for legal consultation or require the assistance of the Legal Team, contact either Andrew Forrest telephone 023 8083 2624 or email: [Andrew.forrest@southampton.gov.uk](mailto:Andrew.forrest@southampton.gov.uk) or Claire Elton telephone number 023 8083 2426 or [Claire.elton@southampton.gov.uk](mailto:Claire.elton@southampton.gov.uk).
- 2.3. You will need to provide the following information in order to obtain assistance:
  - 2.3.1. Name and Address of parent/s to be prohibited or warned from the school
  - 2.3.2. A brief description of the incident(s) including the date(s)
  - 2.3.3. Your opinion whether to prohibit or warn
- 2.4. Telephone Legal Services (LS) and discuss the case with LS before sending an email. The email will act as an instruction for LS to deal with the case. If the decision is to prohibit the parent/s then LS will draft the letter.
- 2.5. The draft letter will be emailed to the Head Teacher for approval.
- 2.6. Once approval has been given to LS, the letter will be sent out on LS headed paper to the parent/s by first class post.
- 2.7. Not every case will be appropriate for a prohibiting letter. The school may decide after taking advice that a warning letter should be sent instead, in those cases, it is usual for the school to send out the warning letter, using the attached template.
- 2.8. Schools may instruct LS to send out the warning letter on their behalf, but this should always be discussed with LS before any decision is taken.
- 2.9. If the parent/s being prohibited from the school is just a member of the public then the prohibition is outright and cannot be challenged by the person.
- 2.10. In extreme circumstances Southampton City Council can prosecute people who cause or there is a reasonable belief that they cause a nuisance or a disturbance. The decision to prosecute will only take place after extensive discussion with Legal Services.
- 2.11. Schools should be aware that any work undertaken by LS under this procedure is covered by the Service Level Agreement that schools have signed up to and a contribution to. Schools will not be asked to pay anything else on top of the Service Level Agreement.

### **3.0. Safe Working Procedures Relevant to This Document**

The following SWPs are available from the council's Health and Safety intranet site.  
Under – HR Payroll/Health and Safety/SWP

- 3.1. Accident-Incident Reporting and Investigation
- 3.2. Schools Accident Reporting
- 3.3. Prevention of Violence and Intimidation

Note: Other safe working procedures may apply, and the assessor should consult the SWPs. An A-Z is available on the Council's Health and Safety Intranet.

### **4.0. Main Legislation Relevant to This Document**

- 4.1. [Health and Safety at Work etc Act](#)
- 4.2. [The Management of Health and Safety at Work Regulations](#)

### **5.0. Contact Address's and Guidance Links**

For full contact address visit the health and safety intranet [Useful Contacts](#).

## 20. Appendix 1



(School Name)  
(School Address 1)  
(School Address 2)  
(School Address 3)  
(School Post Code)

(Date)

(Letter Reference)

(Addressee Name)  
(Addressee Address 1)  
(Addressee Address 2)  
(Addressee Address 3)  
(Addressee Post Code)

### Letter of Warning

Dear (Addressee),

I have been informed that on (Exact date of occurrence) following an incident involving your (Childs full name) you came into the school and (Brief details of incident).

This type of behaviour is unacceptable and cannot be tolerated on school premises. School premises are private property, and the Local Authority does have the power to prohibit you from them. You should also be aware that causing a nuisance or disturbance on school premises is a criminal offence.

I will not currently prohibit you from school premises or to take any other action, but I must warn you as to the consequences of any future behaviour of the kind witnessed by (Full name of witness). I am anxious to maintain a working relationship with you for (Childs full name) benefit and I therefore trust that this letter can bring an end to the matter.

Yours Sincerely,

**(Head Teacher full name and Signature)**

*Head Teacher*

## Appendix 2



(School Name)  
(School Address 1)  
(School Address 2)  
(School Address 3)  
(School Post Code)  
(Date)  
(Letter Reference)

(Addressee Name)  
(Addressee Address 1)  
(Addressee Address 2)  
(Addressee Address 3)  
(Addressee Post Code)

### Prohibition Letter

Dear (Addressee),

I have received a report (or I am aware of an incident (enter date(s) and time(s)))

(Add summary of the incident and the effect on staff, pupils or other parents)

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. As Head Teacher I have a duty for the health and safety of staff, pupils and all visitors to the school, so I am prohibiting you from the school premises and you are not to reappear on the premises of the school. If you do not comply with this instruction, I shall arrange for you to be removed from the premises of the school. If you cause a nuisance or disturbance on the premises, you may be prosecuted under Section 547 of the Education Act 1996; if convicted under this section, you are liable to a fine of up to £500.

(In the case of a primary school include) For the duration of this decision you may bring your child(ren) to school and collect (them/him/her) at the end of the school day, but you must not go beyond the school gate.

(In the case of infants, also insert) Arrangements have been made for your child(ren) to be collected and returned to you at the school gate by a member of school staff.

The withdrawal of permission for you to enter the school premises takes effect straightaway. However, I still need to decide whether it is appropriate to confirm this decision. Before I do so, I wish to give you an opportunity to give me in writing any comments or observations of your own in relation to the report that I have received. These comments may be to challenge or explain the facts of the incident, or express regret and give assurances about your future good conduct. To enable me to take a decision on this matter at an early point, you are asked to send me any written comments you wish to make by (date 10 working days from date of letter).

If on receipt on your comments I consider that my decision should be confirmed, the prohibition will be reviewed every half term.

If you are not happy with my decision, then you may make a written complaint to the Chair of Governors and I enclose a copy of the School's complaints procedure for your information.

Yours Sincerely,

**(Head Teacher full name and Signature)**  
*Head Teacher*

## Appendix 3



(School Name)  
(School Address 1)  
(School Address 2)  
(School Address 3)  
(School Post Code)

(Date)

(Letter Reference)

(Addressee Name)  
(Addressee Address 1)  
(Addressee Address 2)  
(Addressee Address 3)  
(Addressee Post Code)

### Prohibition Letter

Dear (Addressee),

I have received a complaint (insert name) School about your conduct on (enter date and time)

(Add summary of the incident and the effect on staff, pupils or parents).

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. As the Head Teacher I have a duty for the health and safety of staff, pupils and all visitors to the school, I am therefore instructing that you are not to reappear on the premises of the school. If you do not comply with this instruction, I shall arrange for you to be removed from the premises of the school. If you cause a nuisance or disturbance on the premises, you may be prosecuted under Section 547 of the Education Act 1996; if convicted under this section, you are liable to a fine of up to £500.

Yours Sincerely,

**(Head Teacher full name and Signature)**

*Head Teacher*