

## The Educational Institute of Scotland

### OFFENSIVE OR ABUSIVE PARENTS – ADVICE TO MEMBERS

This is the text of a paper approved by Executive Council on 23 January 2004.

1. The following resolution was approved by the Institute's AGM in June 2003 and passed to the Salaries and Conditions of Service Committee for processing.

“That this AGM instruct Executive Council to produce advice for members in dealing with offensive or abusive parents.”

The AGM motion uses the word “parents”. This is used in the paper but the Committee acknowledges that the advice applies to guardians and carers as well as parents.

2. In the last tranche of statistics produced by the Scottish Executive National Statistics Unit, it was noted that, of the 4,501 incidents of violence towards staff in 2000-2001, 244 (5.4%) were perpetrated by parents. In the vast majority of incidents (4,144 or 92%) the perpetrator was a current pupil at the school. Nevertheless, the fact that 244 incidents of violence against a member of the teaching staff took place, this suggests that the problem of the abusive or offensive parent is more widespread than, perhaps, many imagine.
3. In the vast majority of situations the relationship between teachers and the parents of our young people is excellent, mutually supportive and provides the best background possible to the delivery of the education service. However, as in many other walks of life, a minority of individual parents can spoil this professional relationship which can damage the wider educational objectives of both the school and the authority. More importantly any parent who is capable of violence or abuse is an immediate threat to the member of teaching staff and it is essential to try to minimise that threat without damaging the wider teacher/parent relationship.
4. The first principle, therefore, is that all teachers (in common with all public sector workers) have an absolute right not to be subject to abusive, threatening or violent behaviour as part of their working lives and that council procedures must be in place which minimise or alleviate exposure to this kind of behaviour. Even where there is no physical injury, being subject to abusive or threatening behaviour can cause considerable emotional stress and can undermine self-confidence in a job which requires a high degree of self belief.
5. The remaining sections of this paper, therefore, provide advice to members both from an individual perspective and from an organisational standpoint and cover both the legal rights of individuals and the more general advice provided by bodies such as the Health and Safety Executive.

## 6. Advice to Members

- 6.1 All teachers have an absolute right to be able to go about their day to day business without the fear of violence, abuse or verbal attack. All policies which seek to eliminate anti-social behaviour of this kind must enshrine this right as a principle objective.
- 6.2 All staff are entitled to rely on the protection provided by a number of statutory provisions, in particular, the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. Any employer who conducts its business in such a way as to breach the statutory provisions can be prosecuted and can be sued by the individual who has suffered any loss or detriment as a direct result of the employer's failure. This could include any stress related condition brought about by the behaviour of a parent which the local authority has failed to control.
- 6.3 All staff, in addition, are covered by the employers common law duty of care and could sue the employer for damages if it can be demonstrated that the employer has been negligent in this respect.
- 6.4 There is, in addition, a statutory body (The Criminal Injuries Compensation Authority) which can award compensation (ie from the state) to anyone injured as a result of a criminal act. The fact that the assaults on teachers usually take place in the workplace makes no difference and a number of teachers have secured quite sizable CICA awards as a consequence of assaults in the recent past.
- 6.5 As citizens teachers have an absolute entitlement to make a formal complaint to the police about any criminal activity which has had a direct affect on them personally and it is surprising how few of the violent incidents recorded by the Scottish Executive have, actually, been reported to the police. Apart from the fact that a CICA claim is usually more difficult to process if the matter has not, first, been reported to the police, there is a danger that violence can become perceived as a "normal" part of the job. On this basis, the EIS will advise all members who have been subject to physical assault as well as those subject to serious verbal abuse or threatened violence, to report the incident in question to the police. It is possible that, depending on the circumstances, the parent could either be charged with assault or breach of the peace (putting someone in a state of fear or alarm).
- 6.6 In some cases parents feel that they can continue to pursue complaints against individual teachers regardless of the conclusions of any investigation carried out by the school or local authority. Legal advice can be sought to deal with the type of parent who continues to pursue a complaint in this way and members should contact their school representative or local association secretary in the first instance. It is expected also that local authorities have in place mechanisms to deal with parents who are abusive or threatening to staff.

- 6.7 Teachers have a contractual obligation to meet with parents as defined in the school's working time agreement. Beyond this, teachers may choose to meet with parents to discuss particular issues. There is no obligation to take part in such meetings. Judgement will require to be made about the mutual benefits to school and parent about any such meeting outwith the school's working time agreement. It is not appropriate for teachers to meet parents who have intimated formal complaints through a council's complaints procedures.
- 6.8 Teachers may also request to be accompanied to meetings outwith the formal structure of a parents' meeting. This would normally be a member of the school's management team but Headteacher members can seek support from an authority representative. It is important to note that where a Headteacher attends a meeting with a teacher the Head is not an arbiter but is there to support the teacher as a colleague and in her/his capacity as an agent of the authority. Where a teacher is dissatisfied with the conduct of a meeting the member should withdraw from the meeting.
- 6.9 It is expected that schools conduct risk assessment for the conduct of formal parents' meetings. In addition special consideration should be given to the following aspects of meetings outwith formal structures:
- Prior to the meeting, check with school records etc to determine whether there is any history of abusive or violent behaviour from the parent(s) in question.
  - Ensure easy/close contact with colleagues within the building. Do not arrange meetings in isolated parts of the school.
  - Ensure identification and provide visitor badges to all those visiting the school.
  - Avoid aggressive body language and try to stay calm in the event of aggressive behaviour being perpetrated by the visitor.
  - If difficulties arise terminate the meeting
- 6.10 Violent Incident reporting forms should be completed when all forms of threatening behaviour occur. When injury takes place members should also use the accident book to record the injury.

## 7. Advice to Local Associations

- 7.1 It is expected that councils have in place policies and training on personal safety and on lone working. Discussions should be initiated with individual councils with a view to agreeing a policy paper with appropriate guidance to staff to deal with both the threat of violence and/or abusive or offensive parents (and other visitors). Such guidance should include the following provision as a basic minimum.

- (a) defining violence and abusive or offensive behaviour;

- (b) assessing risk factors;
- (c) developing an action plan to include
  - (i) security of the physical environment;
  - (ii) work practices;
  - (iii) physical aspects of the building;
  - (iv) staff training;
- (d) reporting and recording incidents;
- (e) supporting victims.

7.2 Councils should be encouraged to keep central records of any parents within the local authority area who have previously behaved in a violent or threatening manner towards teaching staff and ensure that this information is circulated, eg when pupils move from one school to another etc.

7.3 EIS Headquarters should be kept informed by Local Association Secretaries of any incident involving a parent which involves:

- (i) an act of physical violence
- (ii) abusive or offensive behaviour towards staff
- (iii) the pursuit of unreasonable and or frivolous/vexatious complaints against teaching staff.

Such reporting will allow the EIS to monitor the extent of the problem and to provide legal and other assistance as required.

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