



# **Section 547 Guidance**

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## 1 Our Values

Our values are the set of guiding principles which, taken together, define what we do and how we do it.

As a general rule, relationships between staff and visitors, especially parents, demonstrate mutual respect and a recognition of shared responsibility for pupils' welfare and educational progress. However, a minority of parents can cause severe disruption or worse, resulting in abusive or aggressive behaviour towards staff.

This guidance is intended for use when dealing with violence, threatening behaviour or abuse by parents of a pupil in a school, including those cases where the parent has been asked not to come onto the premises.

## 2 Key points

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Parents and those with parental responsibility of enrolled pupils have an **'implied licence'** to come onto the school premises at certain stated times and for certain purposes. If the parent's behaviour becomes unreasonable, this permission may be withdrawn, and they will become a trespasser.

## 3 The law – 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.

If the school propose to implement banning a parent from your site, we should do so reasonably, in writing and giving the person concerned a formal opportunity to express their views. Letters in relation to barring should usually be signed by the Head Teacher.

If a bar is immediate, this should be provisional until the parent(s) 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 (usually one term).

***Please be aware that allowing the parent(s) a reasonable opportunity to make representations is an essential part of the process and has been upheld as necessary in court.***

The DfE 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.

## **4 Section 547 of the Education Act 1996**

[Section 547 of the Education Act 1996](#) makes it a criminal offence for a person who is on school/academy 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(s) would probably need to have been barred from the premise, or to have accessed the premises in a way that exceeds their 'implied license' before a Section 547 offence could be committed. The parent(s) 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'.

## **5 Removing trespassers from the site**

Head teachers need to use discretion in determining whether they, or other staff, can safely escort a trespasser from the site. Although they would be entitled to use reasonable force, this should be avoided, and the police called if the situation is impossible to control. School staff should not put themselves at risk. Anyone taking this action must be able to justify their actions and show that the action taken was appropriate and proportionate in the circumstances. Therefore, there should be reasonable course to suspect the person of committing, or having committed, an offence under Section 547.

## **6 Recording events**

It is extremely important to record a CPOMS log of any event involving trespass that results in nuisance or disturbance. Witnesses, if any, should also make signed and dated statements of what they said and heard.

## **7 Warning letters**

Different considerations apply in relation to people such as parents who can lawfully enter school premises as opposed to trespassers. With regard to those who have implied permission to enter, a two-stage approach will need to be taken when working with them. Section 547 will only become relevant once a parent's "lawful authenticity" to enter the premises has been terminated.

A parent of a child registered at a school will not be on the premises "illegally" (i.e. a trespasser) until his or her "implied licence" to enter the premises has been terminated and until then he or she cannot be guilty of an offence under this section.

For example, if a parent causes a nuisance and the Head Teacher thinks a ban should be imposed, the following steps should be taken:

- A warning should be given (in writing) and the parent given the opportunity to answer the accusations made (see Appendix 1 below).
- If a ban is then imposed (and it will only be at this point that the parent will become a

trespasser if he or she enters the premises). This should be confirmed in writing and notice given that a breach of the ban may result in an offence being committed under Section 547 and action taken under that section to remove the person from the premises (though only if entry onto the premises is coupled with causing a nuisance) or in an application being made to the court for an injunction (see Appendix 3 below).

If the nuisance or disturbance has been caused by an individual with no right implied or otherwise to enter the premises, then immediate action can be taken under Section 547 as that person is by definition a trespasser. No warning would need to be given (see Appendix 2 below).

## **8 Harassment, threatening, abusive or disorderly behaviour**

Such offences are covered by the Public Order Act 1986. The Protection from Harassment Act 1997 also provides further safeguards with respect to incidents of harassment.

Head Teachers are more likely to involve the police in such matters and the police may be able to take action under this Act.

However, Head Teachers may not wish to involve the police in cases where the offender is very young when the offence took place. Individual cases therefore need to be considered before deciding on a course of action.

## Appendix 1 – Warning letter for parents/carers of pupils

### RECORDED DELIVERY

Dear ...

#### Re: Incident at Lemington Riverside Primary School

I refer to an incident which took place on the *[date]* when you came onto the school site and *[include details]*.

I am writing to advise you that such behaviour will not be tolerated by the academy or, indeed by Newcastle City Council. I must therefore advise you that in future you must not come onto the school site, except by prior appointment with me. Additionally, it must be stressed that when you are invited into the school, you must conduct yourself in a satisfactory manner. This ban will commence on *[date]* and will last for the remainder of the term, until *[date]*, when the situation will be reviewed.

*[Whilst you are banned from the school for this period, you will still be allowed on to the play grounds in order to drop your child off, and collect your child.]*

You have the opportunity to submit written representations explaining why you should not be banned from the school. I shall be obliged if you can provide such representations within 14 days of the date of this letter. Please note that your written representations will be considered and may lead to the ban being lifted immediately. I will notify you of the outcome shortly thereafter.

I must inform you that anyone who goes onto school premise without permission and causes a nuisance is committing a criminal offence (Section 547 of the Education Act 1996). Prosecution for this offence at Magistrates Court carries a potential maximum fine of £500.00.

I trust therefore that you will comply with the contents of this letter and not go onto the school premises in future, without a prior appointment with myself.

Yours sincerely

Mr. C Heeley  
Head Teacher

Cc. Mr. R Wilson, Chair of Governors.

## Appendix 2 – Warning letter for member of public

### RECORDED DELIVERY / HAND DELIVERED

Dear Sir/Madam

#### **Re: Incident at Lemington Riverside Primary School**

I refer to an incident which took place on the *[date]* when you came onto the school site and *[include details]*.

I am writing to advise you that such behaviour will not be tolerated by the school or, indeed by Newcastle City Council. I must therefore advise you that in future you must not come onto the academy site, except by prior appointment with me.

I must inform you that anyone who goes onto school premise without permission and causes a nuisance is committing a criminal offence (Section 547 of the Education Act 1996). Prosecution for this offence at Magistrates Court carries a potential maximum fine of £500.00.

I trust therefore that you will comply with the contents of this letter and not go onto the school premises in future, without a prior appointment with myself.

Yours faithfully

Mr. C Heeley

Head Teacher

Cc. Mr. R Wilson, Chair of Governors.

## Appendix 3 – Follow up to appendix 1 - ban to remain

### RECORDED DELIVERY

Dear ...

#### Re: Incident at Lemington Riverside Primary School

Further to my earlier letter of *[date]* imposing a temporary ban and offering you the opportunity to submit written representations explaining why you should not be banned from the school.

*[As I have not received a written response from you and given the circumstances, I have decided that the decision to withdraw permission for you to enter the site should remain].*

*[I have now received a letter from you dated (insert date), the contents of which I have noted. However, given the circumstances, I have decided that the decision to withdraw permission for you to enter the site should remain].*

*(Delete either sentence as appropriate).*

I am therefore instructing you that this ban will last for the remainder of the term, until *[date]*, when the situation will be reviewed.

A breach of this ban may result in an offence being committed under Section 547 of the Education Act 1996 and an action taken under that section to remove you from the premises or in an application being made to the court for an injunction.

Yours sincerely

Mr. C Heeley

Head Teacher

Cc. Mr. R Wilson, Chair of Governors.



## Appendix 4 – Review letter (for use with parents)

### RECORDED DELIVERY

Dear ...

#### **Re: Incident at Lemington Riverside Primary School**

I wrote to you on *[date]* withdrawing permission for you to come onto the premises of Lemington Riverside Primary School until further notice. In that letter I also advised that I would take steps to review this decision on *[date]*.

I have now completed the review. However, I have determined that it is not yet appropriate for me to withdraw my decision. *[Give a brief summary of reasons]*.

I therefore advise that the instruction that you are not to come onto the premises of Lemington Riverside Primary School without my prior knowledge and consent remains in place until further notice.

I shall undertake a further review of this decision  
on *[date]*.

Yours sincerely

Mr. C Heeley  
Head Teacher

Cc. Mr. R Wilson, Chair of Governors.

## Appendix 5 – Withdrawal of ban letter 1

### RECORDED DELIVERY

Dear ...

#### **Re: Incident at Lemington Riverside Primary School**

Further to my earlier letter of *[date]* imposing a temporary ban and offering you the opportunity to give your written representations on the incident that took place on *[date]*.

I have not received a written response from you / I have now received a letter from you dated *[date]*, the contents of which I have noted. *[Delete either sentence as appropriate]*.

*[However]* In the circumstances, I have decided that it is not necessary to uphold the ban, and I am therefore restoring to you the permission to come onto the school premises, with immediate effect.

Nevertheless, I remain concerned at the incident which occurred on *[date]*, and I must warn you that if there is any repetition of your behaviour on that occasion, I shall be required to withdraw permission for you to come onto the premises again.

Yours sincerely

Mr. C Heeley

Head Teacher

Cc. Mr. R Wilson, Chair of Governors.

## Appendix 6 – Withdrawal of ban letter 2

### RECORDED DELIVERY

Dear ...

#### **Re: Incident at Lemington Riverside Primary School**

I wrote to you on *[date]* informing you that I had withdrawn permission for you to come onto the premises of Lemington Riverside Primary School until further notice. In that letter I also advised you that I would take steps to review this decision on *[date]*.

I have now completed my review and have decided that it is appropriate to withdraw the ban and I am therefore restoring to you the permission to come onto the school premises, with immediate effect.

I trust that you can now be relied upon to act in full co-operation with the school and that there will be no further difficulties of the kind which make it necessary for me to prevent you entering the premises.

I should point out that if there is any repetition of your behaviour, I shall not hesitate to withdraw permission for you to come onto the premises again.

Yours sincerely

Mr. C Heeley  
Head Teacher

Cc. Mr. R Wilson, Chair of Governors.