

# Conflict Resolution and Aggressive Behaviour Policy

## 1. Abusive calls

- a. The call taker receiving an abusive call will ask the caller to follow the complaints policy.
- b. If the abuse continues the call taker will end the call.
- c. Any abusive calls will be logged with an outline of the conversation.

## 2. Abusive emails

- a. The responder will ask the parents to come into the setting to speak in person, as per our complaints policy.
- b. If the emails persist the manager may seek legal action.
- c. All emails will be kept as evidence until the matter is resolved.

## 3. Social Media

- a. If slanderous or abusive messages appear on any social media sites, we will address these immediately with a request to follow our complaints procedure.
- b. We will endeavour to resolve any issue raised through our complaints procedure.
- c. If slanderous/abusive messages continue we will seek legal action against the complainant.

## 4. Face to Face confrontation

In the event that any person inside the nursery starts to act in an aggressive manner at the nursery, our policy is to:

- a. Direct the person away from the children and into a private area, such as the office (where appropriate)
- b. Ensure that a second member of staff is in attendance, where possible, whilst continuing to ensure the safe supervision of the children
- c. If the person is standing, staff should also remain standing
- d. Remain calm and professional in order to calm the aggressive person, making it clear that we do not tolerate aggressive or abusive language or behaviour. Staff should ensure the language they use is clear and easily understood
- e. If the aggressive behaviour continues or escalates we will contact the police in order to ensure the safety of our staff team, children and families
- f. If the person calms down and stops the aggressive behaviour a member of staff will listen to their concerns and try to resolve the issue
- g. Following an aggressive confrontation an incident form will be completed detailing the time, reason and any action taken
- h. Any aggressive behaviour from a parent could result in the withdrawal of a place for the child/ren. Parents will be informed, by the management team, in writing within 3 days of any incident that involved aggressive or threatening behaviour to their staff
- i. Management will provide support and reassurance to any staff member involved in such an incident
- j. Management will signpost parents to organisations/professionals that can offer support if applicable.



## 5. Assault

There are three categories of assault, based on the severity of the injury to the victim.

- Common Assault - involving the threat of immediate violence or causing minor injury (such as a graze, reddening of the skin or minor bruise).
- Actual Bodily Harm - causing an injury which interferes with the health or comfort of the victim (such as multiple bruising, broken tooth or temporary sensory loss).
- Grievous Bodily Harm - causing serious injury (such as a broken bone or an injury requiring lengthy treatment).

There is also an aggravated form of assault based upon the victim's race, religion, disability or sexual orientation and other protected characteristics as defined in the Equality Act 2010 which carries higher maximum penalties.

It is important to note that no physical attack or injury needs to have occurred for a common assault to have taken place. It is sufficient for a person to have been threatened with immediate violence and put in fear of a physical attack for an offence to have been committed.

- a. We would normally expect all cases of assault, and all but the most minor of other incidents, to be regarded as serious matters which should be reported to the setting manager and/or the police and followed up with due care and attention.
- b. Where a person recklessly or intentionally applies unlawful force on another or puts another in fear of an immediate attack, it is an offence in law which constitutes an assault. We would normally expect the police to be contacted immediately.
- c. Any staff member or volunteer who feels under threat or has been threatened, assaulted, or intimidated in the course of their work must report this immediately to their manager who will follow the setting manager's procedures and guidance for responding.
- d. A record of the incident must be made in all circumstances.
- e. Whilst acknowledging that service users i.e. parents and families, may themselves be under severe stress, it is never acceptable for them to behave aggressively towards staff and volunteers. Individual circumstances along with the nature of the threat are considered before further action is taken.
- f. All parties involved should consider the needs, views, feelings and wishes of the victim at every stage. We will ensure sympathetic and practical help, support and counselling is available to the victim both at the time of the incident and subsequently.
- g. A range of support can be obtained:
  - from the setting manager, owners/directors/trustees and/or a staff colleague
  - from Victim Support on giving evidence in court
- h. In non-urgent cases, where the incident is not thought to be an emergency, but police involvement is required, all staff and volunteers are aware of the non-emergency police contact number for the area.
- i. 999 calls receive an immediate response. Unless agreed at the time, non-emergency calls are normally attended within 8 hours (24 hours at the latest).
- j. 999 should always be used when the immediate attendance of a police officer is required. The police support the use of 999 in all cases where:
  - there is danger to life
  - there is a likelihood of violence
  - an assault is, or is believed to be, in progress
  - the offender is on the premises
  - the offence has just occurred, and an early arrest is likely
- k. If it is not possible to speak when making a 999 call because it alerts an offender, the member of staff should cough quietly or make a noise on the line, then follow the prompts to dial 55 (mobiles only) for a silent call. Police may be able to trace the call and attend the premises.
- l. When they attend the setting or service, the police will take written statements from the victim (including a 'Victim Personal Statement') and obtain evidence to investigate the offence in the most appropriate and effective manner.

- m. The police will also consider any views expressed by the setting manager and owner as to the action they would like to see taken. The manager should speak to the victim and be aware of his or her views before confirming with the police how they wish them to proceed.
- n. In some cases the victim may be asked by the police if he/she wishes to make a complaint or allegation against the alleged offender. It is important to ensure that the victim can discuss the matter with their manager, a colleague or friend before deciding on their response. It is helpful for the victim to be assured that, if there is a need subsequently to give evidence in court, support can be provided if it is not already available from Victim Support.
- o. The decision regarding whether an individual is prosecuted is made by the police or Crown Prosecution Service (CPS) based on the evidence and with due regard to other factors.
- p. After the incident has been dealt with, a risk assessment is done to identify preventative measures that can be put in place to minimise or prevent the incident occurring again.

## 6. Harassment and Intimidation

Staff may find themselves subject to a pattern of persistent unreasonable behaviour from individual parents or service users. This behaviour may not be abusive or overtly aggressive but could be perceived as intimidating and oppressive. In these circumstances staff may face a barrage of constant demands or criticisms on an almost daily basis, in a variety of formats for instance, email or telephone. They may not be particularly taxing or serious when viewed in isolation but can have a cumulative effect over a period of undermining their confidence, well-being, and health.

In extreme cases, the behaviour of the parent or other service user may constitute an offence under the Protection from Harassment Act 1997, whereby:

A person must not pursue a course of conduct:

- (a) which amounts to harassment of another, and
- (b) which he knows or ought to know amounts to harassment of the other.

If so, the police have powers to act against the offender. Such situations are rare but, when they do arise, they can have a damaging effect on staff and be very difficult to resolve.

- q. If the actions of a parent appear to be heading in this direction, staff should speak to their manager who will take appropriate action to support.
- r. This may include the manager sending a letter to the aggressor, warning them that their behaviour is unacceptable and may result in further action being taken against them.
- s. All incidents must be recorded and reported to the manager
- t. The person in charge should contact the manager for advice and support.
- u. Where the parent's behaviour merits it, the setting manager, with another member of staff present, should inform the parent clearly but sensitively that staff feel unduly harassed or intimidated and are considering making a complaint to the police if the behaviour does not desist or improve.
- v. The parent should be left in no doubt about the gravity of the situation and that this will be followed up with a letter drafted by the setting manager but sent to their line manager for approval before being issued.
- w. The setting manager and/or their line manager might wish to consider advising the parent to make a formal complaint. Information about how to complain is clearly displayed for parents and service users.
- x. If the investigation concludes that the parent's expectations and demands are unreasonable, and that they are having a detrimental effect on staff, the findings can strengthen the setting manager's position in further discussions with the parent and subsequently, if necessary, with the police.

## 7. Banning parents or other visitors from the setting

- a. Parents and some other visitors normally have implied permission to be on the premises at certain times and for certain purposes, and they will not therefore be trespassers unless the implied permission is withdrawn.



- b. If a parent or other person continues to behave unreasonably on the premises a letter will be sent to them from the owners, withdrawing the implied permission for them to be there.
- c. Further breaches may lead to prosecution of the person concerned by the police and they are treated as a trespasser.
- d. Full records are kept of each incident, in the Reportable Incident Record, including details of any person(s) who witnessed the behaviour of the trespasser(s), since evidence will need to be provided to the Court.

