

Can you expel a family? Dealing with aggressive parents in the South Australian Government Education System

Hannah Szakacs

A/Assistant Director, Legal Services
Department for Education and Child Development



Agenda

- Increase in verbal and physical violence by parents to schools
- Social media issues are increasingly presenting whole new challenges for schools
- Litigious nature of schools in recent times
- Legislative powers for dealing with aggressive parents
- Managing misbehaviour not covered by legislation
- Policy options
- The *Education and Children's Services Bill*
- Questions

Litigation in the school sector

- Increase in parents engaging lawyers to represent them in matters involving their child's school
- Parents appealing matters such as student suspensions, what is written on student record
- Increasing involvement of State Ombudsman, other complaint bodies
- This is often coupled with aggressive and intimidating behaviour on site

Parents dropping f-bombs

REBECCA BAKER
SOCIAL AFFAIRS REPORTER

PARENTS are using school-based Facebook pages to post vile rants about teachers – and even students – and principals are pleading for it to stop.

SA Primary Principals Association president Pam Kent describes some of the social media posts being shared on school parental group pages – in regional as well as metropolitan areas, private and public schools – as “thoughtless and incredibly offensive.” In

one case, when a teacher asked a mother to leave the schoolyard after she had confronted a student her child had fallen out with in class, her mother wrote: “F...ing C... I wish she’d die.”

“There is no question it is getting worse. Some parents seem to think it is fine to not only attack their children’s teachers on social media but to do so using offensive language, vicious criticisms, and unfair assumptions,” Ms Kent said.

“Unfortunately, this sort of behaviour... is absolutely unacceptable, demoralising, and

mentally exhausting for teachers.” Reports of offensive posts include poking fun at teachers through “sharing” photo-shopped images, writing insults such as “worst excuse for a teacher ever,” and referring to teachers in derogatory terms such as “paedophile.”

About one case a month and sometimes more is escalated to the SA State School Leaders Association. While Association chief executive John Gregory was prepared to provide specific recent examples to avoid giving those

who’ve made an ugly post “further satisfaction”, he said some “question a person’s sexuality in a derogatory way” or “quite offhandedly say such-and-such is a paedophile, as a way to insult someone”.

“It is all too easy (for someone) to cast a slur without having to answer to it and once the post is up, you lose all control over its distribution and audience,” she said. He urged educators to seek advice as early as possible, if an inappropriate comment is posted. Reports of parents using the medium to

immerse themselves in children’s playground disputes, through “unhelpful” commentary, or creating divisive “mafia mum” style class-based parent Facebook groups that exclude some families, are also becoming more common.

SA principal Angela Falkenberg advocates for “face-to-face” conversations, and says she’s seen “appalling” things written on social media, finding herself at the receiving end of hateful posts before taking up her most recent role as Murrumbidgee Primary School’s

head. “The sad thing is these Facebook groups are set up by parents for school communities to share good stuff, news, events and achievements,” she said.

SA Executive Director of School and Preschool Improvement Anne Millard encouraged parents to use other channels to air their grievances.

SA Australian Education Union president Howard Spreadbury urged the Department to take any reports from teachers seriously.

The Advertiser, 22 August 2017, page 3.

SA News

105 incidents reported of parents entering South Australian public schools and attacking students

Tim Williams, Education Reporter, Sunday Mail (SA)
September 2, 2017 11:01pm

<http://www.adelaidenow.com.au/news/south-australia/105-incidents-reported-of-parents-entering-south-australian-public-schools-and-attacking-students/news-story/ce7b755a5a3121d6ffb8f4414b1f393e>

Legislative powers for dealing with aggressive parents

- *Education Regulations 2012 (SA)* provide options available to site leaders to deal with aggressive parents or other adults from attending a school.
- Regulation 6(3) – definition of Misbehaviour
 - *...a person misbehaves on school premises or premises used in connection with a school, if the person, while on the premises –*
 - (a) *uses offensive language; or*
 - (b) *puts or threatens to put at risk the safety or welfare of another person; or*
 - (c) *behaves in an offensive, disorderly, intimidating or violent manner or threatens to behave in such a manner.*

Power to request person to leave school premises for 24 hours

- Regulation 9
- Authorised person can request that a person leave school premises if reasonable suspicion of trespass, misbehaviour on school premises or committing/threatening to commit any other offence.
- Person must remain off-site for 24 hours

Power to restrain, remove or refuse entry

- Regulation 12
- Site leaders are encouraged to be aware of these powers in the event that they are managing circumstances in which their use becomes necessary
- It is recommended that this power be exercised by police and not departmental staff

Prohibition Notices

- Regulation 10
- Persons can be barred from the site for a period not exceeding 3 months
- Must be issued in conjunction with head office
- Chief Executive or delegate must provide approval
- Failure to comply with a notice is an offence under the *Education Regulations*

Post - Prohibition Notice and Right of Review

- Regulation 11
- Right of Review - prohibitions exceeding 2 weeks

Management of misbehaviour in Standalone Preschools

- *Standalone preschools* – preschools deemed not attached to a school
- Regulation 9, 10 and 12 not available
- *Summary Offences Act 1953 (SA) s17A* – trespass on premises to interfere with enjoyment of premises – penalty \$1,250

Policy - based options for managing parent misbehaviour on site

- Warning letters
 - Warning letter 1
 - Specify the behaviours that the site leader deems inappropriate
 - States that the behaviour will not be tolerated
 - States that the person must raise grievances with staff in a respectful and courteous manner

Policy - based options for managing parent misbehaviour on site

- Warning letter 2
 - Re-states the contents relayed in the first warning letter
 - Informs the person that should the behaviour continue, further action may be considered necessary
- Warning letter - inappropriate use of social media
 - Requests the individual to refrain from using social media
 - Places the individual on notice that offensive posts of a threatening or harassing nature will be reported to South Australia Police

Education and Children's Services Bill

- Overview
 - Replaces the *Education Act 1972* and *Children's Services Act 1985*
 - Rationale for the legislative reform - reflecting the Government's policy position in respect of improving the safety of school communities
 - Released for public consultation in December 2016 and introduced into Parliament on 9 August 2017
 - Amongst other reforms, the Bill strengthens protections for teachers, staff and students at all schools, preschools and children's services

Education and Children's Services Bill

- Provisions relating to managing behaviour in schools, preschools and other children's services
 - Clause 90 – Application
 - These provisions will apply to the premises of all (Government and Non-Government) schools, preschools, children's services and approved education and care services in South Australia
 - Clause 91 – Offensive behaviour
 - A new offence for a person who behaves in an offensive or threatening manner on the premises of a school, preschool or children's service, as well as new offences for abusive language, offensive or threatening behaviour towards a prescribed person
 - Clause 92 – Trespassing on premises
 - Provides for the offence of trespass on premises of all schools, preschools and children's services, with a maximum penalty of \$2500

Education and Children's Services Bill

- Clause 93 – Barring orders
 - Provides for a person to be issued with a notice barring them from the premises of a school, preschool or children's service
- Clause 94 – Review of Barring Notice by Minister
 - Provides for a person barred under clause 93 for a period exceeding 2 weeks to apply to a Minister for a review of the barring notice
- Clause 95 – Power to restrain, remove from or refuse entry to premises
 - Provides for an authorised person to direct a person to leave the premises of a school, preschool or children's service under specified circumstances

Education and Children's Services Bill

- Expiation of offences
 - Provision to make regulations setting out expiation fees within clause 140

Questions?

