

RI & PJP - Principals Online Briefing Session



Dealing with badly behaving parents and conflicts in the School context



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Structure of this session

1. Introduction
2. Setting your school up for managing bad behaviour
[breakout]
3. Options when bad behaviour escalates
[breakout]
4. The online environment and social media
5. Conclusion and Questions



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Introduction

Contexts in which Parents behave badly:

- Children behaving badly and facing discipline
- Family breakdowns and separations
- Disability and perceived discrimination
- Poor performance (academically, socially, in sport and other curriculars)
- Bullying/Cyberbullying and social exclusion
- Accidents or mistakes



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South Korean teachers stage walkout over harassment by parents and students

Thousands of staff attend rally in Seoul demanding better protection amid spate of teacher suicides

Raphael Rashid in Seoul
Mon 4 Sep 2023 22:19 AEST



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MENU SEARCH EducationWeek

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FAMILIES & THE COMMUNITY

Parents' Bad Behavior at School Sports Events Has Gotten Extreme

By Elizabeth Heubeck — February 03, 2023 4 min read



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THE_australian AGE

Parents on notice as teachers cite bad behaviour as one of the worst aspects of job

NORM FRICK, JIC ADRIAN LEWIS
March 17, 2023 - 5:07pm

Dealing with badly behaved parents with ever-increasing demands is what teachers and school leaders dislike most about their jobs.

THE_australian AGE

'They forget we are human beings': Teachers pushed to brink by angry parents

Wesley Peck and Madeline Hallinan
April 1, 2023 - 10:28pm

At the worst of it, Mansfield Park Primary School principal Lynn Orlish was ready to quit her job.

At a previous school, Orlish endured parental hostility, abuse and conspiracies. While the matter was resolved, it had a devastating impact on her — and she is increasingly seeing other educators cope in from a vocal minority, particularly on social media.

KEY POINTS

- A federal Senate inquiry into bad behaviour in Australian classrooms is underway.
- Most teachers report spending more time this term at work managing parental issues.
- Staff say parent WhatsApp groups often spark change misinformation and vilification of schools.

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Be Proactive! Setting your school up to deal with difficult parents

- Enrolment Contract
- Parent and Carers Code of Conduct
- Complaints Policy/Complaints Handling Procedures
- Training staff: de-escalating conflict, appropriate responses and communication with parents



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Enrolment Contract

- A 'relational' contract: setting out what the school values, its vision and mission
- A Catholic school: the school is founded in the Catholic faith and Catholic traditions
- Protecting the School: clauses that set expectations for parents behaviour, and provide rights to terminate when this relationship breaks down

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Reviewing the Enrolment Contract

- The Enrolment Contract should require parents abide by the Code of Conduct and support the student discipline policy
- Include terms relating to discipline, searches, recordings and photographs, disclosures, court orders and duty of care
- Should be reviewed regularly – if you update the terms you must give notice

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Parent and Carers Code of Conduct

- Provides parents with conduct expectations while on school premises
- Sets guidelines around communicating with school staff, attendance at curricular and sporting events
- More easily amended and updated than the Enrolment Contract
- Should be provided **before** enrolment contract is signed



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Complaints Handling Policy

- Complaints Handling Policy and Procedures: should be clear, easy to understand and made publicly available
- Include appropriate limitations: consider when a school should not be required to engage with a complaint (vexatious, frivolous, exaggerated, unreasonable or repetitive complaints)
- Beware strict time frames: be aspirational, or simply 'reasonable' – set achievable standards and manage these expectations

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Good Complaints Handling

- Accessible and user-focused process, timely, objective and prioritise resolutions
- Triage complaints: Assess the nature of the complaint, how genuine it is, narrow the issues in dispute, assign to appropriate staff, track time frames and resolutions of complaints
- Learning from complaints: consider feedback (positive and negative): is there a 'pain' point for the school to improve on?

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Saying 'Sorry'?

- Where appropriate: acknowledge that something has gone wrong and express regret – you can say 'sorry': this is generally not an admission of fault or liability.
- Apologising can validate feelings and make parents feel heard, which can help shift the focus towards finding a resolution



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What happens when complaints aren't resolved?



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Record keeping

- Keep detailed, clear notes of meetings and contact with parents where conflict or complaints are likely
- Write what you observe – not what you 'think', avoid inferences (set out the basis for any opinions that are expressed)
- Consider who should take minutes, have staff keep separate records
- Keep registers of complaints

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Correspondence

- When communicating findings to parents, take care with your correspondence:
 - Write to parents on an 'open basis' where you are not making concessions and when setting out your version of events or the resolution;
 - Where litigation is threatened (or may be a likely result), you can write on a 'without prejudice basis' to offer a compromise.
- Do not waive legal professional privilege.

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QUESTIONS



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When bad behaviour escalates

- Contractual rights – terminate the student's enrolment for breach of the Enrolment Contract and/or parent Code of Conduct
- Setting limitations on contact with the school
- Implementing effective security measures
- Violence/assault – contacting the Police and obtaining an AVO or protection order
- Banning misbehaving parents from school premises (alternatives for NSW and ACT)

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Terminating the Enrolment Contract

Where the relationship with parents has broken down or parents have been violent or threatening towards staff, your Enrolment Contract should allow you to terminate the student's enrolment



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Terminating the Enrolment Contract

- Whether you have this right will be dependent on the situation – you have to examine the individual facts of each case
- Duty of care owed to staff and other students
- For conduct that is less serious: you may provide warnings about the breach of the Enrolment Contract/Code of Conduct, and set limitations on continued contact with the school and its staff to maintain the enrolment

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Effective Security Measures

- Ensure boundaries are secured with quality fencing and monitor access points
- Maintain strict visitor procedures and communicate these to parents
- Invest in security cameras/CCTV
- Panic rooms, security screens and locks
- Security guards and officers (if threats have been made)



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Violent or threatening behaviour

- Unfortunately, some parents engage in violent or threatening behaviour on school premises, at school functions and sporting events, in the school car park and by email or phone calls
- Civil claims: trespass to person (assault and battery) as common law damages claims (with or without criminal conviction)
- Criminal: assault, threatening harm, stalking and intimidation (DPP, or can be private)

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Contact the Police

- Threats and harassment can be criminal – in an emergency, call 000. If it is not an emergency, contact the School Liaison Officer or local station
- In NSW you can apply for an Apprehended Violence Order (AVO) or the Police can apply for an AVO on your behalf
- In the ACT, you can apply for a personal protection order (PPO) or the police can apply on your behalf. Your employer can apply for a workplace protection order

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Offences in NSW

- Crimes Act 1900 (NSW):
 - Common Assault (s 61) including threat to harm
 - Threats via documents (s31)
 - Assault occasioning actual bodily harm (s 59)
 - Reckless wounding (s35(4))
- It is an offence to stalk or intimidate a person with the intention of causing fear of physical or mental harm S 13 of the Crimes (Domestic and Personal Violence) Act 2007

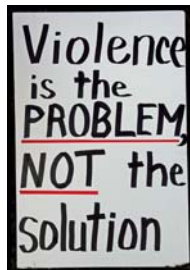
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Offences in ACT

Crimes Act 1900 (ACT):

- Common Assault (s 26)
- Assault occasioning actual bodily harm (s 24)
- Wounding (s 21)
- Intentionally (s 19) or recklessly (s20) inflict grievous bodily harm
- Threat to kill (s 30)
- Threat to inflict grievous bodily harm



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Self Defence/Defence of Others

S 418 of the Crimes Act 1900 (NSW) & s 42 of Criminal Code Act 2002 (ACT) – self defence believed to be necessary to:

- Defend yourself or another person; or
- Prevent unlawful deprivation of liberty; or
- Protect property from unlawful taking/damage; or
- Prevent criminal trespass to land/ premises or to remove a person committing any such criminal trespass; **AND**
- is a reasonable response in the circumstances as you perceive them.

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Offences – Sentencing

- Personal violence offences are viewed very seriously in NSW and ACT
- The nature and the extent of injury, the intention of the perpetrator and the degree of violence determines the seriousness of offence and the sentence
- Aggravating factors: criminal record, weapons, in company, relationship (ie. of authority, domestic violence context), breach of AVO/parole, serious injuries

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AVO (NSW) & PPO (ACT)

- Orders a court makes to protect people – orders the defendant not to assault, molest, harass, intimidate or stalk for a set period
- They do not give defendant a criminal record, but do impact ability to keep firearms
- AVO can prohibit contact or restrain from attending a workplace or residential address
- It is a crime to disobey an AVO – may result in imprisonment and/or a fine

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Work Health & Safety

- Any person at a workplace, including customers and visitors must take reasonable care of their own health and safety and that of others who may be affected by their actions or omissions
- The person must also comply with, so far as they are reasonably able, any reasonable instruction that is given by the PCBU to comply with the model WHS laws
- A person at a workplace can be prosecuted for failing to comply with their duties

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Inclosed Lands Protection Act 1901 (NSW)

- You can 'ban' misbehaving parents from school premises under the Inclosed Lands Protection Act 1901 (NSW)
- This Act is intended to prevent trespassing and certain other offences on 'inclosed lands' (ie. lands that are protected by a fence or boundary, or certain prescribed premises such as land used in connection with a school)

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Inclosed Lands Protection Act 1901 (NSW)

- You can ask someone to leave the school if they are acting in an offensive manner. It is also an offence for a person to remain on school property after being asked to leave by the principal
- This makes it easier to get police involved in removing misbehaving parents
- A principal can also withdraw consent for parents to enter the school for a certain amount of time by issuing them with a 'ban notice'

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Education Act 2004 (ACT)

- Section 147 of the Education Act 2004 makes it an offence to trespass on school premises or to behave in an offensive or disorderly manner whilst on school premises
- Principals, and other persons authorised by the Principal, have the power under this section to direct persons to leave school premises
- See the guide to section 147 of the Education Act 2004: Directing Unwelcome Visitors from Schools

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Recap: What are the Options?

- Contractual rights – terminate the enrolment for breach of the enrolment conditions and/or Parents Code of Conduct
- Violence/assault or other threatening and aggressive behaviour– contacting the Police and obtaining an AVO or protection order
- Banning misbehaving parents from school premises (alternatives for NSW and ACT)

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The Online Environment

Use (and misuse) of social media (Facebook, Instagram, Snapchat, Twitter and TikTok), Google reviews, blogs and vlogs:

- Harassing/threatening behaviour, online hate and discrimination, cyber abuse and bullying
- Defamation – untrue statements made in public that damage the reputation of the school or staff
- Unauthorised use of intellectual property – registered trade marks and copyright
- Sharing images without consent

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What are the Options?

- Educate school community about appropriate online behaviour – include standards for online behaviour in codes of conduct/school policies
- Ask people to remove inappropriate content and report breaches of terms of service/community guidelines
- Prevent further contact by blocking/changing privacy settings
- Report inappropriate online behaviour to the website host/social media platform or the eSafety Commissioner

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Protecting School IP

- Educate school community about unauthorised use (code of conduct/policies)
- Register trade marks: your logos, school name, school motto
- Report unauthorised use of school's trade marks and other intellectual property, such as breach of copyright
- Claim unofficial/unauthorised pages

TRADEMARK



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Defamation

- If the online post sufficiently identifies the school, is untrue and is also likely to cause harm to the school (such as by impacting enrolments), it will be defamatory and you may be able to bring a claim for defamation
- Where a defamatory statement is hosted online, you may wish to put the relevant service provider on notice that you consider the statement to be defamatory and ask the website host to remove it

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So what must a School do?

Top tips for dealing with bad behaviour

1. Be proactive, not reactive: before conflict arises, schools should seek ways to avoid conflict
2. Build positive relationships with parents, put your duty of care and the students' best interests first in all you do
3. Review your Code of Conduct, Enrolment Contract and Complaints Policy and Procedures and seek ways of improving these documents

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So what must a School do?

Top tips for dealing with bad behaviour

- 4. Keep track of complaints and resolutions, try to identify pain points and take feedback on board
- 5. Consider legal remedies: terminate enrolment, contact police, set limitations, consider security
- 6. Use freely available resources – check what is available online or from your network
- 7. When necessary - seek assistance from Police, legal advisors, eSafety Commissioner and the DoE

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Potential Reform?

Last year in Victoria, the Education and Training Reform Act 2006 (Vic) was amended to set up the School Community Safety Order Scheme.

The Scheme allows principals and other authorised persons in Victorian schools to make School Community Safety Orders, to stop or limit parents, carers and other adults who behave in harmful, threatening, or abusive ways towards people in the school community.

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Conclusion

Remember context: discrimination, student discipline or family breakdowns may affect the school's approach to complaints and the regulatory framework – but all genuine complaints and conflicts need to be handled appropriately.

Remember the tools available to assist with conflicts. Reach out for support when you need it.

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