



Abuse of teachers by parents

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Unfortunately, abuse of teachers by parents (or others) at school or school-related activities, often in the presence of students, is not uncommon. This is a difficult area for the law to address adequately, but there are a number of remedies worth considering in appropriate cases (the law of defamation is dealt with in a separate brochure).

1. Assault, attempted assault and threats of assault

These all constitute criminal offences and you can make a complaint to police officers requesting that they initiate proceedings to prosecute the parent for assault.

Where injuries have been caused, it is prudent to make a workers' compensation claim (particularly to reserve rights for the future), and in serious cases an action for damages against the parent may be appropriate.

An application under the *Peace and Good Behaviour Act 1982* (Qld) may also be possible (see below).

2. Abusive or disruptive behaviour

In a public place:

Section 6 of the *Summary Offences Act 2005* (Qld) provides that a person "must not commit a public nuisance offence". Subsections (2) and (3) provide as follows:

"(2) A person commits a public nuisance offence if –

- (a) the person behaves in–
 - (i) a disorderly way; or
 - (ii) an offensive way; or
 - (iii) a threatening way; or
 - (iv) a violent way; and
- (b) the person's behaviour interferes, or is likely to interfere, with the peaceful passage through, or enjoyment of, a public place by a member of the public.

(3) Without limiting subsection (2) –

- (a) a person behaves in an offensive way if the person uses offensive, obscene, indecent or abusive language; and
- (b) a person behaves in a threatening way if the person uses threatening language."

In most circumstances a school is not a public place within this definition, but each situation must be considered on its merits.

In schools or near students:

In addition, there is a specific provision, section 333 of the *Education (General Provisions) Act 2006* (Qld), which reads as follows:

"Wilful disturbance

- (1) A person must not wilfully disturb the good order or management of a State educational institution.

Maximum penalty - 20 penalty units.

- (2) A person must not insult a staff member of a State educational institution in the presence or hearing of a student of the institution, who is, at the time in question –

- (a) in or about the institution; or
- (b) assembled with others for educational purposes at or in any place.

Maximum penalty - 20 penalty units.

- (3) Subsections (1) and (2) do not apply to a person who was, at the time in question, a student of the State educational institution.

- (4) In this section–

"insult" includes abuse."

Pursuant to subsection 333(2), this section applies not only in the school grounds, but also when students are "assembled with others for educational purposes at or in any place". Clearly, this would include school sporting events, visits to art galleries and museums etc. This section does not of course apply to a student.

In relation to section 333, it is of course appropriate for complaints to be made to police officers with a request that they take the appropriate action.

By telephone:

Section 474.17 of the *Criminal Code Act 1995* (Cth) reads as follows, so far as is relevant:

"(1) A person commits an offence if: :

- (a) the person uses a carriage service; and
- (b) the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.

Penalty: Imprisonment for 3 years."

A carriage service is a service for carrying communication etc, which clearly includes a telephone.

3. Peace and Good Behaviour Act

The *Peace and Good Behaviour Act 1982* (Qld) applies when a person has threatened to assault or do bodily injury to the complainant or to any person under the care or charge of the complainant, or has threatened to procure another person to do so. It also applies when a person has threatened to destroy or damage the property of the complainant or to procure another person to do so.

An application can be made to a Magistrates Court. After hearing evidence, the court may dismiss the complaint or "make an order that the defendant shall keep the peace and be of good behaviour for such time, specified in the order, as the court thinks fit" (see section 7(3)). Costs can also be ordered.

4. Exclusion from school grounds or activities

This topic is now governed by the *Education Queensland (General Provisions) Act 2006* (Qld), under Chapter 12 Part 5, headed "Directions and orders about conduct or movement at, or entry to, premises of State instructional institutions".

Detailed advice from the Department of Education on the use of these provisions appears under the title "Hostile people on school premises, wilful disturbance & trespass". School administrators need to be familiar with the provisions of these documents as they impose considerable detailed regulation on the exercise of powers in relation to controlling the movements of people in school grounds.

5. A letter to the parents

The institution of legal action is not necessarily the appropriate step, at least in the first instance. The seriousness of parents' conduct can either be explained to them by the principal or other appropriate administrator or can be explained in a legal letter. It is most important to appreciate, however, that it is unlawful to threaten a person with a prosecution. This, in itself, can expose the person making the threat to prosecution for an offence against themselves, particularly where the threat is coupled with a demand. Considerable care therefore needs to be taken.

6. Unlawful stalking

In recent years, the *Criminal Code 1899* (Qld) has been amended to include a new offence known as "unlawful stalking" (see sections 359A – 359F). This may be helpful to a small number of teachers in more extreme situations. Victims of unlawful stalking may make a complaint to the police.

While the problem is a difficult one, there are a number of options open to teachers who are abused by parents in or in relation to the discharge of their duties. Advice can be sought through the Union and careful consideration will be given to any particular case.