038 SAFETY IN SCHOOLS - VISITORS TO SCHOOL PREMISES

August 2004

Introduction

In order to best ensure the safety of employees, students and visitors to school premises, Brisbane Catholic Education provides the following information and guidelines for school principals and teachers.

The primary responsibility for regulating the behaviour of visitors to school premises rests with the principal of the school. From time to time it may become necessary for the principal to seek assistance and direction from their Area Supervisor, the Director – Schools Supervision and Equity, or the Executive Director of Brisbane Catholic Education.

Legislation

There are a number of pieces of legislation, which impact on the way in which this responsibility can and should be discharged. These include:

- Education (General Provisions) Act 1989
- Police Powers and Responsibilities Act 2000

Amendments to the Education (General Provisions) Act 1989, which came into effect on 24 June 2004, expressly provide principals with powers to deal with visitors to school premises, particularly where the behaviour of the visitor is problematic. These powers are contained within Division 8 of the Act, and in particular Sections 48I to 48L.

Powers

Powers given to Principals under the Act

1. A principal may require a person (either an adult or child, but not a student enrolled at the school or an employee of the school) to provide their name and residential address, if the principal intends to issue the person with a direction pursuant to the provisions of the Act. The principal must warn the person that they will commit a punishable offence under the Act if they refuse to provide the information, unless the person has a reasonable excuse.

2. A principal may issue an enforceable written direction to a person (either an adult or child, but not a student enrolled at the school or an employee of the school) as to that person’s behaviour or movement at the school premises, for up to 30 days from the date of the direction. This power is intended for situations where the principal is reasonably satisfied it is necessary to do so to ensure the safety or wellbeing of other persons lawfully at the school premises, to prevent or minimise damage to the premises or property at the premises, to maintain good order at the premises, or for the proper management of the school. There are specific requirements as to the form and content of the direction, and a pro forma direction has been created and named Direction 48L.

3. A principal may issue an enforceable written direction to a person (either an adult or child, but not a student enrolled at the school or an employee of the school) to immediately leave and not re-enter the school premises for up to 24 hours. This power is intended for situations where the principal reasonably suspects the person has committed, or is about to commit an offence at the premises, has used or is about to use threatening, abusive or insulting language to another
person at the premises, has otherwise disrupted or is about to disrupt good order at the premises, or does not have a good and lawful reason to be at the premises. There are specific requirements as to the form and content of the direction, and a pro forma direction has been created and named Direction 48N.

4. A principal may request the Executive Director of Brisbane Catholic Education to issue a person (either an adult or child, but not a student enrolled at the school or an employee of the school) an enforceable written direction requiring that person to refrain from entering a school’s premises for a period of up to 60 days from the date of the direction. A pro forma request for principals to complete and forward to their Area Supervisor has been created and named Request 48O.

Powers given to the Executive Director – Brisbane Catholic Education under the Act

1. The Executive Director (or a nominee) may issue an enforceable written direction requiring that person (either an adult or child, but not a student enrolled at the school or an employee of the school) refrain from entering a school’s premises for a period of up to 60 days from the date of the direction.

2. The Executive Director (or a nominee) may apply to a Court for an order prohibiting a person (either an adult or child, but not a student enrolled at the school or an employee of the school) from entering a school’s premises for a period of up to twelve months.

Powers given to the Chief Executive – Department of Education under the Act

1. The Chief Executive may apply to a Court for an order prohibiting a person (either an adult or a child, but not a student enrolled at any State or non-State educational institution) from entering the premises of all State and non-State educational institutions for up to one year.

Review provisions

1. Where a person has been issued with a direction from a school principal regarding their behaviour and movement at school premises, that person may apply in writing to the Executive Director of Brisbane Catholic Education (or his nominee) within seven days of the date of the direction, or, if the direction is for a period of less than seven days, prior to the expiry of the direction, for the principal’s decision to be reviewed.

2. Where a person has been issued with a direction by the Executive Director (or his nominee) requiring them to refrain from entering a school’s premises for a period of up to 60 days, the person may appeal against the direction to a Court, within ten days of being issued with the direction.

Police Powers and Responsibilities Act 2000

The provisions of this Act enable a Police officer to issue directions to a person to leave a prescribed place (including a school) and not return for up to 24 hours, or to move away from a particular location for period of time up to 24 hours.

A police officer can issue such direction where the officer reasonably suspects the person's presence is or has been:

- causing anxiety to a person entering, at or leaving the place; or
- disorderly, indecent, offensive of threatening to someone entering, at or leaving the place; or
- disrupting the peaceable and orderly conduct of any event, entertainment, or gathering at the place.
PROCEDURE

If there is a real and present threat to the safety of any person or property on the school premises, the police should be contacted without delay. The procedures set out in Brisbane Catholic Education’s Critical Incident Response Guidelines and Procedures should be followed.

In other situations, where a principal becomes aware that the behaviour of a person (who is not an employee of the school or a student enrolled at the school) is disruptive or inappropriate, an assessment should be made of the situation. Once an assessment has been made, the principals should consider whether it is appropriate to issue the person with one of the directions under the provisions of the Education (General Provisions) Act 1989.

If a decision is made to issue a direction, the principal should take the following action:

1. Ask the person to provide their full name and residential address.

2. If the person refuses to provide their address, inform the person it is an offence to refuse to provide such information. If they continue to fail to provide this information, make a note of the description of the person and their distinctive features for later identification, or take a photograph of the person.

3. If the principal suspects the information provided by the person is false, ask the person to provide evidence of their name and address – eg driver’s licence.

4. Consider the behaviour of the person and determine what direction is appropriate to be issued in the circumstances. In making such determination have reference to the information outlined in the explanation of the Act above and the circumstances in which each type of direction is intended to be used.

5. Complete the appropriate direction on the pro forma’s provided – either Direction 48L or 48N. If you require assistance in drafting the document, please contact Justine Garvin or Catherine Abercrombie in Employee Relations at Brisbane Catholic Education, or your Area Supervisor.

6. Make two copies of the direction.

7. If the person remains on school premises while the direction is prepared, hand them the original of the direction. If the person refuses to take the direction, place a copy of the document on the ground in the person’s presence, and inform the person of the nature of the document.

8. If the person has refused to take the original of the direction, or the person has left the school premises prior to the direction being prepared, the original direction should be posted by prepaid post to the person at the residential address they provided.

9. A copy of the direction should then be placed on a file entitled “School Safety Directions” which the school should maintain. A note of the incident, including details related to the method of delivery of the direction should also be made and placed with a copy of the direction on the file. A copy of the direction should be forwarded by email to jgarvin@bne.catholic.edu.au and the email copies to the Area Supervisor. This is important as the Executive Director has an obligation to provide a report to the Department of Education at the conclusion of each financial year as to the number and type of directions issued by schools.

10. If despite being served with a direction a person disobeys the direction, the Police should then be called.
11. In the event a school principal decides a person's behaviour is of a serious nature and a direction prohibiting a person from entering school premises for up to 60 days is warranted, the principal should complete the pro forma Request 480 and forward same immediately to their Area Supervisor with a copy to be provided to Justine Garvin, Solicitor, Brisbane Catholic Education.

NOTATION

Principals may wish to query parents/carers at enrolment interviews, or amend the school's enrolment form to include a question as to whether the parent/carer have ever been issued with a direction by a school principal or Director of a school's governing body as to their conduct and movement at a school pursuant to the School Safety provisions of the Education (General Provisions) Act 1989.

Principals need to be aware however, that any information collected in response to this query would only be for the school's general information and could not be relied upon to refuse enrolment of the student.