

Trespass on school grounds – procedures

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1. Introduction

The Department of Education (the department) is required, under Chapter 3 of the *Work Health and Safety (National Uniform Legislation) Act 2011*, to take reasonable measures to ensure the safety of all students, staff and visitors. There may be instances where a school is faced with a person or persons whose presence on school premises is unlawful, unwanted or without reasonable excuse. This could also include more serious situations where a threat is posed to the safety of others.

These procedures are based on the provisions of the *Trespass Act 2023* (the Act) and are intended to assist schools to issue a Trespass Notice where there is a need to prevent someone from entering or returning onto school premises as their presence has been determined to be unwanted. These procedures also apply to students who are on an external suspension and enter the school premises during the suspension period.

Trespass notices should only be issued as a last resort and for the purposes of:

- ensuring the safety and wellbeing of those lawfully at the premises
- preventing or minimising damage to the premises or to property on school premises
- maintaining good order at the school
- maintaining proper management of the school.

These procedures are not intended to be used in response to critical or emergency situations and, in these situations, schools should refer to the Emergency management plans for schools guidelines.

2. Procedures

2.1. What to do to prevent trespassing or unknown visitors

2.1.1. Display a trespass sign on school premises

Schools are not required to display a trespass sign in order to issue a notice under the Act, however, may wish to do so. If displayed, the trespass signs should be in English and, at the school's discretion, in other languages that are largely used in the area. Signs should be clearly displayed at public entrances to the school. A trespass sign template is available, if required.

2.1.2. Emergency management plans

When developing an Emergency management plan, principals should include plans to address the presence of unlawful visitors on school premises, including the following proactive steps:

- procedures for identifying visitors
- appropriate signage at all school entrance points
- maintain school fencing where appropriate and ensure gates are closed during school hours and locked after hours.

2.1.3. Suspicious behaviour

If unsure of the identity of a person on school grounds, the purpose of their visit, or if suspicious of their behaviour, the principal or their authorised delegate should approach the person and seek further information. This should only be done if it is deemed safe to do so. Otherwise, assistance from the school based police officer could be sought or contact Northern Territory (NT) Police on 131 444 prior to approaching the person. If there is a serious or immediate risk, 000 should be contacted.

2.2. What to do if you notice an unknown person on school grounds

When an unknown person is located on school grounds, principals should implement security strategies to assess and address the risk in an appropriate way. Best judgment should be applied and take into consideration the following stages.

Stage	Assess and address strategies
Assess	<ul style="list-style-type: none"> Who are they What are they doing Does this behaviour look suspicious or concerning
Gather information	If safe to do so, approach the person to request information about who they are and what their purpose is on school grounds.
Instruct	If it is clear that the person does not have a reasonable explanation or excuse for being on the school grounds, the principal or their authorised delegate have the right to ask them to leave the school premises.
Record	Keep a record of all instructions and information relevant to the incident in an internal incident register, a template is available if required. Schools using school central, all incident information should be kept in the confidential folder within the legal subfolder and standard school central naming conventions should be followed.
Report	If necessary, report the matter, this could be to the Regional Director School Operations, Senior Director Education or NT Police.

2.2.1. Delegate under the *Trespass Act 2023*

In order to ensure that a Trespass Notice can be issued to unwanted people at any time, principals may wish to establish a delegation to another suitable staff member which gives them power under the Act.

In most instances the Assistant Principal or acting Assistant Principal would be the most suitable person, however, in smaller schools, delegation could be granted to the most senior member of staff. A Delegation of powers form should be completed and stored on file. A delegation of powers form is available, if required.

2.2.2. Issue an instruction to leave school premises

Where a principal or their authorised delegate has determined that the person on school grounds is unwanted, they must affect a direction under the Act. Principals should advise the unwanted person, where it's safe to do so, that they are:

- directing them under the Act to leave the school premises immediately
- not to return to the premises within the next 24 hours or they will be breaking the law.

Principals can use the below suggested wording when issuing this direction:

Pursuant to the *Trespass Act 2023*, as principal of this school or delegate of the principal of this school, I am the legal occupier of the school and am lawfully entitled to direct you to leave the school and its grounds immediately. Accordingly, I am now directing you to do so and ask that you do not return on any future occasion.

If you refuse or return within the next 24 hours you will be committing an offence and consequently, due to your failure to comply, I will contact the police.

Principals or their delegates should also attempt to obtain the person's details, such as their name and address, if the person is unknown. However, this should only be attempted where it is safe to do so.

If the principal believes that there is any risk in obtaining details or in providing the above direction, they should not continue and instead request assistance from NT Police who also have authority under the Act to provide a direction or warning in relation to people entering school premises.

2.3. What to do if an unlawful visitor refuses to leave

2.3.1. Alternatives and de-escalation

Trespass notices are only one option available to principals to manage unwanted people on school grounds and it is noted that other management techniques may be preferable or more appropriate.

It should be remembered that parents can become highly emotional in relation to matters involving their children. Accordingly, if a parent loses their temper or becomes angry with their child's school, this does not necessarily mean that they should be issued with a Trespass Notice and prohibited from visiting the school in the future. Alternative dispute resolution techniques such as mediation and conferencing can be used to avoid the issuing of a Trespass Notice.

2.3.2. Issue a Trespass Notice

In the event of a refusal to leave the school premises, and if alternative techniques are not appropriate, the principal or their authorised delegate may issue the trespasser with a Trespass Notice. When issuing a Trespass Notice, the principal or their authorised delegate must ensure that there are 2 staff members present, being the principal or their authorised delegate and an additional staff member.

The Trespass Notice may be issued in person if appropriate or, if their address is known, by registered mail. If a Trespass Notice is issued by mail, it must be accompanied by a cover letter. A cover letter to trespasser template is available.

A police officer may also issue a Trespass Notice to the trespasser on behalf of the principal or their authorised delegate, at the request of the principal or their authorised delegate.

2.4. What to do after a Trespass Notice has been issued

Once a Trespass Notice has been issued, the school should contact their Regional Director School Operations as soon as practical afterwards to inform them of the incident. An electronic copy of the Trespass Notice should also be emailed to the Regional Director School Operations as soon as practical after the incident.

Once issued, a copy of the Trespass Notice must be retained by the school for their records for the duration of the notice. For schools using school central, electronic copies of trespass notices should be saved in the confidential folder within the legal subfolder. If the trespasser is a current student, the copy of the Trespass Notice should be saved within the student folder. Standard naming conventions for school central documents should be followed.

A copy of the Trespass Notice must also be sent to NT Police. This notice can be delivered in person to police headquarters at 6th floor, NAB House, 71 Smith Street, Darwin or sent by registered mail to PO Box 39764, Winnellie NT 0810. A copy should also be delivered in person to your local police station. An internal record of when trespass notices were sent to NT Police and the issue method must also be kept, along with the school's copy of the notice. An internal trespass register template is available.

A school must also update its internal trespass register where details of all persons to whom a Trespass Notice has been served are kept. For schools using school central, a copy of the internal trespass register should be saved in the confidential folder within the legal subfolder. Standard naming conventions for school central documents should be followed.

Principals should also determine whether, in addition to issuing a Trespass Notice, it may be appropriate to:

- make a complaint to NT Police so that criminal charges can be laid, for example, if damage has been sustained to school property
- consider an application for a personal violence order if the unwanted person has threatened violence against members of the school community
- consider whether the involvement of Territory Families may be required, for example, where there are concerns about the safety and wellbeing of students in their family environment.

The Managing trespass on school grounds flowchart explains the process of managing trespass incidents on school grounds.

3. Roles and responsibilities

3.1. Principals or their authorised delegate

Principals or their authorised delegate will:

- implement appropriate procedures to limit the presence of trespassers on school premises, including procedures for identifying visitors
- develop school based procedures that include provision for students and staff to be educated about safety on school premises, particularly relating to the presence of trespassers
- as occupiers with the legal authority pursuant to the Act, direct a person to leave a school where necessary
- keep a central record of all persons to whom a Trespass Notice has been issued and the duration of time that the notice will be in force using an internal trespass register. A internal trespass register template is available, if required
- if the trespasser is a current student, make a note on the student's record in SAMS
- ensure all relevant staff members are aware of the terms of the Trespass Notice once issued to an unwanted person
- liaise with the Regional Director School Operations and, if in doubt, seek legal advice
- advise the Regional Director School Operations and Senior Director Education via email following the issue of a Trespass Notice
- provide an electronic copy of the Trespass Notice to the Regional Director School Operations.

3.2. School staff

When applying the requirements of these procedures, staff must at all times:

- ensure that their own personal safety and the safety of others is paramount and not place themselves in a situation likely to cause injury or harm
- be vigilant in monitoring people present on school premises and report any suspicious or concerning behaviour to the principal or senior staff.

3.3. Regional Directors School Operations

Regional Directors School Operations will:

- ensure that principals note and action the management of trespassers on school premises in line with these procedures
- ensure the electronic copy of the Trespass Notice is entered onto TRM into the designated folder.

4. Definitions

Term	Definition
Occupier	A person in charge of the land or a person in lawful occupation of the place and includes an employee or other person acting under the authority of a person in charge, as defined in the <i>Trespass Act 2023</i> . For the purposes of this procedure, the school principal is the occupier.
Parent	A child's father, mother or any other person who has parental responsibility for that child, including a person who is regarded as a parent of the child under Aboriginal customary law or tradition. The definition of a parent does not include a person standing in place of the parent on a temporary basis.
Premises	Includes: <ul style="list-style-type: none"> • a building or structure whether permanent or temporary and whether fixed or capable of being moved • any part of a yard, garden or area, whether enclosed or not • a vehicle, including a caravan.
School	A school as established under the <i>Education Act 2015</i> and includes preschools.
Trespass	For the purposes of this procedure, the act of unlawfully entering school premises.
Trespass Notice	Written direction provided to the unwanted person informing them that they are prohibited from trespassing at a prescribed location under the <i>Trespass Act 2023</i> .
Unwanted person	For the purposes of these procedures, any person whose presence on school premises is without reasonable justification, authorisation, is unlawful or poses a risk to the wellbeing of any students, staff or visitors legitimately on school premises.

5. Related legislation, guidelines, information and resources

5.1. Legislation

- *Education Act 2015* – <https://legislation.nt.gov.au/en/Legislation/EDUCATION-ACT-2015>
- *Interpretation Act 1978* – <https://legislation.nt.gov.au/en/Legislation/INTERPRETATION-ACT-1978>
- *Trespass Act 2023* – <https://legislation.nt.gov.au/Bills/Trespass-Bill-2023-S79>
- *Work Health and Safety (National Uniform Legislation) Act 2011* – <https://legislation.nt.gov.au/en/Legislation/WORK-HEALTH-AND-SAFETY-NATIONAL-UNIFORM-LEGISLATION-ACT-2011>

5.2. Guidelines and information

- Emergency management: plans for schools procedures – https://education.nt.gov.au/policies/school-operations#emergency_management
- Emergency management plan template – https://education.nt.gov.au/policies/school-operations#emergency_management
- Trespass on school grounds - information for visitors – https://education.nt.gov.au/policies/school-operations#trespass_on_school

5.3. Resources

The following documents are available on the Policy and advisory library on eLearn – internal access required – <https://elearn.ntschoools.net/policies/3878>

- Managing trespass on school grounds flowchart
- Delegation of powers form
- Internal trespass register template
- Internal incident register template
- Trespass sign template
- Trespass notice template
- Cover letter to trespasser template

Acronyms	Full form
NT	Northern Territory
PVO	Personal Violence Order
SAMS	Student Administration Management System
TRM	Territory Records Management

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3	February 2022	Operational Policy Coordination Unit	New template, minor revision and correction to Trespass notice, at point 4, brackets changed to 'proof to be provided by you' EDOC2017/44796
4	December 2022	Quality Standards and Regulation – Operational Policy	Administrative amendments to align roles and responsibilities to the structural alignment in effect from 1 July 2022, including NTG template and minor formatting and edits. Added definition of Occupier
5	April 2023	School Operations	Amendments to documents to reference and align with new <i>Trespass Act 2023</i>