

Law enforcement protocols in NT Government schools

The Department of Education and Training (department) is committed to safeguarding the wellbeing of students. The department supports schools and Northern Territory (NT) Police to work together in a safe and supportive way.

The department and NT Police have agreed to the following protocols. They provide clear and practical guidance for school employees and police officers about NT Police activities in NT Government schools.

NT Police activities on school grounds

1. From time to time, NT Police may need to attend a school to carry out their duties or other activities they are authorised to perform. When carrying out these duties or activities, police officers must act consistently with legislative requirements and, wherever possible, minimise disruption to student learning and the school environment.
2. If a principal has concerns about NT Police activities on school grounds or their interactions with students and staff, they can contact the Officer in Charge of the local police station.
3. Before carrying out activities on school grounds, NT Police must liaise with the principal or, where the principal is not available, the next most senior school leader, also referred to as the Nominated Responsible Officer (NRO). In an emergency or other exceptional circumstances, NT Police may enter a school immediately, without prior notification.
4. Before conducting a handheld scanning operation at a school, NT Police must obtain consent from the principal. If the principal is not available, consent must be obtained from the NRO.
5. If a principal receives a report of alleged unlawful or criminal behaviour involving a student, the matter should be referred directly to NT Police on 131 444 or 000 in an emergency.

Contacting a parent or responsible adult

6. If a student is suspected of being involved in an offence or is a witness to an offence, police officers will contact the student's parent or responsible adult before speaking with the student as part of their investigation.
7. Police officers may need to speak with a student if they have reasonable grounds to believe the student may be in need of protection.

Under the *Care and Protection of Children Act 2007*, police officers may speak with the student or access the student's information without notifying the parent or responsible adult if notification is not in the student's best interests or may compromise an investigation.

NT Police is responsible for determining whether notification is appropriate in the circumstances.

If a parent or responsible adult is not notified, police officers will consult with the principal before speaking with the student.

Police interviews and support persons

8. As a general rule, students will not be formally interviewed by NT Police on school grounds. If a police officer has reasonable grounds to believe that a student may be in need of protection and a formal interview is necessary, the principal must provide a safe and private space for the interview, and police must organise a support person for the student.

A student may ask a department or school staff member to act as their support person if they do not have another suitable person. Department or school staff should not be used simply because they are readily available. The principal must consider the person's relationship with the student and whether they are an appropriate person to provide support before approving their involvement.

If the school is the complainant, department and school staff cannot act as the student's support person, as this may create a conflict of interest.

Search of students

9. Where NT Police are required to search a student, including their clothing or immediate personal belongings, the principal must provide a private space for the search.
10. A student search must be conducted by a police officer of the same gender. If a police officer of the same gender is not available within a reasonable timeframe, NT Police may ask a department or school staff member of the same gender, who holds a Working with Children Clearance, to conduct or assist with the search.
11. The student's support person must be present during the search.

This does not apply where the police officer reasonably believes the search is required as part of an investigation and needs to be conducted as a matter of urgency.

The officer must also reasonably believe that delaying the search to allow a support person to be present would create an unacceptable risk of harm to the student or another person.

If the search is conducted without a support person present, the police officer must conduct the search in a manner that preserves the student's dignity.

Involvement of department and school staff

12. Department and school staff members may decline to conduct or assist with a student search or act as a student's support person. Staff members will not be penalised for refusing. If a staff member declines, the principal should promptly advise the police officer so that alternative arrangements can be made.

Arrest of students

13. Arresting a student on school grounds should be avoided wherever possible and should only occur after other reasonable options have been considered.
14. If an arrest occurs, NT Police should consider the safety and wellbeing of the student and, wherever possible, minimise disruption to the school environment.

Information sharing

15. If a principal requires personal information about a student at their school to manage or reduce a risk to the safety or wellbeing of the student, other students or school staff, the principal may request the information from NT Police.

Schools may also share information with NT Police where permitted or required by law, including where necessary to protect the safety or wellbeing of a student or other person.

NT Police and schools will consider each request and ensure that any information shared:

- complies with relevant legislative requirements and restrictions
- is provided in a timely way, having regard to the circumstances.

The following legislation sets out key information-sharing obligations and limitations that should be considered:

- Care and Protection of Children Act 2007 – Part 5.1A, Sharing of Information for Safety and Wellbeing of Children
- *Domestic and Family Violence Act 2007* – Part 5A, Information Sharing
- *Information Act 2002* – Schedule 2, Information Privacy Principles, including IPP 2, Use and Disclosure of Personal Information by a Public Sector Organisation.