



# Rupanyup Primary School

## No. 1595

### Trespass in Schools Policy

**Rationale:** Executive Memorandum 97/041 was issued to inform communities of a new act, Part 10 of the Law and Justice Legislation Amendment Act 1997. This act gave owners and occupiers of State Schools wider and more effective powers to deal with trespassers. The main change in the law was that a person who enters the school premises after being previously warned by the Principal/head teacher not to enter, or in breach of a prominently displayed sign, will be guilty of trespassing ( unless they had some other legitimate purpose for entering).

#### **Broad Guidelines**

1. The Principal ( or a person authorised to act on their behalf) can:
  - (a) warn a person or trespasser to leave the school premises
  - (b) warn a person not to enter the school premises
  - (c) erect signs warning persons not to enter the school premises. The principal should consult with the Security Services Unit on (03) 95896266 if he/she is considering erecting signs on the school premises.
  - (d) request the police to lay a charge under section 9 of the summary offences act, 1966 when a person fails to comply with the above warning.
2. A trespasser includes any person who enters onto school grounds and /or buildings
  - (a) without authority (unless for a legitimate reason) or
  - (b) without a lawful excuse (unless for a legitimate reason) or
  - (c) in a manner likely to cause a breach of the peace
3. A person enters the school grounds without authority if
  - (a) they enter after having been previously warned not to do so by the Principal or delegate or
  - (b) they remain after being warned by the principal or delegate or
  - (c) they enter in breach of prominently displayed signs in the premises stating that entry by particular persons ( as named on the signs) or persons engaged in certain activities are prohibited.
4. A lawful excuse includes any legitimate purpose e.g. emergency workers, meter readers, students, siblings parents etc, and delivery people. Some people who ordinarily have a legitimate excuse to enter school premises may cease to to have a legitimate reason under certain circumstances e.g. students under suspension, parents who have engaged in threatening behaviour and been warned etc.
5. A person enters onto grounds " in a manner likely to cause a breach of the peace" if they enter for example carrying a weapon or displaying disruptive or aggressive behaviour. Such persons may include a parent or other person who enters the school and threatens to damage school property or cause harm to students, teachers or other persons at the school, or who uses abusive or offensive language.
6. Warnings should preferably be written, either hand delivered or sent by certified mail to the home address. Should an oral warning be necessary, it is desirable that a witness be present, a written warning be later issued to confirm the warning, and a diary entry be made as soon as possible. Oral warnings should follow the example in the executive memorandum. All warnings are to be kept on file along with pertinent details. Staff and school council members and if appropriate the local police, are to be informed of the warnings.
7. The school Principal should exercise caution in implementing these guidelines, reserving the legislation for the more serious instances. Appropriate forms and wordings are contained within the memorandum.