



NAG 5 - Ellerslie School Community Behaviour Procedures

Rationale

At our school staff, parents, caregivers and children are entitled to a safe and protective environment in which to work. Behaviour that will cause harassment, alarm or distress to users of the premises is contrary to the values of our school.

Guidelines

Under section 139C of the Education Act, every person that commits an offence is liable on conviction to a fine not exceeding \$1,000 for intentional insults, abuse, or intimidation of a teacher or member of staff of a school:

- (a) within the presence or hearing of any student of the school; and
- (b) while on school premises, or in any other place where students of the school are assembled for school purposes.

We expect that:

- All members of the school community treat each other with respect
- Adults set a good example to children at all times, showing them how to get along with all members of the school and the wider community
- No members of staff, community or children are the victims of abusive behaviour or open to threats from other adults on the school premises or at any school related events.
- A copy of the schools Complaints Policy and procedures is available upon request and can be found on the school's website.

Physical attacks and threatening behaviour, harassment, bullying, abusive or insulting language whether verbal, written, or through actions, to or about staff, parents, caregivers, children and other users of the school premises will not be tolerated and may result in withdrawal of permission to be on school premises to ensure safety.

Community Behaviour Procedures

The school reserves the right to take any necessary actions to ensure that members of the school community are not subjected to abuse.

School premises are private property and our community have been granted permission from the school to be on school premises. However, in case of abuse or threats to staff, pupils or other community, school may ban someone from entering school.

Unacceptable behaviour may result in the Police being informed and all available action being taken and remedies being pursued.

When incidents of inappropriate community behaviour occur, the following process may be followed:

- A conversation between the principal or designated staff member is held with the affected or witnessing member of the community detailing the problem and confirming appropriate actions. If the behaviour continues, a follow up letter is sent and appropriate restrictions reconfirming the agreed actions and a more formal approach will be undertaken.
- Depending on the circumstances the letter may:
 - Contain a reminder that under s 139C Education Act 1989 it is a criminal offence to assault, abuse, or intimidate a staff member within the presence or hearing of any student of the school while on school premises or in any other place where students are assembled for school purposes.
 - Warn that a trespass notice may be issued if the behaviour continues, especially if there is a real risk of physical violence to staff.
 - A meeting may be arranged to hand over the letter.

Harassment

If the behaviour continues or is of a serious nature, the staff member or Board representative can make a complaint of harassment to the police or apply to the District Court for a restraining order against the person concerned (a civil not criminal process).

In making an application to the District Court for a civil restraining order the staff member will have to show that:

- The person's behaviour causes them distress, or threatens to cause them distress; and
- The behaviour would cause distress or threaten to cause distress to a reasonable person in the staff member's particular circumstances; and
- In all the circumstances the degree of distress caused or threatened justifies the making of the order; and
- The making of the order is necessary to protect the staff member from further harassment.

A restraining order will remain in place for a specified period, or if no period is specified, for 1 year. It is a criminal offence to contravene a restraining order punishable by a term of imprisonment for a term of up to 6 months or a fine of up to \$5,000. For there to be a criminal offence of harassment, the police would have to prove that the parent or caregiver intended the staff member to fear for their safety or the safety of a member of their family, and also that the parent or caregiver knew that the harassment was likely to cause the staff member to reasonably have such fear.

The offence is punishable by a term of imprisonment for up to 2 years.

Trespass

A school board of trustees is the occupier of the land and buildings under statutory lease from the Crown. The Education Act does not give parents or guardians of children express right of entry to state school grounds.

The school will advise visitors to the school of the conditions of entry – e.g. all visitors must sign in at the school office.

The school through the Board of Trustees has the right to trespass a person who enters the grounds without consent.

If a community member's behaviour is of concern the school may ask that person to leave. In doing so they must revoke the permission for them to be on school grounds in the first instance and then ask them to leave under the terms of Section 3 Trespass Act 1980.

When they have left after a Section 3 warning they are free to return unless a trespass order is issued.

A trespass order may be issued to someone if the school has reasonable cause to suspect that they may trespass again and are concerned about their conduct and behaviour.