



Dealing with Nuisance and Disturbance Policy

Boroughbride High School

This policy was adopted by the Full Governing Board	26 September 2019
The policy is scheduled for review	September 2022

Section 40 of the 1982 Local Government (Miscellaneous-Provisions) Act recognised the growth of this disruptive aspect of trespass and gave LEA's and the Police the power to initiate legal action against persons causing a nuisance or disturbance on school or further education premises. These provisions have been consolidated unchanged into Section 547 of the Education Act 1996.

Guidelines have been drawn by a number of Constabularies with whom there was full liaison from the outset and still apply. It was agreed that investigation into incidents would always be made by the Police with any consequent legal action being taken by the LEA. Thus a clear procedure was established whereby Police reports and statements are forwarded by the Chief Constable to the LEA whose Legal Department present cases to the Education Committee for action.

In the period of time during which the system has operated, a number of important lessons have been learned which might be summarised as follows:

- (a) The need for clearly defined procedures to be agreed by all involved parties prior to implementation.
- (b) The need to obtain clear evidence including identification where possible via police statements in order to initiate legal action. Corroboration of evidence by another member of staff is very useful.
- (c) Section 547 can only be applied for the benefit of a school and not for the benefit of householders whose property might adjoin education premises.
- (d) The extent to which ongoing problems of nuisance and disturbance at particular schools can be successfully reduced, is dependent on the extent which the schools are determined to deal with the matter on a face to face basis at the outset. This can be distasteful and also time consuming.
- (e) The outcome of a case should be notified to the Police and the School where the incident occurred.
- (f) Under the terms of Section 547 of the Education Act 1996 if an incident is reported on the premises of an aided school, before the LEA can take action, the approval of the Governors should be first obtained.

Action to be taken in event of trespassers on the school site

- (i) Politely request trespassers to leave the premises
- (ii) If refusal is met, issue warning about legal action.
- (iii) If refusal continues, or the trespasser(s) are abusive or threatening, the Police should be summoned. When notifying the Police full details of the situation should be given
- (iv) Whenever possible, witnesses should be sought, and the names of any trespassers established to help future legal proceedings. Any Police Officers attending should be asked to log the incident in case of future LEA action.
- (v) The incident should be recorded in the Nuisance and Disturbance Log kept in the school office.