



ASHBOURNE HILLTOP

Primary & Nursery School

Controlling Access to School Premises

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1. Who can go onto school premises?

Schools are private property. People do not have an automatic right to enter. Parents have an 'implied licence' to come on to school premises at certain times, for instance:

- for appointments
- to attend a school event
- to drop off or pick up younger children

Schools should set out their rules for this and tell parents what they are. Anyone who breaks those rules would be trespassing.

2. Barring individuals from school premises

Trespassing is a civil offence. This means that schools can ask someone to leave and take civil action in the courts if someone trespasses regularly. The school may want to write to regular trespassers to tell them that they are potentially committing an offence.

Schools can bar someone from the premises if they feel that their aggressive, abusive or insulting behaviour or language is a risk to staff or pupils. It's enough for a member of staff or a pupil to feel threatened.

The school should tell an individual that they've been barred or they intend to bar them, in writing. Letters should usually be signed by the headteacher, though in some cases the local authority, academy trust or proprietor may wish to write instead. The individual must be allowed to present their side. A school can either:

- bar them temporarily, until the individual has had the opportunity to formally present their side
- tell them they intend to bar them and invite them to present their side by a set deadline

After the individual's side has been heard, the school can decide whether to continue with barring them. The decision should be reviewed within a reasonable time, decided by the school.

The Department for Education (DfE) does not get involved in individual cases.

3. Removing individuals from school premises

Section 547 of the Education Act 1996 makes it a criminal offence for a person who is on school premises without legal permission to cause or permit a nuisance or disturbance. Trespassing itself does not constitute a criminal offence.

To have committed a criminal offence, an abusive individual must have been barred from the premises or have exceeded their 'implied licence', then also have caused a nuisance or disturbance.

If a school has reasonable grounds to suspect that someone has committed an offence, then they can be removed from the school by a police officer or a person authorised by the appropriate authority such as the:

- governing board
- local authority
- proprietor of that school