

Policy and Procedure Register updates – Summary of changes to:

Managing inappropriate and hostile conduct procedure

1. Reason for new/updated policy or procedure *(select all that apply)*

- | | |
|--|--|
| <input type="checkbox"/> Change of policy/procedure requirements | <input type="checkbox"/> Audit/review recommendation |
| <input type="checkbox"/> Change to legislation/delegations | <input checked="" type="checkbox"/> Due for review |
| | <input type="checkbox"/> Other |

The procedure is overdue for a review to ensure currency. Consultation with stakeholder groups has occurred during 2022 and 2023 and feedback has been implemented in order to provide a more accessible procedure with accompanying resources.

2. Summary of changes

- A title change has occurred to better reflect that the behaviour does not need to occur on school premises and is open to cater for possible future legislative amendments in relation to online conduct.
- Purpose has been updated to better reflect current and possible future applications of the procedure.
- Overview modified to better reflect content.
- Responsibilities and process sections completely overhauled including:
 - Outlines responsibilities for parents and community members to not enter premises without reason, not disrupt good order of the school, act in accordance with the Parent and Community Code of Conduct, and comply with any directions given by Principal, Director-General (or delegate) or QCAT.
 - Outlines responsibilities for school staff to instigate appropriate action to ensure their own safety and safety of others; and report to the Principal any issues that create a risk to safety or good order of the school.
 - Process section rewritten
- A new Table 1: provides a succinct summary of available directions, duration, issuer, and the grounds for the direction/order.
- A new Table 2: Requests to review directions (within the document) summarises appeal provisions succinctly.
- Human rights considerations incorporated into the procedure and templates.
- References to Chief Executive's Guideline No. 01/2012 removed as it no longer applies
- Adds link to Director-General delegations.

All templates, including letters and forms have been updated to current departmental templates, with new sample text added, and other modifications as considered useful.

- A new warning letter template has been added and a link to the 'Warning letter – social media'.
- A new (optional) witness statement template has been added.
- New supporting materials:
 - Flowchart: Managing inappropriate and hostile conduct
 - Human rights impact assessment tool

- Quick Guide: Managing inappropriate and hostile conduct
- Links to other resources include: Customer complaints management policy and procedure; Guide for Queensland state schools promoting respectful conduct by parents and visitors, Information privacy and right to information procedure, Managing unreasonable complaints procedure, Occupational violence procedure, Parent and community code of conduct, and QCAT.

3. Impacts to roles and responsibilities

Does the new/updated content change staff roles/responsibilities *in any way*? Yes No

If yes, select the type of change: (select all that apply)

Revised responsibilities New/additional responsibilities Removed responsibilities

Position title	Summary of change	Page #
Nil		

4. Communication and support for implementation

Statewide Operations is planning on conducting capability sessions for a range of internal stakeholders to assist with understanding the requirements of the procedure. The Capability sessions will occur prior to term 3 in order to ensure a smooth and effective rollout of the new procedure.

For further assistance, please contact:

- Policy/procedure contact:
Statewide Operations: Enquiries.DISSOps@qed.qld.gov.au



Managing inappropriate and hostile conduct procedure

Version: 4.0 | Version effective: 08/07/2024

Audience

All state schools, Director-General (or [delegate](#))

Purpose

This procedure outlines options for managing inappropriate or hostile conduct by parents or community members. Principals and the Director-General (or [delegate](#)) may take action when such conduct impacts the safety of persons at the school or engaged in school activities, the school's property, or the good management of the school, in or out of school hours.

This procedure outlines the responsibilities and processes of giving directions or orders that control a person's conduct or movement at, or entry to, school premises.

Overview

Directions and orders to manage and prevent inappropriate or hostile conduct are provided in Chapter 12, Parts 4, 5, 7 and 8 of the [Education \(General Provisions\) Act 2006](#) (the Act).

The principal or Director-General (or [delegate](#)) can give different types of oral and/or written directions and seek orders, depending on the circumstances and type of conduct being exhibited. These directions or orders apply for different durations and either regulate a person's conduct or movement, or prohibit entry to school premises. Before giving a direction or seeking an order, the principal or Director-General (or [delegate](#)) must consider various factors and be reasonably satisfied it is necessary and compatible with human rights.

A direction or order should be exercised as a last resort if reasonably satisfied it is necessary to ensure the safety or wellbeing of persons at the premises or to safeguard the good order and management of the school and the premises. The [Guide for Queensland state schools: Promoting respectful conduct by parents and visitors](#) (DoE employees only) outlines other approaches to support safe and respectful schools and for managing difficult or unsafe situations.

Police should be contacted immediately if a person's conduct poses a significant risk of harm, such as a threat of physical violence, with a request for the police to remove the person from the school in accordance with police powers.

This procedure **does not** apply to:

- student conduct, which is addressed in the [Student discipline procedure](#)
- staff conduct, which is addressed in the [Code of Conduct](#) for the Queensland Public Service and Department's [Standard of Practice](#) or via referral to [Integrity and Employee Relations](#) (DoE employees only)
- occupational violence hazards and risks in the workplace, which are addressed in the [Occupational violence prevention procedure](#).
- unreasonable conduct by a complainant during a customer complaints management process, which is addressed through the [Managing unreasonable complainant conduct procedure](#)

Responsibilities

School staff

- take action to protect their own safety and the safety of others at the school premises and do not put themselves or others in a potentially harmful situation
- immediately report to the principal any conduct or behaviour that may be considered a risk to safety or wellbeing, damage to property or compromise the good order and management of the school.

Principal

- promote the conduct expected of parents and visitors while at the school premises, during school activities and when interacting with others in the school community
- where the school has a [Parent and community code of conduct](#), ensure a copy is publicly available, and it is reviewed and updated periodically
- give a direction under s337, s339 or s340 where satisfied a relevant ground exists
- Contact the Police in a highly critical situation (in the event of a wilful disturbance under s333 of the Act)
- make decisions about giving a direction compatible with the *Human Rights Act 2019* (Qld)
- chose a course of action that does not put themselves or others at the school premises in a potentially harmful situation
- refers the matter to the Regional Director (as the Director-General [delegate](#)) if:
 - it would not be appropriate for the principal to give the direction (e.g., if the principal is the target of the conduct or there is a perception of bias); or
 - the required direction or order cannot be given by the principal (i.e., they do not have authority under the Act)
- maintain records of directions or orders given in [OneSchool](#), including updating records upon receiving a notification of a review decision
- monitor, record and manage non-compliance with directions or orders.
- provide support to staff or students who have witnessed or been impacted by inappropriate or hostile conduct.

Regional Director ([delegate](#) of Director-General's powers under s340A and s341)

- consider requests for directions (under s340A and s341) or seeking orders (under s352 and s353) to the Director-General (or relevant [delegate](#))
- give a direction under s340A or s341 where satisfied a relevant ground exists
- ensure decision-making is compatible with the *Human Rights Act 2019* (Qld)
- maintain [OneSchool](#) records for directions given or reviewed
- conduct an internal review (upon appeal submission) and make a decision to confirm, or amend, or substitute the original decision, within the Act timelines.

Director-General (or [delegate](#))

- gives a direction under s340A or s341 where satisfied a relevant ground exists
- ensure decision-making is compatible with the *Human Rights Act 2019* (Qld)
- consider requests to make an application under s352 and s353 to seek orders from Queensland Civil and Administrative Tribunal (QCAT) if the person poses an unacceptable risk to the safety or wellbeing of members of the school community
- conduct an internal review (upon appeal submission) and make a decision to confirm, or amend, or substitute the original decision, within the Act timelines
- maintain records of directions given or reviewed or of orders sought from QCAT.

Process

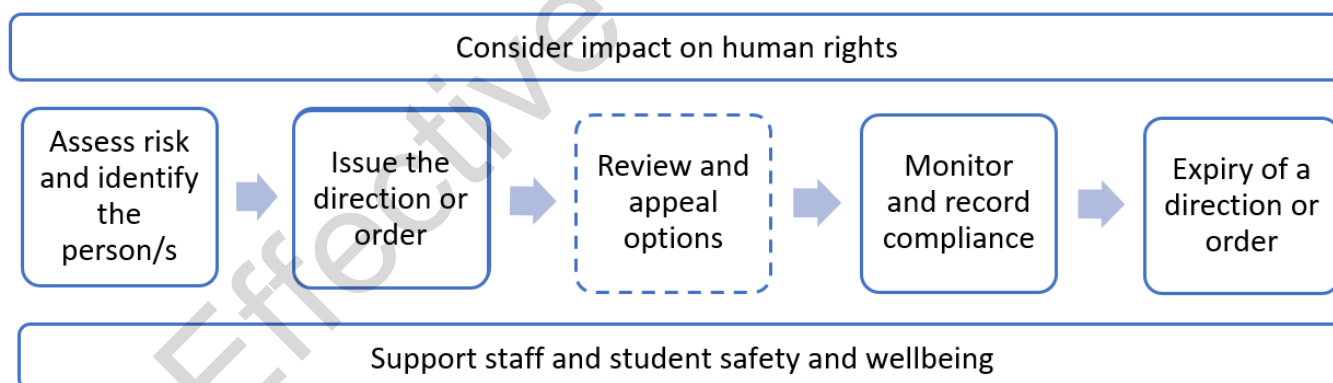


Image 1 - Process flow for managing inappropriate and hostile conduct

The following process can be read in conjunction with [Quick guide: Managing inappropriate or hostile conduct](#) which provides details, timeframes and context of directions and orders applicable under this procedure. For a graphic depiction of the process, refer to [Flowchart for Managing inappropriate and hostile conduct](#).

Assess risk and identify the person

Assess the level of risk

If a person's conduct creates an immediate unacceptable risk of harm to a person or school property, the principal takes immediate steps to:

- make all staff and students are safe and minimise the risk of damage to property
- contact the police (if required)
- lockdown if the situation is highly critical (refer to the [Disaster and emergency management procedure](#))

Identify the person

The principal must identify **who** has engaged in the conduct.

- If the conduct involves an exempt person, the direction or orders within this procedure **do not apply**, except orders under sections 352–353 as these can be sought against all persons other than students.
- If the principal proposes to give a direction (under s337 or s339), they may require the person to state their name and residential address. The principal must warn the person that it is an offence to fail or to state a false name or address, unless the person has a reasonable excuse.
- If the principal reasonably suspects false information has been provided, the principal may require the person to provide evidence of the correctness of their name and address (s336 of the Act).
- For directions or orders (other than directions under s337 and s339), if the person is a child (who is not a student of the school), the principal or Director-General (or [delegate](#)) must make every effort to ascertain the parent's/carer's name and address and give the child's parent/carer notice of the direction, as soon as reasonably practicable, unless the parent/carer cannot be located after reasonable inquiry.
- If the person cannot be identified, then only a s339 direction can be given.

2. Consider conduct, grounds and options for a response

Consider the conduct

The principal or Director-General (or [delegate](#)) considers the person's conduct in relation to the incident and/or any patterns of behaviour leading to the incident, which could include:

- previous incidents, warnings or directions about the person's conduct
- online activities, threatening or nuisance phone calls, emails, social media commentary or posts
- impacts of the incident(s) on staff, students or other witnesses (use the witness template, if required).

Consider the situation and grounds

The following table supports the decision-making process when considering inappropriate or hostile conduct.

Table 1: Considerations and grounds for a direction or order

Situation	Type of direction or order to consider	Grounds for a direction/order
It is known, or reasonably suspected, the person has or is	s339 direction: <ul style="list-style-type: none"> • Oral direction to leave and not re-enter 	Direction can be given if there is a reasonable suspicion the person has, or is about to:

<p>about to engage in hostile conduct.</p> <p>The person is at the school premises without a good and lawful reason.</p>	<ul style="list-style-type: none"> • Duration: 24 hours • Given by: Principal 	<ul style="list-style-type: none"> • commit an offence at the premises; or • use threatening, abusive or insulting language; or • engage in threatening or violent behaviour; or • disrupt good order at the premises • or does not have a good and lawful reason to be at the premises
<p>A person may require management of their conduct when on the school premises (during or outside of school hours).</p>	<p>s337 direction:</p> <ul style="list-style-type: none"> • Written direction about conduct or movement • Duration: Up to 30 days* • Given by: Principal 	<p>A direction is given if reasonably satisfied it is necessary:</p> <ul style="list-style-type: none"> • to ensure the safety or wellbeing or other persons lawfully at the premises; or • to prevent or minimise damage to the premises or property at the premises; or • to maintain good order at the premises; or • for the proper management of the school.
<p>It is believed that, unless the person is prohibited from entering the school premises, they are likely to engage in certain inappropriate or hostile conduct.</p>	<p>s340 direction:</p> <ul style="list-style-type: none"> • Written direction prohibiting entry to the premises • Duration: Up to 60 days* • Given by: Principal 	<p>Direction can be given if reasonably satisfied that the person is likely to:</p> <ul style="list-style-type: none"> • cause physical harm, or apprehension or fear of physical harm, to another person when the other person is at the premises • damage the premises or property at the premises; or • disrupt the good order or management of the school.
<p>The principal is the target of the conduct or there is a perception of bias.</p>	<p>Request to give a direction under s340A:</p> <ul style="list-style-type: none"> • Written direction prohibiting entry to the premises 	<p>As for s340 grounds above</p>

	<ul style="list-style-type: none"> Duration: up to 60 days* Given by: Director-General (or delegate) 	
The person has repeated breaches of s337 or s340 directions, actual or threatened serious violence to a staff member, student or others at the school premises.	<p>Escalate the matter so a s341 direction can be considered:</p> <ul style="list-style-type: none"> Written direction prohibiting entry to the premises Duration: More than 60-days* but not more than 1-year Given by: Director-General (or delegate) 	As for s340 grounds above
The person has repeated breaches of s337 or s340 directions, actual or threatened serious violence to a staff member, student at more than one state or non-state school.	<p>Escalate the matter to seek an application for a QCAT order.</p> <p>s353 order:</p> <ul style="list-style-type: none"> Order prohibiting entry to premises of all state schools Duration: Up to 1-year <p>Application by: Director-General (or delegate)</p> <p>s352 order:</p> <ul style="list-style-type: none"> Order prohibiting entry to premises of all state schools and non-state schools Duration: Up to 1-year Application by: Director-General (or delegate) 	<p>QCAT may make the order if satisfied, on the balance of probabilities, that:</p> <ul style="list-style-type: none"> the person poses an unacceptable risk to the safety or wellbeing of members of school communities and of the school in general.

*Calendar days, NOT school days

When making their decision, the principal or Director-General (or [delegate](#)) should note:

- It is not required that a s337 or s339 direction be given before a s340 or s341 direction if the person's conduct meets the ground provided in legislation, a s340 or s341 direction may be considered if proportionate to the conduct. The decision-maker will need to consider all other less restrictive directions in their human rights assessment.
- Generally, only one direction or order can be given for a particular incident (for example, a s340 and a s341 direction cannot be given for the same incident).

Considerations for grounds of giving a direction or order

Before deciding a direction or seeking an order, the principal or Director-General (or [delegate](#)) must be satisfied that one or more grounds for the relevant direction or order exists.

The principal or Director-General (or [delegate](#)) in deciding whether a direction or order (if any) is an **appropriate** response in the circumstances, gives consideration to:

- the **seriousness** of the person's conduct, with the more restrictive directions or orders being reserved for conduct that creates a significant risk or reflects a pattern of behaviour
- **proportionality**, with directions or orders only imposing restrictions to the extent necessary to enable the conduct or situation to be managed effectively and to limit impacts on the person's human rights
- the **likely effectiveness** of a particular direction to address the person's conduct, for example, will a direction regulating their conduct or movement be enough, or is prohibiting entry to the school necessary?
- the need to act **impartially** and dispassionately
- **human rights** implications of the proposed decision and whether the decision is compatible or incompatible with human rights (refer to Human Rights guide for more information). Consider these questions:
 - Are any human rights engaged or impacted by the decision to give a direction or order?
 - If so, will the decision limit those human rights?
 - If so, is the limitation lawful, justified and reasonable in the circumstances?

Where there are no grounds to support giving a direction or seeking an order

The principal may decide to give a [warning letter \(using the relevant template\)](#), or broadly promote respectful conduct within the school community e.g. through activities outlined in the [Guide for Queensland state schools: Promoting respectful conduct by parents and visitors](#) (DoE employees only).

3. Give the direction or seek an order

For all options, the principal and Director-General (or [delegate](#)):

- collects and considers all materials and evidence, including witness statements (refer to template), documented events witnessed and what ground/s for a direction exist in light of the circumstances
- decides if it would be appropriate to give the direction or to seek an order.

If the school principal is absent from the premises a deputy principal or other staff member (nominated by the principal or principal's supervisor) can give a direction (as per s8 EGPR).

Principal gives a direction or makes a request to the Director-General (or [delegate](#))

Oral direction – s339

- give the direction verbally, using [the script](#)
- complete a Record of giving form for the direction and, along with any other relevant documentation such as witness statements, save in [OneSchool](#).

Written direction – s337 or s340

- decide on the duration, noting that the duration of all written directions is calculated using calendar days (includes school days, weekends, holidays and public holidays)
- use the template to prepare the direction
- prepare copies of all materials relied upon to make the decision, including relevant sections of legislation and this procedure, witness statements and any other documents listed in the relevant template
- give the direction and copies of the materials (materials must be redacted copies) using one of the following methods:
 - post to the person's home address as recorded on school records. Use registered post where possible, as it provides evidence the physical documents have been received and the date this occurred.
 - hand it to the person
 - engage the police service or a process server to give the direction to the person
- complete and save records by:
 - completing a Record of giving form for directions posted or handed to the person
 - If the police or a process server delivered the form; keeping a completed affidavit of service concerning the giving of the direction (instead of a Record of giving a direction form)

Principal's request to Director-General (or [delegate](#)) – s340A, s341, s352 or s353

- develop request using the relevant template briefing notes
- nominate a duration for the direction for section 340–341 directions (i.e. s340/340A is up to 60 calendar days and s341 is not less than 60 calendar days up to 1 year noting that any duration up until but not exceeding the full time can be applied)
- provide unredacted witness statements to support decision-making
- progress briefing request (to the Regional Director in the first instance) with supporting materials
- if a decision is made to give a direction or seek an order, keep a record in [OneSchool](#) and ensure all information is handled in accordance with the [Information privacy breach and privacy complaints procedure](#).

Director-General (or [delegate](#)) gives direction or seeks an order to QCAT**Written direction — s340/340A or 341**

- consider the material provided by the principal.
- seeks further information from the principal (or Regional Director) to inform the decision (if necessary)
- if the request to give a direction is not supported, the principal must be advised and discussions on other options to manage the situation are to occur.
- decide on the duration of the direction (i.e. s340/340A is up to 60 calendar days and s341 is not less than 60 calendar days up to 1 year noting that any duration up until but not exceeding the full time can be applied)
- use the template to prepare the direction

- prepare copies of all materials relied upon to make the decision, including relevant sections of legislation and this procedure, witness statements and any other documents listed in the relevant template
- give the direction and copies of the materials (materials must be redacted copies) using one of the following methods:
 - post to the person's home address as recorded on school records. Use registered post where possible, as it provides evidence the physical documents have been received and the date this occurred.
 - hand it to the person
 - engage the police service or a process server to give the direction to the person
- complete and save records by:
 - completing a Record of giving form for directions posted or handed to the person, or
 - if the police or a process server delivered the form; keeping a completed affidavit of service concerning the giving of the direction (instead of a Record of giving a direction form)
- provides notification of the direction to the principal (and Regional Director), and save a copy on the Department's record management system for monitoring of compliance with the direction or order.

Application for order — s352 or s353

- consider the material provided by the principal (and Regional Director)
- seek further information from the principal (or Regional Director) to inform the decision (if necessary)
- complete the [QCAT form](#) and file the application with QCAT
- if QCAT makes an order, arrange service of documents as per steps above
- if QCAT rejects the order, communicate the decision and reasons to the principal and Regional Director
- arrange for a copy of all completed and signed documents to be saved (in the Department's record management system)
- notify the principal and Regional Director for monitoring of compliance with the direction or order.

4. Review and appeal options

Review of an original decision

If a person is dissatisfied with the decision to give them a direction, they may request a review of the original decision.

The person must request a review in writing to the Director-General (or [delegate](#)) within the legislated timeframe (see Table 2 below). The written submission must detail the grounds on which the person wants the direction to be reviewed and include their residential address.

Table 2: Requests to review directions

Original direction	Review option	Timeframe in which person must apply for a review	Review decision timeframe

s339 (Oral direction)	Not reviewable	N/A	N/A
s337	Internal review section 338	Within 7 calendar days after the person is given the direction or if the direction is for less than 7 days, before the direction ends	Director-General (or delegate) must make the review decision within 5 business days after the application is made Director-General (or delegate) must tell the person about the review decision as soon as possible. If the Director-General (or delegate) does not tell the person about the review decision with 5 business days after the application is made, the review decision is taken to be that the decision is cancelled.
s340 (given by a principal) AND s340 (given by the Director-General (or delegate) under s340A)	Internal review sections 390, 391, 392*	Within 30 school days after the person is given, or otherwise becomes aware of, the direction. Director-General (or delegate) may extend the time for making the application	Director-General (or delegate) must make the review decision within 40 school days after receiving the application
s341	s397 (Review is external to the department)	Person applies to QCAT within 28 calendar days of receiving the notice	A QCAT review decision takes effect when it is made or at a (later) stated date as set out in s127 of the QCAT Act.

* Under section 392 a person may apply to QCAT to appeal the outcome of a decision made by the Director-General.

A review must be conducted by an independent person who is in a position (in the Department) equal to, or higher than, the original decision maker, unless the Director-General made the original decision.

On receiving an application for review of a direction, the Director-General (or [delegate](#)) who will review the original decision:

- checks that the person has provided the required information as outlined in the direction letter, and requests any additional information as needed
- notes any timeframes within which a review decision must be made and communicated (refer to Table 3 above).

- confirms that as the decision-maker they are a person who is independent (from the original decision) and authorised (under the Act or [delegations](#)) to make the review decision
- reviews the material that led to the original decision to give the direction and any other relevant material
- considers the human rights implications of the proposed review decision and concludes if the review decision impacts human rights
- decides on either a review decision under sections 390-392 to confirm, vary or amend the original decision, or to substitute another decision for the original decision for a s340 direction, or
- decides on a review decision under s338 to confirm, vary or cancel a s337 direction
- communicates the decision in writing to the person who made the request as soon as practicable after the decision is made and includes details of how they may apply for an external review of the decision
- provides advice to the Regional Director of the review decision for noting
- provides advice to the principal of the review decision and requests the principal to record the outcome of the review in [OneSchool](#) and monitor compliance with the direction if applicable
- stores a copy of the application for review and review decision -in the Department's record management system.

5. Monitor and record compliance

Under sections 337, 339, 340 and 341 of the Act, persons must comply with a direction unless the person has a reasonable excuse.

- If a person is **not complying** with a direction or order, the principal must consider the nature and severity of the non-compliance and take appropriate action that may include:
 - calling the police if the person's conduct is creating an immediate unacceptable risk of harm to people or property, or if the conduct constitutes a breach of the direction or order and the principal is not aware of the person having a reasonable excuse for not complying with the direction.
 - giving a further direction, or seeking an order, to address the non-compliance and better manage the person's conduct (refer to [Quick guide: Managing inappropriate or hostile conduct](#)).
 - re-explaining the requirements of the direction to the person and warning them of the consequences of ongoing non-compliance (i.e., imposing a more restrictive direction).
- The principal must document all incidents of non-compliance with the direction or order, regardless of whether any action is taken in respect of that non-compliance.

The principal records any observations or communications relevant to their monitoring activities in [OneSchool](#).

6. Expiry of a direction or order

Once a direction or order expires/concludes, the person subject to the direction or order no longer has restrictions on their conduct, movement or presence on school premises.

Depending on the circumstances of the person's conduct and duration of the order, the principal may consider if it is appropriate to prepare for the person's return to the school premises once the direction has expired (refer to [Information Sheet - Preparing for a hostile person's direction expiring](#)).

If the person's conduct becomes inappropriate or unacceptable again, the principal, Director-General (or [delegate](#)) may give a new direction or seek a new order, in accordance with this procedure.

Support staff and student safety and wellbeing

Where a staff member of the department has been a witness to, or the subject of, inappropriate or hostile conduct impacting their safety or wellbeing, the principal should encourage them to make use of the department's [Employee Assistance Program](#). Where a student's safety or wellbeing has been affected, the principal should [support](#) them.

If inappropriate conduct has included cyber abuse or publication of materials, refer to the [Online incident management guidelines for school leaders](#) (DoE employees only) or contact the Cybersafety and Reputation Management team at Cybersafety.ReputationManagement@qed.qld.gov.au.

If increased security is required at the school premises, refer to [School security procedure](#) or contact the Emergency and School Security Unit, Infrastructure Services Branch.

If a staff member has been threatened, harmed or injured, refer to the [Occupational violence prevention procedure](#) and the [Health, safety and wellbeing incident management procedure](#) for incident reporting.

If a principal has been a witness to, or the subject of, inappropriate or hostile conduct impacting their safety or wellbeing, the principal should make use of the department's [Employee Assistance Program](#) or seek [support](#).

Definitions

Term	Definition
All state schools	State instructional institutions under s13, educational institutions under s14 and other educational institutions, established under s15 of the Act.
Balance of probabilities	The balance of probabilities test requires the decision maker to weigh up all the material gathered and decide, on balance, whether the evidence supports the allegation and can 'more likely than not' be capable of being substantiated.
Breach	Breaking or failing to comply with the direction or code of conduct
Child	An individual under 18-years of age.
Days	Refers to ordinary or calendar days, unless the term 'school days' or 'business days' is used.
Delegate	Delegations relevant to this procedure are outlined in the Director-General Delegations for the Education (General Provisions) Act 2006 .
Exempt person	An exempt person is: <ul style="list-style-type: none"> • a student of the school

Term	Definition
	<ul style="list-style-type: none"> • a kindergarten aged child registered in a State Delivered Kindergarten program • a person with a disability being provided with special education at the school (under s420(2) of the Act) who is not enrolled in Prep • a departmental employee engaged to perform work at the school (also reference as staff member). <p>For s352 and s353, an order can be sought against all persons other than students.</p>
External review	A process conducted by an external review body (for example, Queensland Civil and Administrative Tribunal (QCAT)) to ensure departmental decision-making is fair, reasonable and proper.
Grounds	Directions under s337, s339, s340 and s341 can only be made where the decision-maker is satisfied one or more grounds for the relevant direction exists under s337(1), s339(1), 340(1) and 341(1) of the Act.
Internal review	An internal review officer is a Departmental employee who conducts an internal review. The officer must be: <ul style="list-style-type: none"> • independent from the original decision to give the direction; and • in a position equal to, or higher than, the original decision-maker.
Non-compliance	Failing to act in accordance with the direction or order given.
Parent	A parent is defined in section 10 of the Act.
School premises	Means a building and/or land of a school.
Staff member	An employee of, or subcontractor for, the Department of Education
Reasonably satisfied	Satisfied on reasonable grounds in the circumstances (i.e., when a reasonable person in the same circumstances would consider there was a reasonable basis for the decision).
Unsafe situations	Includes threats, hostile and inappropriate conduct on school premises, trespass and wilful disturbance.

Legislation

- [Education \(General Provisions\) Act 2006](#) Chapter 12, Parts 4-5, 7-8 and Chapter 15
- [Education \(General Provisions\) Regulation 2017](#)
- [Human Rights Act 2019 \(Qld\)](#)
- [Judicial Review Act 1991 \(Qld\)](#)

- [Ombudsman Act 2001 \(Qld\)](#)
- [Queensland Civil and Administrative Tribunal Act 2009](#) Section 21

Delegations/Authorisations

- [Director-General delegations under the *Education \(General Provisions\) Act 2006*](#)

Policies and procedures in this group

- Nil

Supporting information for this procedure

- [FAQs - Managing inappropriate and hostile conduct](#)
- [Flowchart - Managing inappropriate and hostile conduct](#)
- [Human Rights impact assessment tool](#)
- [Quick guide - Managing inappropriate and hostile conduct](#)
- [Section 337 - Direction letter template about conduct or movement \(up to 30 days\)](#)
- [Section 337, s340 and s341 - Record of giving form](#)
- [Section 339 - Record of giving form](#)
- [Section 339 - Script for giving an oral direction](#)
- [Section 340 - Direction letter template - \(up to 60 days\)](#)
- [Section 340 - 340A - Direction letter template \(up to 60 days\)](#)
- [Section 341 - Direction letter template - Final decision \(up to 1 year\)](#)

Other resources

- [Information sheet - Preparing for a person's direction or order expiring](#)
- [Section 340A - Briefing note template \(up to 60 days\)](#)
- [Section 341 - Briefing note to Director-General \(or delegate\) - Final decision \(up to 1 year\)](#)
- [Sections 340 - 340A and Section 341 - Principal letter to Regional Director requesting a direction](#)
- [Warning letter template](#)
- [Warning letter template - Social media](#)
- [Witness statement template](#)
- Customer complaints management [policy](#) and [procedure](#)
- [Customer complaints management – Internal review procedure](#)
- [Guide for Queensland state schools: Promoting respectful conduct by parents and visitors](#) (DoE employees only)

- [Health, safety and wellbeing incident management procedure](#)
- [Information privacy breach and privacy complaints procedure](#)
- [Managing unreasonable complainant conduct procedure](#)
- [Occupational violence prevention procedure](#)
- [Parent and community code of conduct](#)
- Queensland Civil and Administrative Tribunal – [Prohibition of entry and exclusion – schools and institutions](#)
- [School security procedure](#)
- [Supporting students' mental health and wellbeing procedure](#)
- [CCTV use in schools procedure](#)

Contact

For further information, please contact your Principal Advisor Education Services in the [regional office](#) or Statewide Operations on Enquiries.DISSOps@qed.qld.gov.au

A person given a direction or order under this procedure should obtain their own independent legal advice.

Review date

8/07/2027

Superseded versions

Previous seven years shown. Minor version updates not included.

3.0 Hostile People on School Premises, Wilful Disturbance and Trespass

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Frequently Asked Questions – Managing inappropriate and hostile conduct procedure

Directions and orders are available under the [Education \(General Provisions\) Act 2006, \(The Act\) Chapter 12, Part 5](#) and through the [Legislative Delegation of Director-General's Powers](#) under the Act.

1. ***What is meant by “good order and management” at a school?***
2. ***How do directions and orders interact with human rights?***

Questions about conduct for which a direction may be given

3. ***Can conduct exhibited during an incident outside the school premises be considered in deciding whether a ground for a direction exists?***
4. ***Can conduct exhibited during an incident that occurred outside of school hours be considered in deciding whether a ground for a direction exists?***
5. ***Can an abusive phone call be considered in deciding whether a ground for a direction exists?***
6. ***What options are available if a person is prohibited from school grounds but loiters close by the school with the intention of causing nuisance?***

Questions about giving a direction

7. ***What is meant by “forming a view a relevant ground exists”***
8. ***When does a direction commence?***
9. ***How is the duration of a direction determined?***
10. ***Who can give a direction when the principal is not at the school?***
11. ***Who can give a direction if the inappropriate conduct has been directed at the principal?***

12. ***Can a written direction be given by email?***
13. ***What should a witness statement include?***
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Questions about recording and sharing information

15. ***How is a Hostile person record added to OneSchool?***
16. ***Does a direction given to a parent/carer appear on the student's OneSchool record, and for how long are records retained?***
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18. ***What is procedural fairness?***
19. ***What is balance of probabilities?***
20. ***What is redaction?***

Scenarios

21. ***Families across more than 1 school***
22. ***Managing students from other schools***
23. ***Breaches to Directions and orders***

1. What is meant by “good order and management” at a school?

Involves the process of managing day-to-day operations in the school in an efficient and effective way that allows educators and administrators to undertake their duties, and students to be able to learn, in a safe environment that operates at a standard expected by the department, the school and its community.

2. How do directions and orders interact with human rights?

Directions and orders given for inappropriate and hostile conduct limit human rights, particularly the right to freedom of movement (s19 of the Act).

Protecting the safety of members of the school community and ensuring the good order of a school is consistent with a free and democratic society based on human dignity, equality and freedom. People should feel safe to enter their workplace or educational setting. Children should have access to quality well run schools.

The Principal or Director-General (or delegate) must determine that the benefits of protecting the school community outweigh any limit to freedom of movement.

The intention for any direction given must be to protect the school community and ensure that the school can be effectively managed, allowing children to access their right to education.

All decisions must include a [human rights assessment](#) and all direction letters should state, ‘*In making this decision, I have given consideration to relevant human rights as outlined within the Human Rights Act 2019 (Qld).*’

Questions about conduct for which a direction may be given

3. Can conduct exhibited during an incident outside the school premises be considered in deciding whether a ground for a direction exists?

Yes, section 337, 340, 340A and 341 directions may be given for inappropriate conduct that occurred outside the school premises during a school activity or event if the decision-maker has formed the view a relevant ground exists. A section 339 oral direction (to leave the premises) **cannot** be given for behaviour that occurred offsite because it relates only to immediately leaving the school premises.

4. Can conduct exhibited during an incident that occurred outside of school hours be considered in deciding whether a ground for a direction exists?

Yes. Directions do not have time specifications and may be given for conduct that has occurred before, during or after school hours, on weekends, or during school holidays if the decision-maker has formed the view a relevant ground exists for the direction.

5. *Can an abusive phone call be considered in deciding whether a ground for a direction exists?*

Yes, if the conduct presented in the phone call (as if that conduct had occurred in person) satisfies one or more grounds for giving a direction then a direction could be given. A section 339 oral direction (to leave the premises) would **not** apply for phone calls because it relates only to leaving the school premises.

6. *What options are available if a person is prohibited from school grounds but loiters close by the school with the intention of causing nuisance?*

If a prohibited person loiters close to the school but not on premises (e.g., footpath, local bus stop, across the road from the school), the principal should discuss the situation with local police to determine if an offence is being committed or if other Orders may be applied for.

Principals may consider additional security requirements in consultation with the Regional Office (e.g., improved fencing or lighting, secure areas within the administration building).

Questions about giving a direction

7. *What is meant by “forming a view a relevant ground exists”*

Section 337, 339, 340/340A and 341 directions each have relevant grounds that the conduct must meet before a decision on whether a direction should be given to a person. The decision-maker should be satisfied that the conduct exhibited during an incident meets one or more of the grounds before giving a direction.

The grounds for giving a direction are:

Section 337 direction about conduct or movement:

- to ensure the safety or wellbeing of other persons lawfully at the premises
- to prevent or minimise damage to the premises or to property at the premises
- to maintain good order at the premises
- for the proper management of the institution.

Section 339 direction to leave and not re-enter (the person):

- has committed, or is about to commit, an offence at the premises

- has used, or is about to use, threatening, abusive or insulting language towards another person at the premises
- has engaged, or is about to engage, in threatening or violent behaviour towards another person at the premises
- has otherwise disrupted, or is about to disrupt, good order at the premises
- does not have a good and lawful reason to be at the premises.

Sections 340/340A or 341 directions prohibition from entering premises:

- to cause physical harm to, or apprehension or fear of physical harm in, another person when the other person is at the premises; or
- to damage the premises or property at the premises; or
- to disrupt the good order or management of the institution.

8. *When does a direction commence?*

A direction commences from the time the person receives it.

A section 339 direction to leave and not re-enter the premises requires the directed person to immediately comply and leave the premises for a 24-hour period, which begins immediately after the direction is given and the person's compliance with the direction.

The relevant period of other directions commences after the day on which the direction is given. Therefore, if a direction notice is given on a Tuesday morning, the first day of the direction period will commence the following day on the Wednesday.

9. *How is the duration of a direction determined?*

Legislation provides a maximum duration for each direction, however, the person giving the direction determines the appropriate duration (up to the maximum). Factors taken into consideration include:

- the extent of the behaviour for which the direction is being given
- whether a direction is required until the end of a term or the end of a school year to protect the safety and wellbeing of a person (or people) at the school
- whether the person should be allowed, or excluded from, particular upcoming school events (e.g., a graduation ceremony).

10. *Who can give a direction when the principal is not at the school?*

A principal cannot delegate their power to give a direction to another employee. A person in the position/role of acting Principal (as nominated by the principal or principal's supervisor) has authority to give a direction if a view is formed that a relevant ground exists for a direction.

For multi-campus schools, it is the responsibility of the principal to use all available evidence to decide if a direction should be given, even if they did not witness the hostile conduct first-hand.

11. *Who can give a direction if the inappropriate conduct has been directed at the principal?*

The Director-General or delegate (e.g., the Regional Director) may give a section 340 direction under section 340A of the legislation or a section 341 direction depending on the seriousness of the incident or when the principal is prevented from giving a direction by the principles of natural justice relating to bias. This is appropriate where the conduct to be considered in deciding whether a ground exists includes conduct directed at the principal.

The principal should discuss the matter with their Regional Office.

12. *Can a direction be given by email?*

Email **cannot** be used as the primary method of giving a written direction. Only a **copy** of the direction can be emailed.

A decision-maker is required to give the written direction to the person by delivery in-person (e.g., using the services of Queensland Police Service) or by registered post, to the last known address of the person's place of residence, to ensure the person becomes aware of and receives the direction.

Enforcement of the direction commences once the person has received the direction.

13. *What should a witness statement include?*

There are no specific standard requirements for completing a witness statement. Statements may be handwritten or typed and should include the person's direct speech account of what they saw or heard (including their recollection of any words spoken), details of who was involved (if known) and who was present (e.g., names or, if unknown, a description, such as 'a group of Year 6 students'), when and where the incident occurred, and if appropriate, how it made them feel (e.g., threatened, scared). Witness statements should include the name, role and signature of the witness and the date the statement was made. As a guide use the optional [witness statement template](#) and keep a record of the witness statement in OneSchool.

14. *Are there any legislated time limits regarding the date a direction is given after an inappropriate incident?*

The decision-maker should consider whether a ground for a direction exists as soon as possible after the relevant facts and circumstances come to their attention. A direction should be given as soon as practicable after the view is formed that a ground for a direction exist.

Questions about recording and sharing information

15. How is a hostile person record added to OneSchool?

In OneSchool, navigate to the **Reports** tab. Use the drop-down menu to select **School Management**, and then select **Hostile Persons**. You will be able to select the type of direction given and enter details of the person's name, date of direction and notes. Any requests by the person for a review of the direction, should also be entered in this section of OneSchool. For further advice visit [Hostile persons record](#)

16. Does a direction given to a parent/carer appear on a student's OneSchool record, and for how long are records retained?

No. Information about directions recorded as a *Hostile Persons* record on OneSchool are stored separately to student records. Information is retained in accordance to the [Queensland State Archives](#) retention and disposal schedule.

17. Can a school share information about a person who has been given a direction with another school?

No, schools cannot share information with another school about a person who was given a direction.

Questions about legal terms

18. What is procedural fairness?

Procedural fairness applies to any decision that can affect the rights, interests or expectations of individuals. Procedural fairness acts as a safeguard for the individual whose rights are being affected and comprises of two elements:

- the right to be told the allegations against you, a reasonable opportunity to see and consider the evidence relied upon by the decision maker, and a reasonable opportunity to present your case and be given a fair hearing before the decision is made, and
- the right to have a decision made by an unbiased decision maker.

These rules have been designed to ensure that all decision-making is fair and reasonable.

19. *What is natural justice?*

There are generally considered to be three aspects of natural justice:

1. The notice requirement

The notice to the affected person must identify the critical issues and contain sufficient information for the person to be able to participate meaningfully in the decision-making process.

2. The fair hearing rule

A fair hearing means that the affected person is given a reasonable opportunity to 'speak or respond' and also that the decision-maker genuinely considers the affected person's submission in making the decision.

3. The lack of bias rule

The person making the decision must act impartially in considering the matter. Bias is a lack of impartiality for any reason and may be in favour of or against the affected person. It may arise from the decision-maker having some financial or other personal interest in the outcome of the decision (conflict of interest), or giving the impression that they have prejudged the issue to be decided (prejudgement). Bias can be actual or apprehended. Apprehended (or the appearance of) bias is judged by whether a fair-minded observer properly informed as to the facts or the nature of the proceedings or process might reasonably apprehend that the decision-maker might not bring an impartial or unprejudiced mind to the resolution of the issue.

20. *What is balance of probabilities?*

The balance of probabilities requires the decision maker to weigh up all the material gathered and decide, on balance, whether the evidence supports the allegation and can 'more likely than not' be capable of being substantiated.

21. *What is redaction?*

Redaction is the process of obscuring information that cannot be disclosed by blocking out individual words, sentences or paragraphs or removing sections or whole pages from a document prior to its release or publication. There are a number of redaction methods, whichever method is used the end result must ensure that the text that has been removed from the document cannot be seen

or 'guessed' by the reader. This means ensuring that the text in the document is sufficiently obscured so that it cannot be deciphered.

When giving a direction, the principal is required to provide a copy of all information used to make a decision to the directed person. Prior to releasing or sharing information, it is essential that every effort is made to redact sensitive or private information from documents, such as witness statements.

The type of information that may need to be redacted prior to release or sharing of information includes names and addresses of staff, students and members of the community.

Scenarios

24. Families across more than 1 school

Situation. A family member has been given an order from the high school to prohibit entry to the school for 80 days. The parent becomes aware of an issue involving their younger child at the local primary school. The parent does not enter the primary school, however sends their older child from the high school onto the primary school to "sort out" the situation, as stated by the high school student.

Response: The high school student (provided that they have been identified) is considered an exempt student. In this case, the primary school should notify the high school of the student incident and the high school is to follow the [student discipline procedure](#). The principal Advisor Education Services (PAES) should be notified of the incident. The details of the Parent's Direction at the primary school cannot be shared between the two schools as this is considered a breach of privacy. The PAES may advise the Director General (or Delegate) of the situation and a warning letter may be issued from the Director-General (or Delegate) on behalf of the primary school. If the parent breaches or continues to exhibit hostile behaviour at the high school, the high school Principal may wish to escalate the issue to the Director-General (or Delegate) to seek a QCAT Order (s325, s353) in which case the Director-General (or delegate) can use the primary school incident as further evidence to support the Order.

25. Managing students from other schools

Situation: Just before the start of the school day, a student from a neighbouring school enters the school premises and starts to assault a student enrolled at the school.

Response: If the situation is critical and places staff and students at risk of harm, call 000. If the Principal is able to move the student from the neighbouring school into a safe location (e.g. the main office), the Principal should request the student to complete a school-based witness statement. As the student from the neighbouring school is considered an exempt student, the principal should notify the other school of the incident. It is the responsibility of the other school to follow the [student discipline procedure](#).

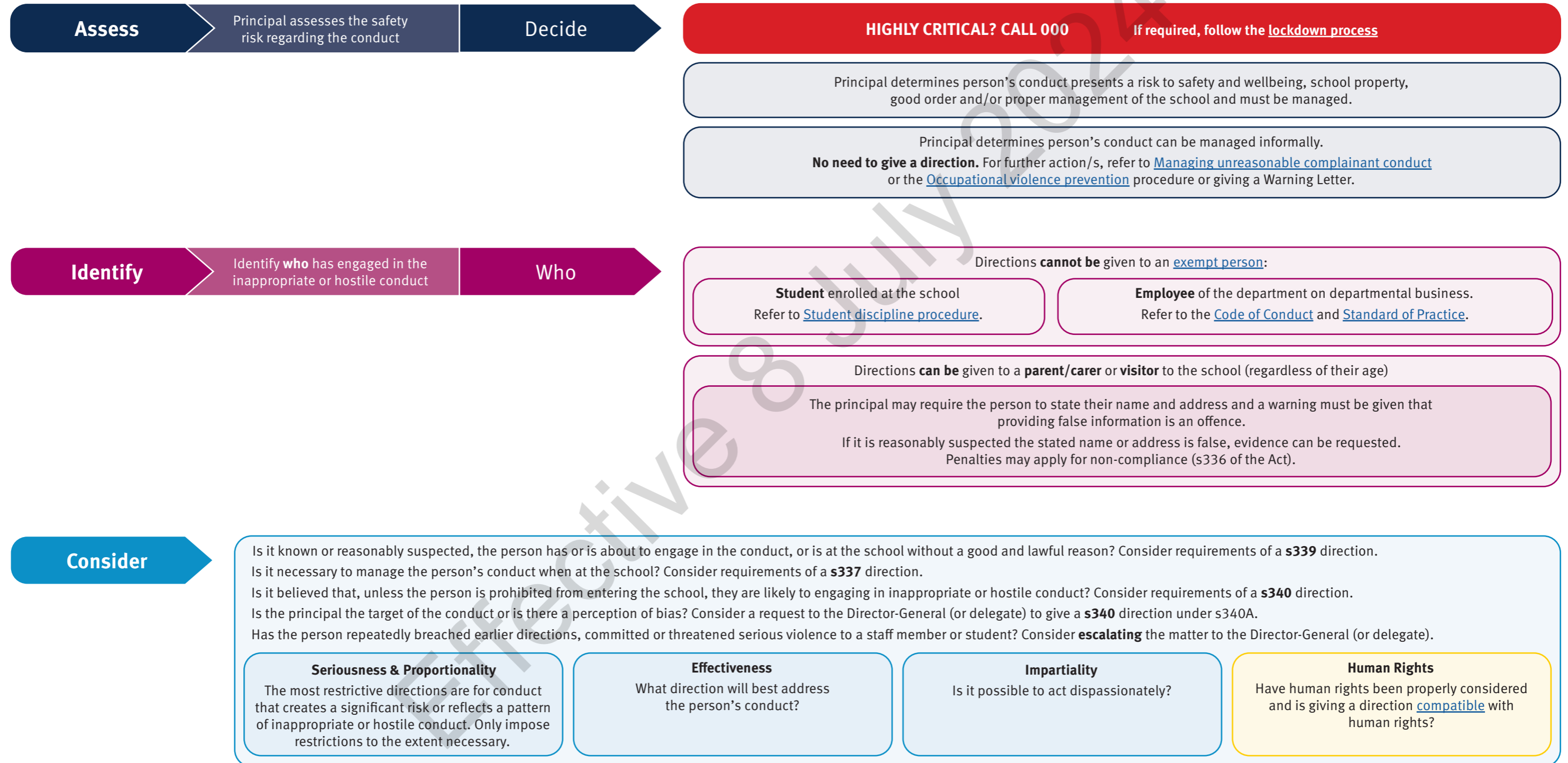
26. *Breaches to Directions and orders*

Situation: A parent/carer has been issued with a Direction to prohibit entry to the school premises for 65 days. It is day 50 of the direction being enforced. The parent has emailed a staff member and made threats of physical violence towards that staff member.

Response: This is considered a breach of the current direction on the grounds that the parent/carer is likely to cause physical harm or cause fear of physical harm towards someone (namely a staff member). The staff member is to report it to the principal as soon as possible. The principal can request the Director-General (or Delegate) to give a s341 direction (preventing entry for up to 1 year). If a s341 is given, it will supersede the current order and take effect (upon the parent/carer receiving the direction letter). The principal can otherwise request the Director-General (or Delegate) to seek a QCAT order (s352, s353).

Managing inappropriate and hostile conduct procedure – Flowchart

When a school principal (or deputy principal or nominated supervisor (s8 EGPR)) becomes aware of, or is the target of, hostile or unsafe conduct by a parent or visitor to the school or at a school activity:



Select

Principal reasonably suspects the person:

- has committed, or is about to commit, an **offence** at the premises; or
- has used, or is about to use, **threatening, abusive or insulting language** towards another person at the premises; or
- has engaged, or is about to engage, in **threatening or violent behaviour** towards another person at the premises; or
- has otherwise disrupted, or is about to **disrupt, good order** at the premises; or
- **does not have** a good and lawful **reason** to be at the premises.

Section 339

Oral direction

to **immediately leave** and not re-enter the school premises/offsite activities for **24 hours**

OR

Principal is reasonably satisfied it is necessary to give a direction:

- to **ensure the safety or wellbeing** of others at the premises; or
- to prevent or minimise **damage** to the premises or property at the premises; or
- to **maintain good order** at the premises; or
- for proper **management** of the institution.

Section 337

Written direction

manage conduct or movement at the school premises/offsite activities for **up to 30 calendar days**

OR

Principal is reasonably satisfied that, unless a direction is given, the person is likely to:

- cause **physical harm to**, or apprehension or fear of physical harm in, another person when the other person is at the premises
- **damage** the premises or property at the premises; or
- **disrupt** the **good order** or **management** of the institution.

Section 340

Written direction

not to enter the premises of the school/offsite activities for **up to 60 calendar days**

Give the direction

Oral direction s339

Tell the person:

- the terms of the direction
- the grounds for giving the direction
- the time during which they may not enter.

SCRIPT FOR GIVING A s339 DIRECTION

“Pursuant to s339 of the *Education (General Provisions) Act 2006*:

- I am directing you to immediately leave the premises of the school;
- You are not permitted to return to the premises of the school for a period of 24 hours from the giving of this direction, namely not before <XXXXX> tomorrow;
- I am giving you this direction because I reasonably suspect that **<choose one or more>**:
 - a. You have committed (or are about to commit) an offence at this school premises/offsite activities, namely <provide detail of facts and circumstances forming basis for the suspicion>; AND / OR
 - b. You have used (or are about to use) threatening, abusive or insulting language towards another person at this school premises/offsite activities, namely <provide particulars>; AND / OR
 - c. You have engaged (or are about to engage) in threatening or violent behaviour towards another person at the school premises/offsite activities, namely <provide particulars>; AND / OR
 - d. You have otherwise disrupted (or are about to disrupt) good order at this school premises/offsite activities, namely <provide particulars>; AND / OR
 - e. You do not have a good and lawful reason to be at the school premises/offsite activities <provide particulars>.

Complete and record a Record of Giving Form

Written direction s337 or s340

Calculate the number of calendar days.
Use the template for [s337](#) or [s340](#) to indicate the:

- terms of the direction
- grounds for giving the direction (why it’s being given), outlining the facts and circumstances that have formed the basis of the grounds
- time the direction is to remain in force; and
- review options available to the person, including timeframes and processes for requesting a review.

Deliver:

- in person
- by registered post
- using the Queensland Police Service.

Complete a [Record of Giving Form](#)

If the principal or the Director-General (DG) or [delegate](#) believe it would be appropriate for the DG or delegate to exercise the power under s340, the DG or delegate may do so.

or **Escalate** to the Director-General or [delegate](#)

Written direction s341

s341 direction – prohibiting entry to state school premises/offsite activities

s352 / s353 Order

Director-General (or [delegate](#)): Follow the [Application for prohibition on entering premises of instructional institutions](#)

Submit with QCAT, and once approved, arrange service of the documents on the person against whom the order is sought.

For advice and assistance, contact:

- a Principal Advisor at your **Regional Office** (CM 15/18162)
- **Statewide Operations** at Enquiries.DISSOps@qed.qld.gov.au
- The **Principal Hotline and Conflict Resolution** service at 1800 313 042 or visit [Principal Hotline and Conflict Resolution](#)

Monitor and Record

OneSchool
[Reports - School Management - Hostile Persons](#)

Employee wellbeing
[Employee Assistance Program](#)
[MyHR Workplace Health and Safety](#)

Directed/ordered person’s conduct

Compliant
Breach

No further action
Involve police and assess whether conduct requires further management

Human rights impact assessment: decision-making

Use this tool to determine if your decision is compatible with human rights under the *Human Rights Act 2019* and to document the outcome.

Human rights can be lawfully limited, if the limit is reasonable and justifiable. Keep this assessment as a record of how you considered human rights in your decision. Include information about your assessment (use of the outcomes summary) in briefing notes, even if no limitations were identified.

Find instructions for using the *impact assessment table* on Page 2.

Decision/Project/Program description	
Which individuals or groups will be affected by the decision?	
Business area/School completing assessment	Division/Region
What law or regulation allows you to make this decision?	<i>E.g. the Education General Provisions Act (2006)</i>

IDENTIFY	IMPACT	JUSTIFICATION	OUTCOME
Are human rights engaged by the decision?	Are these rights limited or promoted by the decision?	Is there a good reason for any limitation and is it justifiable?	Is the decision compatible with human rights? Consider all rights engaged.

Approval to progress

Assessed by	Name	Approved by	Name	
		(Level of approval determined by business area)		
	Position		Position	Date




Human rights obligations

To comply with the *Human Rights Act 2019 (Qld)* (the Act), as a public service employee you have to:

1. think about human rights when you make decisions; and
2. act and make decisions in a way that is consistent with human rights law (compatible with human rights).





This applies when you deal directly with individuals, such as students and caregivers, or make a recommendation that will affect people. Your obligations also apply to internal policies and decisions, such as recruitment and other human resource matters. A breach of these obligations is unlawful. Read more about [complying with the Act](#).



Authorising Law

Before undertaking a human rights impact assessment, you must consider if there is a law or regulation that allows you or the decision maker to make this decision and limit a person's rights. If you cannot identify a law or regulation, then you may not be able to limit the right. For example, a decision to limit the human right to privacy by installing CCTV to ensure the safety of students must be authorised by law.

Using the impact assessment table

	IDENTIFY	Identify who is affected by this decision. Identify which human rights are engaged. If no human rights are engaged, proceed to the outcome summary step. (See list of rights Pg. 3 or Guide: <u>Nature and scope of the protected human rights</u> for further information)
	IMPACT	Consider the positive (promoted) and/or negative (limited) impact on the identified human rights of those affected. Rights are limited if it stops the person enjoying their rights or changes the way a person enjoys their rights. If you aren't limiting any rights, proceed to the outcome summary step.
	JUSTIFICATION	<p>If human rights are limited, is there a good reason and is it justifiable?</p> <ul style="list-style-type: none"> • What is the purpose of the decision? What are you trying to achieve? • Will the decision actually achieve the purpose? Is there material/evidence available to support this? • Is there a less restrictive and reasonably available way to achieve the purpose? • Do the benefits gained by the decision outweigh the limits to human rights? (Guide: <u>When human rights may be limited;</u> Guide: <u>Human rights in decision making</u>) <p>Proceed to the outcome summary step.</p>
	OUTCOME	<p>If the decision does not engage any rights; does not limit any rights; or, limits rights in a way that is reasonable and justifiable, then your decision is consistent with the <i>Human Rights Act 2019</i> (compatible with human rights).</p> <p>If your decision limits human rights and there is not a good reason, it is not consistent with the <i>Human Rights Act 2019</i> (incompatible with human rights). You will need to make a different decision or act in another way to achieve your purpose.</p>

Human rights – summary and examples of potential limitations

The below table outlines the 23 sections of human rights protected under the Act. Further information can be found at [Queensland Human Rights Commission](#) and in the [Guide: Nature and scope of the rights](#).

s.	Human right	Summary	Examples of potential limitations
15	Recognition and equality before the law	Everyone is entitled to equal and effective protection against discrimination, and to enjoy their human rights without discrimination.	<ul style="list-style-type: none"> Delivery of an entitlement or service (or imposing compliance options) to some groups but not others. A policy, process or eligibility that disproportionately affects a group in the community.
16	Right to life	Every person has a right to life and the right not to be arbitrarily deprived of life. The right to life includes a duty on government to take appropriate steps to protect the right to life.	<ul style="list-style-type: none"> Withholding life sustaining services (such as medical or welfare services), use of deadly force, not adequately protecting lives of people in care (or in your care), including harm they may do themselves.
17	Protection from torture and cruel, inhuman or degrading treatment	A person must not be tortured, treated or punished in a cruel, inhuman or degrading way or subjected to medical treatment or experiments without their full and informed consent.	<ul style="list-style-type: none"> Causing a person serious physical or mental pain, suffering or humiliation. Crisis intervention strategies or behaviour management plans that include the use of: seclusion; chemical, physical or mechanical restraint; or containment. Policy that regulates treatment of students or authorises a person to be searched
18	Freedom from forced work	A person must not be forced to work or be made a slave. A person is a slave when someone else has complete control over them.	<ul style="list-style-type: none"> Compels the provision of any labour or the performance of any service under threat of a penalty.
19	Freedom of movement	Every person lawfully within Queensland has the right to move freely within the state, and to enter and leave it and has the freedom to choose where they live.	<ul style="list-style-type: none"> Physical or procedural barriers, such as requiring permission to enter, move about or preventing access to school grounds. Monitoring a person's movements.
20	Freedom of thought, conscience, religion and belief	Every person has the right to think and believe what they want. This includes the freedom to have or choose a religion and demonstrate that religion individually or as part of a group, in public or private.	<ul style="list-style-type: none"> Requiring a person to disclose their religion or belief, or regulating conduct that affects a person's worship, observance, practice or teaching of religion or belief. Regulating dress code which prevents a person from demonstrating their belief. Mandating attendance at religious instruction or instruction not of your choice.
21	Freedom of expression	Every person has the right to hold an opinion without interference. This includes the right to seek, receive and share information and ideas orally, in writing, in print, by way of art or in any other medium.	<ul style="list-style-type: none"> Regulating or requiring approval of the manner, content and format of expression, such as dress codes. Censoring materials or regulating/restricting an individual's access to information.
22	Peaceful assembly and freedom of association	Every group has the right to join groups and assemble peacefully.	<ul style="list-style-type: none"> Limiting the ability to hold gatherings. Treating people differently on the basis of their membership of a group or association or prohibiting membership to a group or association.
23	Taking part in public life	Every person has the right to take part in the public life of the State, such as the right to vote or run for public office.	<ul style="list-style-type: none"> Limiting a person's ability to take part in local and state government elections. Limits a person's access, on general terms of equality, to the public service and to public office, including eligibility requirements for public service positions.
24	Property rights	All persons have the right to own property and must not have that property taken arbitrarily, unless the law says it can be taken.	<ul style="list-style-type: none"> Seizing or requiring forfeiture of a person's property. A policy that allows a public entity access to a person's private property.
25	Privacy and reputation	A person's privacy, family, home and correspondence must not be unlawfully interfered with. A person's reputation must not be unlawfully attacked.	<ul style="list-style-type: none"> Personal information and data collection, surveillance (CCTV), mandatory reporting and mandatory disclosure, inspecting private communication, search powers, physical intervention, physical examination, and interfering with physical and mental integrity, including appearance, clothing, gender, sexuality and home.

s.	Human right	Summary	Examples of potential limitations
26	Protection of families and children	Families are the fundamental group unit of society and entitled to protection by society and the State. Every child has the right to protection they need that is in the best interests as a child.	<ul style="list-style-type: none"> • Limits to survival or development of a child to the maximum extent possible. • Limiting any aspect of care of children (or ability to provide care), including children cared for by parents, guardians, informal carers, children out of home care, children with disability, parents and carers with a disability.
27	Cultural rights-generally	Persons with particular cultural, religious, racial and linguistic backgrounds have a right to enjoy their culture, declare and practice their religion, and use their language.	<ul style="list-style-type: none"> • Limiting observance of any religious practices, or limiting communication in languages other than English. • Restricting capacity for persons to declare or make public their affiliation to a particular racial, religious or cultural group.
28	Cultural rights-Aboriginal peoples and Torres Strait Islander peoples	Aboriginal and Torres Strait Islander peoples in Queensland hold distinct cultural rights. They include the rights to practice their beliefs and teachings, use their languages, protect and develop their kinship ties, and maintain their relationship with the lands, seas and waterways.	<ul style="list-style-type: none"> • Limiting the ability of Aboriginal persons to take part in cultural practice or otherwise interferes with their distinct cultural practices, or prohibits the use of traditional language. Includes recognition that the concept of 'kinship' differs in Aboriginal culture to non-Aboriginal culture.
29	Right to liberty and security of person	The right to liberty protects the right to not be arrested or detained except in accordance with the law. The right to security of the person includes protection of the physical and mental integrity of a person.	<ul style="list-style-type: none"> • Detaining a person for treatment for a mental illness or on safety grounds, such as intoxication or threat to others; or because of behaviour. • Restrictive practices. • Not responding appropriately to complaints of bullying.
30	Humane treatment when deprived of liberty	People have the right to be treated with humanity if they are accused of breaking the law and are detained. This right extends to a person being detained for reasons outside the parameters of criminal law.	<ul style="list-style-type: none"> • Relates to the conditions under which someone may be detained (e.g. prisons, mental health services). • Restrictive practices.
31	Fair hearing	A person has the right to have criminal charges or civil proceedings decided by a competent, independent and impartial court or tribunal after a fair and public hearing.	<ul style="list-style-type: none"> • Rules of evidence and procedure in courts and tribunals, including safeguards for witnesses such as children or vulnerable persons. • Restricting publication of court proceedings.
32	Rights in criminal proceedings	Minimum guarantees that apply when charged with a criminal offence, including the right to an interpreter, lawyer, to be heard without delay.	<ul style="list-style-type: none"> • Regulates aspects of criminal trial procedure.
33	Children in the criminal process	A detained child must not be held with adults. They must also be brought to trial as quickly as possible and treated in a way appropriate for their age.	<ul style="list-style-type: none"> • Holding children in amenities that have limited facilities or services for the care and safety of children during the criminal process.
34	Right not to be tried or punished more than once	If a person has been acquitted or convicted for an offence, they must not be tried or punished again.	<ul style="list-style-type: none"> • Applies only to criminal offences. • <u>Does not</u> include disciplinary actions.
35	Retrospective criminal laws	A person cannot be punished or prosecuted for things that were not criminal offences at the time they were committed.	<ul style="list-style-type: none"> • Creating new criminal offences or amending offence provisions.
36	Right to education	Every child has the right to have access to primary and secondary education appropriate to their needs. Every person has the right to have access, based on their abilities, to further vocational education and training that is accessible to all.	<ul style="list-style-type: none"> • Action not consistent with the <i>Education (General Provisions) Act 2006</i> (Qld). • Limiting public education service delivery. • Failing to tailor education and its mode of delivery for students such as migrants, refugees, working students, students with children, students in detention, homeless students and students with disabilities.
37	Right to health services	Every person has the right to access health services without discrimination. A person must not be refused necessary emergency medical treatment.	<ul style="list-style-type: none"> • Limiting access to health facilities, goods, including essential medications and services especially for vulnerable or marginalised groups.

Education (General Provisions) Act 2006 (the Act)

	Type of direction/order	Duration	Issued by	Conduct or circumstances necessitating direction/order	Essential information
Section 337	<p>Written direction about conduct or movement</p> <p><i>Note: this direction cannot be used to prohibit entry to school premises.</i></p>	<p>Up to 30 days*</p> <p>(*calendar days, NOT school days)</p>	Principal	<p>Direction can be given if reasonably satisfied it is necessary to:</p> <ul style="list-style-type: none"> ensure the safety or wellbeing of other persons lawfully at the school premises prevent or minimise damage to the premises or property at the premises maintain good order and proper management at the premises. 	<p>Follow Section 337 – Direction letter template - about conduct or movement (up to 30 days)</p> <p>The written direction must state:</p> <ul style="list-style-type: none"> the terms of the direction the ground/s for the direction, the facts and circumstances forming the basis for the ground/s (including dates and times and a verbatim account of any insults or foul language used) the time the direction is to remain in force (up to 30 days) review options available to the person, including timeframes and processes for requesting a review. <p>Records must be entered into OneSchool under School Management>Hostile Person.</p> <p>Issuer must complete and file in OneSchool Section 337 and Section 340 – Record of giving form¹.</p> <p>Review provision Reviewable under s338 of the Act with the person required to submit an application within 7 days (or if the direction is for less than 7 days, before the direction ends) and the Director-General (or delegate) making a decision within 5 business days.</p>
Section 339	<p>Verbal direction to immediately leave and not re-enter school premises</p>	24 hours	Principal	<p>Direction can be given if there is a reasonable suspicion the person has, or is about to:</p> <ul style="list-style-type: none"> commit an offence at the premises use threatening, abusive or insulting language engage in threatening or violent behaviour; or disrupt good order at the premises or does not have a good and lawful reason to be at the premises 	<p>Follow Section 339 – Script for giving oral direction – leave and not re-enter (24 hours)</p> <p>The oral direction must include:</p> <ul style="list-style-type: none"> the terms of the direction the ground/s for the direction and the time during which the person may not re-enter the premises (which must not exceed 24 hours). <p>Records must be entered into OneSchool under School Management>Hostile Person. Issuer must complete and file in OneSchool Section 339 - Record of giving form</p> <p>Not reviewable.</p>
Section 340	<p>Written direction prohibiting entry to school premises</p> <p><i>Note: this direction may be used when a s337 or s339 direction is insufficient e.g., less serious directions have been breached, there have been multiple less serious directions, or the conduct merits immediate, serious consequences.</i></p>	Up to 60 days*	Principal	<p>Direction can be given if reasonably satisfied that, unless the direction is given, the person is likely to:</p> <ul style="list-style-type: none"> cause physical harm, or apprehension or fear of physical harm, to another person when the other person is at the premises damage the premises or property at the premises; or disrupt the good order or management of the institution. 	<p>Follow Section 340 – Direction letter template – prohibition (up to 60 days)</p> <p>The written direction must state:</p> <ul style="list-style-type: none"> the terms of the direction the ground/s for the direction the facts and circumstances forming the basis for the ground/s (including dates and times and a verbatim account of any insults or foul language used) the time the direction is to remain in force (up to 60 days) review options available to the person, including timeframes and processes for requesting a review. <p>Records must be entered into OneSchool as a Hostile person. Issuer must complete and file in OneSchool the Section 337, s340 and s341 - Record of giving¹ form.</p> <p>Review provision Reviewable under sections 390-392 of the Act if the person submits a written application within 30 school days (can be extended) and the Director-General (or delegate) making a review decision within 40 school days of receiving an application for review.</p>

*calendar days, NOT school days

¹ Direction may be given by:

- handing it to the person concerned
- sending it to the person's home address as recorded on school records by registered post as it provides evidence the physical documents have been received. Please note that posting the direction can delay its effectiveness; or
- where appropriate, engaging the Queensland Police Service or a process server to serve the direction documents on the person (ensure that the police or process server complete an affidavit of service concerning delivery of the documents).

	Type of direction/order	Duration	Issued by	Conduct or circumstances necessitating direction/order	Essential information
Sections 340 - 340A	<p>Written direction prohibiting entry to school premises</p> <p>Note: <i>this direction would be used if it would not be appropriate for the principal to give a s340 direction (e.g., due to breach of natural justice, perception of bias, or principal is unable to act impartially or dispassionately in the circumstance).</i></p>	Up to 60 days*	Director-General (or delegate)	<p>Principal may refer to Director-General (or delegate) if they reasonably believe it would be appropriate for Director-General (or delegate) to exercise the power to give a person a written direction under s340.</p> <p>Director-General (or delegate) may exercise the power in s340 if they reasonably believe it would be appropriate for them to do so.</p> <p>As for s340 (above)</p>	<p>Principal: Completes Sections 340 and 340A and Section 341 – Principal letter to Regional Director requesting a direction providing:</p> <ul style="list-style-type: none"> the facts and circumstances forming the basis for the ground/s (including dates and times and a verbatim account of any insults or foul language used) all documents relevant to the request (including witness statements). <p>Director-General (or delegate): Follow Sections 340 - 340A – Direction letter template (up to 60 days)</p> <p>States the same information as a s340 (see above)</p> <p>Records must be entered into OneSchool under School Management>Hostile Person. Issuer must complete and file in OneSchool the Section 337, s340 and s341 - Record of giving¹ form.</p>
Section 341	<p>Written direction prohibiting entry to school premises</p> <p>Note: <i>this direction may be appropriate when there have been repeated breaches of a s337 or a breach of a s340, or actual or threatened serious violence towards a staff member, student or other person.</i></p>	More than 60-days* but not more than 1-year	Director-General (or delegate)	As for s340 (above).	<p>Principal: Completes Sections 340 and 340A and Section 341 – Principal letter to Regional Director requesting a direction and</p> <p>Requester: Completes Section 341 - Briefing note to Director-General (or delegate), stating:</p> <ul style="list-style-type: none"> the direction being sought and the reason for seeking it facts and circumstances forming the basis of the request (including dates and times and a verbatim account of any insults or foul language used and any history of behaviour or prior directions or orders given to the person); and any other information or material relevant to the decision. <p>Director-General (or delegate): If the direction is to be given, it must be provided in writing using the Section 341 – Direction letter template and include:</p> <ul style="list-style-type: none"> the terms of the direction, including the time the direction will remain in force and implications for the person the ground/s for the proposed direction the facts and circumstances provided by the Requester (as above) in forming the basis of the ground/s for the proposed direction (including dates and times and a verbatim account of any insults or foul language used) how the person can make an application to QCAT for a review of the final decision. <p>Records must be entered into OneSchool under School Management>Hostile Person.</p> <p>Review provision Reviewable under s397 of the Act by application to QCAT for external review.</p>
Section 352 or 353	<p>Order prohibiting entry to all state schools and non-state schools (s352 of the Act) or all state schools (s353 of the Act)</p> <p>Note: <i>this direction may be appropriate when there have been repeated breaches of a s337 or s340 directions, or actual or threatened serious violence towards a staff member or student at one or more state or non-state schools.</i></p>	Up to 1-year	QCAT, on application from Director-General (or delegate)	<p>QCAT may make the order if satisfied, on the balance of probabilities, that:</p> <ul style="list-style-type: none"> the person poses an unacceptable risk to the safety or wellbeing of members of school communities in general (s352) the person poses an unacceptable risk to the safety or wellbeing of members of school communities of the institutions in general (s353). 	<p>Director-General (or delegate): Follow the Application for prohibition on entering premises of instructional institutions, file it with QCAT, and arrange service of the documents on the person against whom the order is sought.</p> <p>If order is made by QCAT, records must be entered into OneSchool under School Management>Hostile Person.</p>

Section 337 – Direction letter template about conduct or movement (up to 30 days)
Managing inappropriate and hostile conduct procedure

ADD SCHOOL LETTERHEAD

Name
Address

Dear Ms / Mr / Mrs Surname

On **date** at approximately **<time>** at the premises of **name of school** **OR** at **(use if conduct occurred outside premises of school)**, I am advised you engaged in inappropriate behaviour **OR** I observed you engage in inappropriate behaviour.
(Delete whichever option does not apply)

I have considered if I should make a direction under section 337 of the *Education (General Provisions) Act 2006* (the Act) about your conduct and movement at the school premises for **[insert period up to 30 calendar days]** days.

In making this decision, I have given proper consideration to relevant human rights, including your right to freedom of movement, under section 19 of the *Human Rights Act 2019*. I am satisfied that this decision is compatible with human rights.

My decision

On the basis of the material and the findings of fact outlined below, I am reasonably satisfied it is necessary to give a direction to you: **[Of the grounds below as listed in the legislation, delete whichever does not apply]**

- to ensure the safety or wellbeing of other persons lawfully at the premises;
- to prevent or minimise damage to the premises or to property at the premises;
- to maintain good order at the premises;
- for the proper management of the institution.

Under section 337 of the Act, I give you a direction in the following terms: **[Delete any that do not apply]**

- on entering the school premises you should proceed directly to the school office, sign in and wait there for the Principal (or the Principal's nominated representative)
- you are not to go elsewhere in the school premises or buildings without being accompanied by a staff member
- while on school premises you are not to enter classrooms or communicate to teachers or students (except your own child), without consent of the Principal (or the Principal's nominated representative)
- you are not to assault, threaten, harass, intimidate or annoy any person on school premises
- you must not raise your voice or use offensive language or gestures while on school premises
- you must not damage or destroy any property on school premises
- if you have any concerns, please arrange an appointment with the Principal (or the Principal's nominated representative), and

- when you wish to discuss the educational progress of your child, you are to request an appointment through the Principal (or the Principal's nominated representative).

[Delete red text before printing] These are standard directions that schools can rely upon. Schools should not add to or alter these conditions without discussing the alteration with Statewide Operations first, except where the alteration is to remove one or more of the conditions entirely. No direction should be amended or added which would directly or indirectly prohibit entry to the school.

This direction remains in force for a period of XX days after the date on which it is given to you. [Delete red text before printing] insert date and time direction expires, period to be up-to but not greater than 30 calendar days after date this letter is physically handed to person or, if posted, when it would arrive in the ordinary course of post – a record must be kept about the manner and time when the notice is given.

You must comply with this direction, unless you have a reasonable excuse. If you breach this direction your breach will be reported to the police and you may be subject to prosecution and a fine of no more than 20 penalty units. Information about penalty units is available from <https://www.qld.gov.au/law/crime-and-police/types-of-crime/sentencing-fines-and-penalties-for-offences/>.

Material relied upon

In making my decision, I considered the following material:

- Section 337 (found at <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.337>) [A hard copy of the relevant section of legislation must be provided]
- Departmental procedure *Directions and orders - Managing inappropriate and hostile conduct* (found at <https://ppr.qed.qld.gov.au/pp/managing-inappropriate-and-hostile-conduct-procedure>) [A hard copy of the procedure must be provided]
- A copy of number of witness statements from school staff / students / visitors concerning your behaviour at the school on date of incident
- Notes of conversation between [parties] on [date]
- [Etc. such as Photographs of..., CCTV footage showing... (Note: a copy of material evidence relied upon must be provided)]
- [List any other materials relating to the incident that occurred on that particular date e.g., information released from QPS to be used as evidence]
- [List any other previous direction issued to the person] A copy of a direction given to you pursuant to section 337 of the Act dated date

I have attached a redacted version of the material (to protect the privacy of individuals) for your consideration.

[Delete red text before printing] If your material consists of your own personal observations of an event and nothing else, then reduce your observations to a file note and attach the file note. Otherwise attach an edited version of relevant witness statements.

Findings of fact

On the basis of the material set out above, I am satisfied that you engaged in the following inappropriate behaviour:

[Delete red text before printing - Outline in as much detail as possible the facts forming the basis for the ground/s for the direction, including dates and times of when it occurred, details of where it occurred, and a verbatim account of any insults or foul language used. Do not use euphemisms. The following is an example of how this section should be completed

- *At approximately 8.45am on Monday, 1 September 2021, you were standing on the veranda of C Block within the school grounds.*
- *One of the school's students (Student A) walked into the school grounds with another student (Student B) and was below the veranda.*
- *You yelled at Student A using inappropriate and offensive language, namely saying words to the effect of 'I know that you've been talking shit about XXXX in the past.'*
- *The student replied 'No I haven't.'*
- *You then threatened Student A saying in a raised voice words to the effect of 'I know you have. You're a bitch. If you talk to XXXX again I'll bash you. You can tell your mother and I'll tell her to fuck off as well.'*
- *A number of students of the school were present and heard you threatening Student A and using inappropriate and offensive language.*
- *Student A walked away and was crying. She reported the incident to a staff member.*
- *The staff member took the student to the office to report the incident to administration.*
- *At approximately 9.00 am, you were talking to your son's teacher in his C Block classroom when the Deputy Principal approached you to discuss the incident. The Deputy Principal asked you whether there was an issue with Student A that you needed some help with?*
- *You replied in a very aggressive way, again using inappropriate and offensive language, saying words to effect of 'Student C was talking about XXXX and I'm sick of the five fucking girls (Students A and C and their sisters) talking about XXXX so I told Student A to tell her mother that she could fuck off because I hate Student A.....'*
- *The Deputy Principal advised you that your behaviour was inappropriate and that if you have concerns regarding a student's behaviour you must raise your concerns with the class teacher or principal so that they can be dealt with it according to the school's behavioural management processes.*
- *You then walked away and refused to discuss the incident further.*
- *Despite the earlier intervention of the Deputy Principal, at approximately 2.45 pm that day you again threatened Student A when she was near the front entrance to the school saying words to the effect of 'If you go near XXXX, I'll smash you and your sister.]*

[If relevant] Unfortunately, this is not the first occasion that you have engaged in inappropriate behaviour on school premises: [Delete before printing] Insert details of previous written directions, informal warnings or other inappropriate behaviour at any school.

-
-

Application for review

You may apply for a review of this decision under section 338 of the Act, by writing to:

[Insert name, title, address and email of relevant [delegate](#)] (Note: usually the Regional Director)

Your application must be in writing and be received within **seven calendar days** after you have been given this direction. Your application must state the grounds on which you want the direction to be reviewed and include your residential address.

If the direction is for fewer than seven days, the application must be received by the

[Insert name, title, address and email of relevant delegate] before the direction ends.
If the [Insert name, title, address and email of relevant delegate] does not tell you the outcome of your review within **five business days** of the application being made, the direction is taken to be cancelled.

Yours sincerely

Principal name
Principal
State School name

____/____/____

Enc.

CC:

Effective 8 July 2024

Section 337, 340 or 341 - Record of giving a direction

Instructions:

- To be completed by the person who mails or physically delivers the direction
- Print, sign and scan this form and file with the direction documents (in OneSchool – as a s337 or s340 hostile persons record – go to OneSchool – Reports – School Management – Hostile Persons, and physically in a secure space at the School's office)

Type of direction

s337 direction s340 direction s341 direction

Attached is a complete copy of the direction and its enclosures as provided to the person.

Details of person the direction was given to:

Name: _____

Address: _____

I know this to be the correct name and address of the person the direction was given to because:

- it is the current name and residential address for the person recorded in OneSchool
- it is the address provided by the person on request or as directed under s336
- _____

How was the direction given (check box that applies):

- by handing it to the person

Date: _____ Time: _____ Place: _____

I know that it was given to the person to whom the direction was issued because: (e.g. (Student name) identified that person as her mother and I used her name in handing it to her; or the person is known to me and I used his name in handing it to him)

- by posting it to the person at the above address
(Note: Post by Registered mail)

Date: _____ Time: _____

Tracking number (or attach sticker): _____

- by leaving it at the above address

Date: _____ Time: _____

Where was it left? (e.g. letterbox, front door): _____

- by giving it to a process server or police officer to serve to the person

Date: _____ Time: _____

Name of process server: _____

Name, rank and registered number of police officer: _____

Optional step: when emailing, ensure a *Delivery and Read Receipt* notification has been activated for the purposes of verification of receiving the direction and accompanying documents.

I also emailed the direction and its enclosures to the person at [email address].
(Note: Request and print Delivery Receipt and Read Receipt to attach to this form)

Section 337, 340 or 341 - Record of giving a direction

Date: _____ Time: _____

Name, Position & School

Date

Signature

Effective 8 July 2024

Record of Giving s339 Direction

Section 339 - Record of giving oral direction to immediately leave and not re-enter for 24 hours

Name of prohibited person: (if known) _____

Identifying particulars of prohibited person (if person is not known to person giving direction): (i.e photograph, confirmation by third party etc):

- I was satisfied the person was not an exempt person i.e. a student, employee or contractor

When direction given:

Date: _____

Time: _____

It was necessary to give the direction because:

- The person had committed, or was about to commit, an offence at the premises, namely:

- The person had used, or was about to use, threatening, abusive or insulting language towards another person at the premises, namely:

- The person engaged, or was about to engage, in threatening or violent behaviour towards another person at the premises, namely:

- The person otherwise disrupted, or was about to disrupt, good order at the premises, namely:

- The person did not have a good and lawful reason to be at the premises, namely:

Record of Giving s339 Direction

Content of direction (what was said to the prohibited person):

Standard script for giving a s339 direction

Facts relied upon as basis for direction (what was said / done / observed / and by whom):

Outcome of giving direction (i.e. person left the premises, police were called)

Additional notes

Name, Position & School Name

Signature

Date

A copy of this completed form must be filed in OneSchool as a s339 Hostile persons record. Go to OneSchool – Reports – School Management – Hostile Persons

Script for giving a s339 direction

Section 339 - SCRIPT FOR GIVING AN ORAL DIRECTION TO IMMEDIATELY LEAVE AND NOT RE-ENTER FOR 24 HOURS

Pursuant to section 339 of the *Education (General Provisions) Act 2006*:

- I am directing you to immediately leave the premises of the school or offsite school activity;
- You are not permitted to return to the premises of the school or offsite school activity for a period of 24 hours from the giving of this direction, namely not before **XXXX** tomorrow;
- I am giving you this direction because I reasonably suspect that **(choose one or more of the grounds below as listed in the legislation)**:
 - (a) You have committed, or are about to commit, an offence at the school premises or offsite school activity, namely **(provide particulars)**; AND / OR
 - (b) You have used, or are about to use, threatening, abusive or insulting language towards another person at the school premises or offsite school activity, namely **(provide particulars)**; AND / OR
 - (c) You have engaged, or are about to engage, in threatening or violent behaviour towards another person at the school premises or offsite school activity, namely **(provide particulars)**; AND / OR
 - (d) You have otherwise disrupted, or are about to disrupt, good order at the school premises or offsite school activity, namely **(provide particulars)**; AND / OR
 - (e) You do not have a good and lawful reason to be at the school premises or at the offsite school activity **(provide particulars)**.

If you do not comply with the direction to immediately leave the school premises or offsite school activity the police will be called.

NOTE: You may require the person to give their name and residential address. A warning must be given that, unless the person has a reasonable excuse, failing to state their name or residential address is an offence (s336 *Education (General Provisions) Act 2006*). If you reasonably suspect the stated name or address is false, you can require evidence of the correctness of their name or address.

A Record of Giving s339 Direction form must be completed and a file kept in OneSchool as a s339 Hostile persons record. (Go to OneSchool-Reports-School Management-Hostile Persons)

ADD SCHOOL LETTERHEAD

Name
Address

Dear Ms / Mr / Mrs Surname

On **date** at approximately **time** at the premises of **name of school OR** at (use if conduct occurred outside premises of school), I am advised you engaged in inappropriate behaviour **OR** I observed you engage in inappropriate behaviour. (Delete whichever option does not apply).

I have considered if I should make a direction under section 340 of the *Education (General Provisions) Act 2006* (the Act) prohibiting you from entering the premises of the school for **[insert period up to 60 calendar days]**.

My decision

On the basis of the material and the findings of fact outlined below, I have decided to issue a direction prohibiting you from entering the premises of **school name**.

This direction remains in force for **[insert period as stated above]** after the date on which it is given to you.

The date of my decision is **date**.

You must comply with this direction, unless you have a reasonable excuse. If you breach this direction your breach will be reported to the police and you may be subject to prosecution and a fine of no more than 30 penalty units. Information about penalty units is available from <https://www.qld.gov.au/law/crime-and-police/types-of-crime/sentencing-fines-and-penalties-for-offences/>.

Material relied upon

In making my decision, I considered the following material:

- Section 340 of the Act (found at <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.340>) [A hard copy of the relevant section of legislation must be provided]
- Departmental procedure *Directions and orders - Managing inappropriate and hostile conduct* (found at <https://ppr.qed.qld.gov.au/pp/managing-inappropriate-and-hostile-conduct-procedure>) [A hard copy of the procedure must be provided]
- A copy of **number of** witness statements from **school staff / students / visitors** concerning your behaviour at the school on **date of incident**
- **Notes of conversation between [parties] on [date]**
- **[Etc. such as photographs of..., CCTV footage showing... (Note: a copy of material evidence relied upon must be provided)]**
- **[List any other materials relating to the incident that occurred on that particular date e.g., information released from QPS to be used as evidence]**

[List any other previous direction issued to the person] A copy of a direction given to you pursuant to section 337 of the Act dated **date**

I have attached a redacted copy of this material (to protect the privacy of individuals) for your consideration.

Findings of fact

On the basis of the material set out above, I am satisfied that you engaged in the following inappropriate behaviour:

[Delete red text before printing - Outline in as much detail as possible the facts forming the basis for the ground/s for the direction, including dates and times of when it occurred, details of where it occurred, and a verbatim account of any insults or foul language used. Do not use euphemisms. The following is an example of how this section should be completed.

- On [date], at approximately 5.00pm, you attended at XXX State School in order to collect your son from the Outside School Hours Care service. At approximately 5.00pm you approached the administration block;
- You met the Deputy Principal at the rear door of the block. She had just closed the rear door to leave the building for the day and turned to find herself standing face to face with you;
- The Deputy Principal was accompanied by the Business Services Manager;
- You began swearing - calling the Deputy Principal a "little fuck" and a "fucking bitch". Your demeanour was aggressive; the volume of your voice was loud;
- The Deputy Principal felt very intimidated by your actions;
- You moved forward in an aggressive stance continuing to yell insults and threats;
- Your aggression escalated and you punched the wall of the building, directly in front of the Business Service Manager's face, with force; the force was sufficient to break the wall cladding of the exterior wall;
- I walked out of the administration block and directed you to leave the school grounds three times. You did not comply;
- You continued to swear at and verbally abuse the Deputy Principal as you left the grounds after the third direction to leave the school;
- I re-entered the administration building and called the police;
- You re-entered the grounds approximately 15 minutes later despite previously being directed to leave;
- The Deputy Principal and I locked ourselves in the Administration building and called 000 for assistance;
- You started to bang hard on windows and doors, yelling out to staff inside the building. You continued to bash the windows and the doors;
- I instigated a school lockdown because cleaners were on site and the Outside School Hours Care service was still operating;
- You left the grounds before police attended;
- I understand that police have subsequently spoken to you about this matter and that they have pressed charges against you, namely 1 x Wilful disturbance (section 333, of the Act);
- Your actions were witnessed by other staff and students;
- This is not the first occasion on which you have engaged in inappropriate behaviour on school premises / against school staff / school visitors. On XX August you were served with a direction under section 337 of the Act.]

Reasons for my decision

Uncontrolled copy. Refer to the Department of Education Policy and Procedure Register at <https://ppr.qed.qld.gov.au/pp/managing-inappropriate-and-hostile-conduct-procedure> to ensure you have the most current version of this document.

I am issuing this direction under section 340 of the Act because I am reasonably satisfied based on the material (set out above) and the findings of fact (set out above), that unless a direction is given you are likely to: [of the following grounds below as listed in the legislation, delete whichever is not applicable]

- cause physical harm to, or apprehension or fear of physical harm in, another person when the other person is at the school premises;
- damage the school premises or property at the school premises; and
- disrupt the good order or management of the school.

In making this decision, I have given proper consideration to relevant human rights, including your right to freedom of movement, under section 19 of the *Human Rights Act 2019*. I am satisfied that this decision to prohibit you from entering the premises of **name of school** for a period of **XX** time is reasonable and justifiable and is compatible with human rights.

Application for review

You may apply for a review of this decision under section 390 of the Act, by writing to:

[Insert name, title, address and email of relevant [delegate](#)] (Note: usually the Regional Director)

Your application must be in writing and be received within **30 school days** after you have been given this direction.

Your application must explain the grounds on which you want the direction to be reviewed and why you disagree with this direction. It must also be supported by enough information to enable the [Insert title of relevant [delegate](#)] to decide the application.

If you require more time to make your application you may apply in writing to the [Insert title of relevant [delegate](#)] for an extension of time.

Yours sincerely

Principal name
Principal
State School name

____/____/____

Ref:

Enc

CC:

Section 341 – Final decision - Direction letter template (up to 1 year)
Managing inappropriate and hostile conduct procedure

Name
Address

Dear Ms / Mr / Mrs Surname

I refer to allegations that you behaved inappropriately while on the premises of **school name** on **date**. I have made a decision in relation to a direction pursuant to section 341 of the *Education (General Provisions) Act 2006* (the Act).

[Include if decision is being made by the Director-General's Delegate] For the issuing of a direction under section 341 of the Act, I am the Director-General's delegate.

My decision

I have decided to issue a direction prohibiting you from entering the premises of **school name**. This direction remains in force for **[insert period (greater than 60 days, not greater than one year)]** after the date on which it is given to you.

The date of my decision is **[insert]**.

You must comply with this direction, unless you have a reasonable excuse. If you breach this direction, your breach will be reported to the police and you may be subject to prosecution and a fine of no more than 40 penalty units. Information about penalty units is available from <https://www.qld.gov.au/law/crime-and-police/types-of-crime/sentencing-fines-and-penalties-for-offences/>.

Material relied upon

In making my decision, I considered the following material:

- Section 341 of the Act
<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2006-039#s.341>
- Departmental procedure *Managing inappropriate and hostile and conduct*
<https://ppr.qed.qld.gov.au/pp/managing-inappropriate-and-hostile-conduct-procedure>)
- A copy of **number of** witness statements from **school staff / students / visitors** concerning your conduct at the school on **date of incident**
- **[List any other materials related to the incident that occurred on that particular date e.g. OneSchool record of police contact]**
- **[List any other previous direction issued to the person]** A copy of a direction given to you pursuant to section 337 of the Act dated **date**.

A copy of this material is attached (redacted to protect individual privacy).

Findings of fact

On the basis of the material set out above I made the following findings of fact:

(example of how this section should be completed)

- *On [date] you attended XXX School in order to meet with the Principal regarding the suspension of XXXXXX:*
 - *At approximately 12:45pm, you entered the administration building and asked to see the Principal. When told the Principal was in a meeting, you said "I don't care where he is. I'll pull him out". You identified yourself as XXXXX.*

- *The Principal was contacted by staff, left the meeting and walked towards the administration building to meet with you.*
- *You said to the Principal “Your time for talking is over you need to fucking listen. You’re a fucking dog.”*
- *The Principal asked you to calm down so that he could discuss your issue with you.*
- *As the Principal walked past you, you hit him in the head from the side without warning and he fell to the ground hitting his head on the concrete.*
- *You then grabbed and punched in the chest, a contractor, Mr A, who had attempted to intervene.*
- *When the Principal moved inside the administration building, you followed him and continued to make threats including “You’re a dead man”, “I’ll take you outside and finish you off”, “I’ll hunt you down like the dog you are and kill you”, “You’re as good as dead if XXXX isn’t back at school tomorrow”.*
- *You repeatedly swore at school staff using the words “fuck” and “cunt”*
- *The Principal reports that your actions were witnessed by two contractors and two administrative staff.*
- *Subsequently you left the administration building and drove away from the school in your car.*
- *Queensland Police Service was notified of the incident. On [date], you were subsequently arrested and charged with assault occasioning bodily harm, common assault and threatening violence under the Criminal Code.*
- *This is not the first occasion upon which you have engaged in inappropriate behaviour on school premises or in respect of school staff:*
 - *You have previously been issued a section 337 direction by Mr XXXX, A/ Principal of XXXX State School, on [date]; and*
 - *You have previously been issued a section 340 direction prohibiting you from entering the premises of XXXX State School by the Regional Director, XXXX Region, on [date].*

Reasons for my decision

I am issuing this direction under section 341 of the Act because I am reasonably satisfied, based on the material (set out above) and the findings of fact (set out above), that unless a direction is given, you are likely to: **[of the grounds below as listed in the legislation, delete whichever is not applicable]**

- cause physical harm to, or apprehension or fear of physical harm in, another person when the other person is at the school premises; or
- damage the school premises or property at the school premises; or
- disrupt the good order or management of the school.

In making this decision, I have given proper consideration to relevant human rights, including your right to freedom of movement, under section 19 of the *Human Rights Act 2019*. I am satisfied that this decision to prohibit you from entering the premises of [name of school] for a period of [period of time] is reasonable and justifiable and is compatible with human rights.

Application for review

You may apply to the Queensland Civil and Administrative Tribunal (QCAT) for a review of the decision under section 397 of the Act.

To apply for a review, fill out the “Form 23 - Application to review a decision” which is available from QCAT as detailed at

https://www.qcat.qld.gov.au/_data/assets/pdf_file/0008/101006/form-23-app-review-decision.pdf and may be lodged:

- **In person:** Level 11, Bank of Queensland Building, 259 Queen Street, Brisbane QLD 4000, or at any local magistrate's court outside of the Brisbane CBD; or
- **By mail:** QCAT, GPO Box 1639, Brisbane 4001

Applications must be accompanied by the prescribed application fee. Information about the relevant fee may be located at <http://www.qcat.qld.gov.au/applications/fees-and-allowances>.

The application must be lodged within 28 days of receiving this notice.

You must lodge a copy of this notice with your application.

You may apply under section 22 of the *QCAT Act 2009* for an order staying the operation of my decision. If you wish to apply for a stay, you will need to indicate this in the form in which you apply for a review of the decision.

More information about the QCAT is available at:

- <https://www.qld.gov.au/law/court/queensland-civil-and-administrative-tribunal/resolve-disputes-at-qcat/>
- <http://www.qcat.qld.gov.au/>

Yours sincerely

**Director-General's name [OR name of Director-General's Delegate]
Director-General [OR position of Director-General's Delegate]
Department of Education**

_____/_____/_____

Ref:

Enc

CC: Regional Director, **Region Name**
Principal, **School Name**

Sections 340 - 340A – Direction letter template (up to 60 days)
Managing the inappropriate and hostile conduct procedure



Name
Address

Department of
Education

Dear Ms / Mr / Mrs Surname

I refer to allegations that you behaved inappropriately while on the premises of **school name** on **date**. In respect of this matter, I have been asked to make a direction pursuant to section 340 of the *Education (General Provisions) Act 2006* (the Act) prohibiting you from entering the premises of the school for **XX** days.

[insert if decision by delegate] For the issuing of a direction under section 340A of the Act, I am the Director-General's delegate.

My decision

I have decided to issue a direction prohibiting you from entering the premises of **school name**. This direction remains in force for **[insert period (up to 60 calendar days)]** days after the date on which it is given to you.

The date of my decision is **date** **[Director-General or delegate to enter this date following consideration of the matter. It would be the date the Director-General or delegate approved the recommendation on the associated General Briefing Note].**

You must comply with this direction, unless you have a reasonable excuse. If you breach this direction your breach will be reported to the police and you may be subject to prosecution and a fine of no more than 30 penalty units. Information about penalty units is available from <https://www.qld.gov.au/law/crime-and-police/types-of-crime/sentencing-fines-and-penalties-for-offences/>.

Material relied upon

In making my decision, I considered the following material:

- Sections 340 and 340A of the Act
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.340> **[A hard copy of the relevant section of legislation must be provided]**
- Departmental procedure *Directions and orders - Managing inappropriate and hostile conduct*
<https://ppr.qed.qld.gov.au/pp/hostile-people-on-school-premises-wilful-disturbance-and-trespass-procedure> **[A hard copy of the relevant section of legislation must be provided]**
- A request from the principal of **school**, pursuant to section 340A of the Act to issue you with a section 340 direction
- A copy of **number of** witness statements from **school staff, students, parents, other people** concerning your conduct at the school on **date of incident**
- **Notes of conversations between [parties] on [date]**
- **[Etc. such as photographs of..., CCTV footage showing... (Note: a copy of material evidence relied upon must be provided)]**
- **[List any other materials related to the incident that occurred on that particular date e.g. OneSchool record of any action/s taken by QPS]**
- **[List any other previous directions issued to the person]** A copy of a direction given to you pursuant to section 337 of the Act dated **date**.

I have attached a redacted copy of this material (to protect the privacy of individuals) for your consideration.

Findings of fact

On the basis of the material set out above, I am satisfied that you engaged in the following inappropriate behaviour:

[Delete red text before printing - Outline in as much detail as possible the facts forming the basis for the ground/s for the direction, including dates and times of when it occurred, details of where it occurred, and a verbatim account of any insults or foul language used. Do not use euphemisms. The following is an example of how this section should be completed.

- *On [date], at approximately 5.00pm, you attended XXX State School in order to collect your son from the Outside School Hours Care service. At approximately 5.00pm you approached the administration block;*
- *You met the Deputy Principal at the rear door of the block. She had just closed the rear door to leave the building for the day and turned to find herself standing face to face with you;*
- *The Deputy Principal was accompanied by the Business Services Manager;*
- *You began swearing - calling the Deputy Principal a "little fuck" and a "fucking bitch". Your demeanour was aggressive; the volume of your voice was loud;*
- *The Deputy Principal indicated that he/she felt very intimidated by your actions;*
- *You moved forward in an aggressive stance continuing to yell insults and threats;*
- *Your aggression escalated and you punched the wall of the building, directly in front of the Business Service Manager's face, with force; the force was sufficient to break the wall cladding of the exterior wall;*
- *The Principal walked out of the administration block and directed you to leave the school grounds three times. You did not comply;*
- *You continued to swear at and verbally abuse the Deputy Principal as you left the grounds after the third direction to leave the school;*
- *The Principal re-entered the administration building and called the police;*
- *You re-entered the grounds approximately 15 minutes later despite previously being directed to leave;*
- *The Principal and Deputy Principal locked themselves in the Administration building and called 000 for assistance;*
- *You started to bang hard on windows and doors, yelling out to staff inside the building. You continued to bash the windows and the doors;*
- *The Principal instigated a school lockdown because cleaners were on site and the Outside School Hours Care service was still operating;*
- *You left the grounds before police attended;*
- *I understand that police have subsequently spoken to you about this matter and that they have pressed charges against you, namely 1 x Wilful disturbance (section 333, of the Act);*
- *Your actions were witnessed by other staff and students;*
- *This is not the first occasion on which you have engaged in inappropriate behaviour on school premises / against school staff / school visitors. On XX August you were served with a direction under section 337 of the Act.]*

Reasons for my decision

Pursuant to section 340A of the Act I am satisfied that it is appropriate for me as the Director-General [or delegate of the Director-General] to issue this direction.

I am issuing this direction under section 340 of the Act because I am reasonably satisfied based on the material (set out above) and the findings of fact (set out above),

that unless a direction is given you are likely to: [of the grounds below as listed in the legislation, delete whichever is not applicable]

- cause physical harm to, or apprehension or fear of physical harm in, another person when the other person is at the school premises;
- damage the school premises or property at the school premises; and
- disrupt the good order or management of the school.

In making this decision, I have given proper consideration to relevant human rights, including your right to freedom of movement, under section 19 of the *Human Rights Act 2019*. I am satisfied that this decision to prohibit you from entering the premises of [name of school] for a period of [period of time] is justifiable and reasonable and is compatible with human rights.

Application for review

You may apply to the Director-General for a review of this decision under section 390 of the Act, by writing to:

[Insert name, title, address and email of relevant [delegate](#)] (for s.340A, usually Regional Director)

Your application must be made in writing and be made within **30 school days** after you have been given this direction.

Your application must explain the grounds on which you want the direction to be reviewed and why you disagree with this direction. It must also be supported by enough information to enable the [Insert title of relevant delegate] to decide the application.

If you require more time to make your application, you may apply in writing to the [Insert title of relevant delegate] for an extension of time.

Yours sincerely

**Director-General's name [OR name of Director-General's delegate]
Director-General [OR position of Director-General's delegate]
Department of Education**

_____/_____/_____

Ref:

Enc.

CC: Regional Director, **Region Name**
Principal, **School Name**