

TRESPASS POLICY AND PROCEDURE

Category:	<i>Operational</i>	Approval date:	<i>November 2023</i>
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Authorised by: AFCT Board

Note: This Policy is also applicable to all Activate Education Group (AEG) Entities, namely, Achievement NZ Ltd, ACT Safety Ltd, Enform NZ Ltd, Instant Education Solutions Ltd, and Vision College Ltd.

Policy Statement

AFCT is committed to keeping all staff, students, contractors, visitors, members of the community, and any other person who comes onto any AFCT property, safe. To support this commitment, AFCT has put in place this policy to deal with a trespasser or persons causing concern or risk to any person or property on any AFCT property. This policy also outlines the procedure for dealing with the Trespass Notice.

Purpose

- To maintain a safe and secure environment for all members of the AFCT community.
- To protect the property and facilities owned or managed by AFCT.
- To outline the procedures for managing incidents of trespass and unauthorised access on an AFCT property.
- To enable the lawful removal of a person exhibiting unacceptable behaviour on an AFCT property and prevent their return, other than for legitimate reasons.
- To ensure AFCT staff comply with the Trespass Act 1980 when requiring a person to leave an AFCT property.
- To meet AFCT's obligations under the Health & Safety at Work Act 2015.

Definitions and Acronyms:

- **Trespass:** It refers to an unauthorised entry or presence on an AFCT property without express permission.
- **Trespasser:** Any individual who enters or remains on an AFCT property without proper authorisation.
- **Threatening Behaviour:** The likelihood of physical or emotional abuse of others. It can range from verbal to physical or violent acts.
- **Trespass Notice:** A trespass notice is a formal warning under the Trespass Act 1980 to leave and/or otherwise stay off an AFCT property. If the person to whom the notice is directed fails to leave and/or subsequently enters the property, they will have committed an offence and may be arrested and prosecuted by the Police.
- **AFCT:** Any entity in the Activate Faith Community Trust group of entities.
- **AFCT Staff:** Any staff from any of the AFCT entities.
- **AFCT Property:** It includes all indoor and outdoor spaces owned or leased by AFCT including vehicles or other forms of transportation owned or operated by AFCT.

Scope

This policy applies to all AFCT students, staff, contractors and any other person who comes onto any AFCT property.

How To Manage a 'TRESPASSER ON AFCT PROPERTY'?

- Refer to the Flowchart below.
- Refer to Appendix 1.1 below.

How To Manage a 'THREATENING OR VIOLENT PERSON ON AFCT PROPERTY'?

- Refer to the Flowchart below.
- Refer to Appendix 1.2 below.

Trespass Notice Protocol

1. Who can be issued with a Trespass Notice?

A Trespass Notice may be issued in situations including but not limited to:

- acts of violence or threats of violence against any person on an AFCT property
- disorderly behaviour that is disruptive to the AFCT community and property.

- intentional insult, abuse, or intimidation of any member of the AFCT community.
- person remains on AFCT property after lawfully being requested to leave.
- a person has committed a crime on an AFCT property or has indicated they may do so.

2. Who can issue or withdraw a Trespass Notice?

a. Pre-Issuance:

- Discussion between AFCT Group General Manager and Entity leader on that particular AFCT property.
- Discussion made as to whether Trespass Notice will be entity specific or site wide.

b. Issuance:

- Entity Leader will have the authority to issue the Trespass Notice if the incident is isolated to their entity and/or building. Trespass notices must be communicated in writing to the AFCT Group General Manager.
- AFCT Group General Manager will have the authority to issue site-wide trespass notices if the person poses a larger risk to more than one entity and/or building operating on the AFCT property.
- AFCT nominated person or an attending Police officer can serve the Trespass Notice.
- The Trespass Act 1980 does not allow delivery of a Trespass Notice by email or other electronic form.
- If a Trespass Notice is issued, it is important to let the Police know.
- For further information, refer to the 'Guidelines and Procedures' set below.

c. Withdrawal:

- A Trespass Notice is normally in place for two years. The Entity Leader can withdraw the Trespass Notice before this period, by informing the trespassed person in writing of the withdrawal. This must be communicated in writing to the AFCT Group General Manager for distribution to other entity leaders on the AFCT property.
- Only the AFCT Group General Manager can withdraw a site-wide Trespass Notice.
- All withdrawn Trespass Notices must be communicated in writing to the Police.

3. Guidelines and Procedures

1) Trespass Notice Form:

Click on the link to obtain a copy of the Trespass Notice Form: [Trespass Notice Form](#)

2) How to serve a Trespass Notice?

- <https://www.police.govt.nz/advice-services/personal-and-community-safety/trespass-notices>

3) Factors to consider when issuing a Trespass Notice:

- the immediate and future risk posed by the person's continued presence.
- the best interest of the students, staff and other members of the AFCT community.
- the orderly conduct of teaching, research and administration of AFCT.
- the protection of the property or resources of AFCT.
- the impact of the Trespass Notices on a Student, Employee or other members of the AFCT community.
- any other matters considered appropriate in the circumstances.

4) Reporting Trespass to the Police

- Any person known to be the subject of a current Trespass Notice who appears to have breached that notice must be reported to the Police on 111, after consulting the Entity Leader and/or AFCT Group General Manager (for site-wide trespass).

5) Recording and Internally Reporting of Trespass Notices & Incidents:

- The Entity Leader or designee will ensure that the trespass incident is reported to the Group General Manager for distribution, and an accurate record of trespass notices is maintained and accessible for use by NZ Police. This must be in writing and through the AFCT's official incident reporting system.
- Upon trespassing an individual, the Entity Leader will notify in writing the AFCT Group General Manager who will distribute this notification to other Entity Leaders in the AFCT Group as well as other tenants and occupants on AFCT property.

References

- Trespass Act 1980
- Education and Training Act 2020
- Health & Safety at Work Act 2015
- Health and Safety at Work (General Risk and Workplace Management) Regulations 2016
- Crimes Act 1961 and its updates
- [Police Trespass Website](#)

Related Resources

- Trespasser on AFCT Property (See Appendix 1.1)
- Threatening or Violent Person on AFCT Property (See Appendix 1.2)
- Trespass Notice Form
- Emergency Lockdown Policy – AFCT
- Team with Emergency Lockdown App

Records

Policies will be kept in the Documents folder of the “My Business” section of My HR

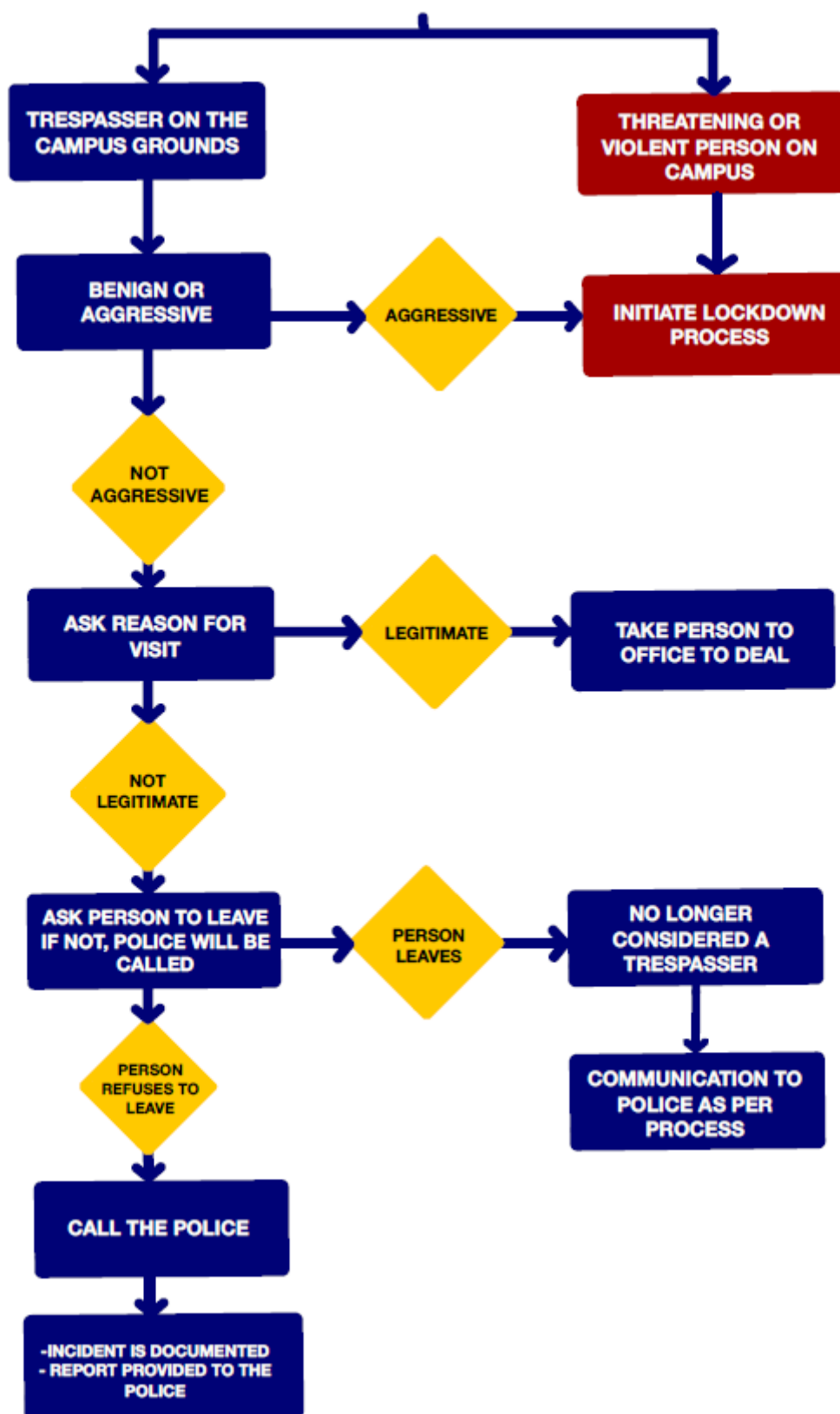
Amendments to this Policy

AFCT reserves the right to change this Policy from time to time.

Disclaimer

AFCT reserves the right to change or replace this policy at any time. Where there is a dispute about the interpretation of this policy or any part thereof, AFCT reserves the right to clarify the intention and meaning of this policy. The clarification as provided by AFCT will be seen as the final decision on the interpretation of this policy.

TRESSPASS PROCESS FLOWCHART



APPENDIX 1.1

TRESPASSER ON AFCT PROPERTY

Only follow this process if the trespasser does not come under the category of the 'Threatening or Violent Person' (for this process, see the following page).

Trespassing is where a person enters the AFCT property and either:

- does not have permission to be there, or
- their behaviour is such that AFCT would not permit them to be there.

Incident Type	Response Actions (as appropriate)
Become aware that there is a trespasser on the property.	<input type="checkbox"/> Notification and Communication (description, location, and activity of the trespasser): <ul style="list-style-type: none"> • Receptionist of the Entity (if applicable) • Entity Leader • Group General Manager • Group Health & Safety Officer • Police: 111
	<input type="checkbox"/> Assess the nature of the trespasser: 'benign/non-aggressive' or 'aggressive' (if 'aggressive' – follow the 'Threatening or Violent Person' process).
	<input type="checkbox"/> Greet the trespasser, advise them who you are, and ask them why they are there. Whenever possible, ensure that you have a colleague with you.
	<input type="checkbox"/> If the reason for the visit appears legitimate, take the person to the office where the reasons for the visit can be dealt with.
	<input type="checkbox"/> If the reason for the visit is not legitimate, explain that they must leave the premises.
<i>If the person leaves when requested, they are no longer considered a trespasser.</i>	
If the trespasser refuses to leave when requested.	<input type="checkbox"/> Explain that staff will have to call the Police.
	<input type="checkbox"/> If the trespasser still refuses to leave, ask a colleague to call the Police.
	<input type="checkbox"/> If it is safe, stay with the trespasser until the Police arrive.
	<input type="checkbox"/> If the trespasser threatens violence either verbally or through their behaviour: <ul style="list-style-type: none"> • Entity Leader will initiate the Lockdown Procedure. • Keep the trespasser under observation from a safe distance until the Police arrive.
	<input type="checkbox"/> When the Police arrive, update them on the situation.
Follow-up actions.	<input type="checkbox"/> Ensure the incident is reported and documented (including providing a report to the Police).
	<input type="checkbox"/> Consider: <ul style="list-style-type: none"> • Debriefing staff on the incident and assessing if your emergency response process worked correctly or needs amendments. • Debriefing students/others if the incident was a public one to prevent rumours and speculation.

Note: There is no authority under the Trespass Act 1980 for the occupier to physically eject the person from the premises. If a trespasser refuses to leave when requested, they should be told that the Police will be called. The Police have the option to arrest and charge the person with an offence, however, they will assess each incident and take what they think is appropriate action. As well as the process under the Trespass Act, the Education and Training Act 2020 sections 30 and 241 make it an offence to intentionally insult, abuse, or intimidate a teacher or staff member on school or early learning service premises (within the presence or hearing of any child/student of the service/school).

APPENDIX 1.2

THREATENING OR VIOLENT PERSON ON AFCT PROPERTY

This checklist provides a very basic guide to managing a Threatening or Violent Person incident.

Threatening behaviour is defined by the likelihood of physical or emotional abuse of others. It can range from verbal to physical/violent acts.

Incident Type	Response Actions (as appropriate)
<p>Violence is seen or heard, or a threatening person is seen on the property.</p>	<p><input type="checkbox"/> Call 111</p> <ul style="list-style-type: none"> • Identify yourself and the AFCT property, including the address. • Details of the situation. • Details of any casualties. • Description of weapons, number of shots etc. • Description of location and identity of the offender if known. • Identify the 'target' of aggression if known. <p>The Entity Leader or a member of the 'Team with Emergency Lockdown App' will initiate the Lockdown Procedure.</p>



LOCKDOWN

(Maukati)

LED LIGHTING | STAFF or POLICE | TEXT FROM MANAGEMENT

Will notify you of a lockdown.

Lockdown is implemented when there is serious security risk to building occupants (E.g., violent or armed intruder).

● ORANGE | Campus is in Lockdown

1. Secure entry and exit points
2. Do not leave the building
3. Communicate threat to staff and occupants

● RED | Campus is in Lockdown

4. Move immediately to the nearest safest room with as many people as possible
5. Barricade door, cover window, turn off lights and stay out of sight
6. Stay silent, turn off mobile phones, keep calm and wait until an authority releases you

● GREEN | Campus is Normal

7. No lockdown procedures needed

<p>Following the incident.</p>	<p><input type="checkbox"/> The Trauma Incident Teams will be called to provide support.</p>
	<p><input type="checkbox"/> Liaise with the media.</p>
	<p><input type="checkbox"/> Consider whether to temporarily close or continue operating. (The Trauma Incident Teams will guide suitable responses).</p>
	<p><input type="checkbox"/> Continue to monitor the wellbeing of students and staff.</p>