

Supplementary Guidance

Barring notices and
other protections for
education and care sites

Contents

Supplementary Guidance.....	1
Barring notices and other protections for education and care sites.....	1
Contents.....	2
1. Scope and purpose.....	4
2. Glossary.....	5
2.1. Use of examples.....	5
3. Managing risks and misbehaviour.....	6
3.1. Less-restrictive measures.....	6
3.2. Protective powers.....	7
3.3. South Australia Police (SAPOL).....	8
3.4. Mandatory notifications.....	8
3.5. Intervention Orders.....	8
3.6. Offences and penalties.....	8
4. Assessment of risk.....	10
4.1. Misbehaviour that may warrant the use of protective powers.....	10
4.2. Level of risk.....	14
5. Barring notices.....	16
5.1. Who can issue a barring notice.....	16
5.2. Grounds for issuing a barring notice.....	18
5.3. Limitations on circumstances where a barring notice may be issued.....	18
5.4. Opportunity for visitor to make submissions before a barring notice is issued.....	23
5.5. Contents of a barring notice.....	27
5.6. Duration of a barring notice.....	27
5.7. Barring conditions.....	29
5.8. Serving a notice.....	34
5.9. Variation and revocation of barring notices.....	36
5.10. Superseding barring notices.....	37
5.11. Application for barring notice to be changed or withdrawn.....	38
5.12. Application for Minister review of barring notice.....	39
5.13. Breach of barring notice.....	40

5.14. Re-engaging after barring	41
6. Directions to leave/not enter premises	43
6.1. Grounds for using this power	43
6.2. Issuing a direction	44
6.3. Duration of directions	45
7. Restraining, removing, or preventing entry to site premises.....	47
8. Records management	48
8.1. Confidentiality.....	49
8.2. Oral submissions	49
9. Definitions	51
9.1. Authorised Person.....	51
9.2. Designated Person	51
9.3. Minister	52
9.4. parent	52
9.5. person associated with the site	53
9.6. prescribed departmental premises.....	53
9.7. related premises	53
9.8. safety or wellbeing	53
9.9. site	53
9.10. site leader	53
9.11. vexatious communication.....	54
9.12. visitor	54
10. Record history.....	56
10.1. Approvals.....	56
10.2. Revision record.....	56
11. Contact	56
Flowchart – Summary of steps for issuing a barring notice	57

1. Scope and purpose

This Supplementary Guidance provides guiding recommendations and practical advice to support [Designated Persons](#) and [Authorised Persons](#) for South Australian education and care sites in the fair, consistent, and effective application of protective powers conferred on them by Part 8 of the *Education and Children's Services Act 2019* ('the Act') as amended by the *Education and Children's Services (Barring Notices and Other Protections) Amendment Act 2025* ('the Amending Act').

These protective powers may be used by Designated Persons and Authorised Persons, as applicable, for the following types of education and care sites in South Australia (both government and non-government) to manage risks to their site community from unsafe or unacceptable behaviour from [visitors](#), including parents or other community members:

- schools
- preschools
- children's services centres
- other approved services under the [Education and Care Services National Law](#) (such as long day care and out of school hours care)
- all other Department for Education sites (such as learning and behaviour centres, intensive English language centres, local education offices, and corporate offices)
- any other premises prescribed by regulations (*not applicable at the time of publication*).

This Supplementary Guidance complements the instructions provided in the [Ministerial Guidelines: Barring notices under the Education and Children's Services Act 2019](#) ('Ministerial Guidelines'), which Designated Persons **must** comply with when issuing a barring notice (per section 93(6) of the Act).

The advice in this Supplementary Guidance is not applicable to responding to concerns about the behaviour of the following groups, as they are excluded from the application of the protective powers conferred by Part 8 of the Act (per sections 93(7)(e) and 95(3a)(e) of the Act):

- anyone employed at the relevant premises
- students/children enrolled at or attending the relevant premises for education and care purposes.

In these cases, sites should instead refer to their processes for behaviour support or managing staff performance and conduct as appropriate.

2. Glossary

In this Supplementary Guidance:

- **site** is the collective term used for a school, preschool, children's service, or other education and care setting (including all Department for Education premises). Except where explicitly stated, the advice in this Supplementary Guidance is relevant to all sites.
- **site premises** means all site lands and structures up to, and including, the site's external boundaries.
- **related premises** are other places used by a site for the delivery of education or children's services, including regular programs (for example, where daily lessons or school sports are conducted at a nearby community facility) or temporarily for an official activity (for example, a camp, excursion, sports carnival, performance, ceremony, conference, etc).
- the **site leader** is the person with overall day-to-day responsibility for the site (for example, the principal of the school or the director of the preschool or children's service).
- **site staff** refers to any staff member of the site or anyone else employed at the site premises, including staff of third-party providers operating on the premises (for example, some out of school hours care or canteen services).
- a **visitor** is anyone who is not employed at, nor a child/student attending, the relevant site:
 - a **genuine visitor** is someone who has a legitimate reason to be at the site *at that time* (such as when dropping off/picking up a child, attending a meeting, carrying out contract work or services, volunteering, attending a special event or activity by invitation from the site, etc).
 - a **trespasser** is someone who is on the site premises without explicit or implied permission. A genuine visitor could become a trespasser if they fail to leave the site promptly when asked to by site staff.
- the **site community** refers to anyone who is associated with the site, including the site leader and staff, children/students attending the site and their families, volunteers, on-duty contractors and external service providers (such as allied health professionals), and any other genuine visitor.

Refer to the [Definitions](#) section for more information.

2.1. Use of examples

Some examples and scenarios are provided in this Supplementary Guidance, for illustrative purposes **only**.

Even if a real-life situation seems similar to an example given in this document, any decision about a responsive action to be taken by an Authorised Person or a Designated Person **must** be made on a case-by-case assessment of all relevant factors and could result in a different outcome.

3. Managing risks and misbehaviour

There are a range of strategies available to education and care sites to manage concerns about visitors' behaviour. This may range from behaviours or communications that are inappropriate in an education and care setting through to more serious issues that pose a risk to the site community.

The most appropriate strategy for responding to any concern about a visitor's behaviour should be decided on a case-by-case basis and:

- proportionate to the level of [risk](#) posed
- take into consideration any personal circumstances (such as the particular needs of [Aboriginal staff, children and young people, and their families](#)) or other relevant factors.

The below strategies may also be used in combination. For example, a visitor who is directed to leave the premises might also be given a formal warning about further actions that may be taken if they were to misbehave again, or a site leader might use some of site-level strategies to reset expectations or restore relationships with someone who has been barred.

3.1. Less-restrictive measures

Education and care sites will have their own processes for promoting parent and community engagement, and for responding when a visitor's behaviour is inappropriate.

Making attempts to resolve issues involving parents using less-restrictive measures in the first instance, where appropriate, may help support more positive long-term partnerships between staff and families. These types of responses can also give the visitor a reasonable opportunity to understand what is expected of them as a member of the site community and to adjust their behaviour for next time.

However, these types of strategies will not be suitable in all circumstances. The use of [protective powers](#) may be necessary to manage risk posed to the site community, including in cases where inappropriate behaviour has persisted after other strategies have been attempted to address it.

3.1.1. Site-level strategies

Site-level strategies that site leaders and staff might choose to use could include things like:

- reminding or redirecting the visitor to the expected behaviour or process
- providing information about external support services the visitor could connect with
- modifying how staff communicate with the visitor, such as:
 - nominating a trusted key contact at the site for them to primarily connect with
 - identifying preferred communication methods (such as face-to-face, over the phone, in writing, or considering holding meetings in a 'neutral' location which may be away from the site premises)
 - establishing clear and consistent boundaries (such as which staff they should communicate with, frequency of communication, when they can expect a response, etc)

- encouraging them to bring a support person to meetings (such as a family member, Aboriginal Elder or cultural leader, community liaison, advocate, etc)
- providing information in 'plain English' (clear, direct, and avoiding technical language)
- engaging an interpreter or translator as required
- arranging a restorative conversation
- giving the visitor a formal warning
- referring the visitor to options for escalating their concerns (for example, to a relevant complaints or regulatory body) if they are not satisfied
- engaging an external practitioner, mediator, or appropriate cultural authority to facilitate an alternative dispute resolution process.

3.1.2. Proactive strategies

Site leaders are also encouraged to consider if there are opportunities for more proactive strategies that could help promote a safe and respectful environment for everyone and support positive partnerships between staff and families. Some examples could include:

- ensuring community members have clear and accessible information about site processes (such as visitor protocols and behaviour expectations, communications, how to raise concerns or complaints)
- engaging community members in children and young people's education and care, involving them in events and activities, inviting their contributions to the site community, and consulting them on decisions
- fostering a culturally safe and responsive education and care environment
- learning and development opportunities for staff (such as in effective communication practices, cultural competency, and conflict resolution).

3.2. Protective powers

Part 8 of the Act provides protective powers to [Designated Persons](#) and [Authorised Persons](#) (as applicable) that they may use to manage more serious risks posed by a visitor to a site community.

3.2.1. Barring a visitor

In certain circumstances, a Designated Person may bar a visitor from site premises and/or related premises (as applicable) for up to 6 months. Designated Persons **must** comply with the [Ministerial Guidelines](#) when issuing a barring notice.

Refer to the [Barring notices](#) section for further advice.

3.2.2. Directing a visitor to leave/not enter premises

In certain circumstances, an Authorised Person may direct a visitor to leave site or related premises immediately and not return for up to 2 further business days or direct a visitor to not enter site or related

premises for up to 2 further business days.

Refer to the [Directions to leave/not enter premises](#) section for advice about using this protective power.

3.2.3. Use of reasonable force

Authorised Persons may use reasonable force to restrain or remove a visitor who is posing an imminent threat to the safety of others on relevant premises, or to remove or prevent entry to a visitor who is currently subject to a direction to leave/not enter premises or a barring notice.

Refer to the [Restraining, removing, or preventing entry to premises](#) section for advice about using this protective power.

3.3. South Australia Police (SAPOL)

Sites should contact SAPOL for assistance (phone 000 for emergency response, or 131 444 for non-urgent assistance and reporting) if someone is trespassing on site premises or in any case where someone is behaving in an offensive, threatening, disorderly, intimidating, or otherwise unsafe way.

When contacting SAPOL, it's recommended that staff provide as much information as possible about the visitor's behaviour and any actions already taken, such as whether the visitor has been asked to leave (and refused to do so) or where lockdown procedures have been initiated, to assist SAPOL in determining appropriate responses.

3.4. Mandatory notifications

Employees at education and care sites are [mandated reporters](#) with obligations to notify the Department for Child Protection if in the course of their work they form a reasonable suspicion that a child or young person is, or may be, at risk of harm (including, for example, on the basis of observations of their parent or carer's behaviour toward the child or others).

3.5. Intervention Orders

If there is a very serious or ongoing threat to anyone associated with the education and care site, the alleged victim may wish to consider applying for an Intervention Order with support from [SAPOL](#) or by making a [private application directly to a court](#).

Intervention Orders (formerly known as Restraining Orders) can offer broader protections, such as prohibiting the defendant from being at specified locations, approaching or contacting the protected person, or coming within a certain distance of the protected person's place of residence, work, or education. An Intervention Order also remains in place permanently, until revised or revoked by a court, and there are stronger maximum penalties for breaching an Intervention Order as compared to a barring notice.

3.6. Offences and penalties

A visitor could be charged with an offence and issued a penalty by a court (maximum \$7,500) if they:

- behave in an offensive, disorderly, intimidating, or threatening way on site premises (per section 91(1) of the Act)

- use abusive, threatening, or insulting language to a site staff member who is on-duty, at any place (per section 91(2)(a) of the Act)
- behave in an offensive, disorderly, intimidating, or threatening way toward a site staff member who is on-duty, at any place (per section 91(2)(b) of the Act)
- trespass on site premises without reasonable excuse (per section 92 of the Act)
- fail to comply with ([breach](#)) the conditions of a barring notice (per section 93(10) of the Act)
- remain on the premises or related premises after being directed to leave by an Authorised Person (per section 95(2)(a))
- return to, or attempt to return to, the premises or related premises within 2 business days after the day on which the direction to leave/not enter the relevant premises is given by an Authorised Person, or until the relevant premises are no longer being used by, or for an activity conducted by, or in connection with the site (whichever is the shorter) (per section 95(2)(b) and section 95(2a) of the Act)
- attempt to enter site premises or related premises within a specified period after being directed to not enter by an Authorised Person (per section 95(2a) of the Act).

Court proceedings for any of the above offences (at any education and care site, including a non-government site) can only be commenced by the Chief Executive of the Department for Education, or a person authorised by the Chief Executive, and with the written consent of the Minister (per section 135 of the Act). Considerations before commencing proceedings will include whether a prosecution appears to be in the public interest.

If a Designated Person, or other leader acting on behalf of a site, believes that a prosecution of one of these offences should be considered, they should bring it to the attention of the Chief Executive of the Department for Education with details of the circumstances and [supporting evidence](#).

Any person could also be charged by police under other criminal laws that are not specific to education and care sites, such as offences relating to trespass, unlawful threats, and assault.

4. Assessment of risk

In general, a response to concerning behaviour should be proportionate to the level of risk.

Some types of misbehaviour may simply be inappropriate in the context of the working or learning environment and are best addressed, in the first instance, through [site-level strategies](#) to redirect the visitor to the expected behaviour in future. However, the use of [protective powers](#) may be necessary if the visitor continues to misbehave after these kinds of strategies have been attempted, or to more immediately manage a higher [level of risk](#).

4.1. Misbehaviour that may warrant the use of protective powers

Subject to requirements, a visitor could be directed to leave/not enter premises and/or barred from premises if it is reasonably believed that they:

- pose, or would pose, a [risk to the safety or wellbeing](#) of others
- pose, or would pose, a [risk of significant disruption](#) to the working or learning environment
- have engaged in [vexatious communication](#) to, or about, site staff.

However, not every issue that meets these descriptions will require the use of protective powers. Refer to the [barring notices](#) and [directions to leave/not enter premises](#) sections for further detail about these responses and the specific criteria for using them.

4.1.1. Risk to safety or wellbeing

A visitor could be directed to leave/not enter premises or barred from a site if it is reasonably believed they have behaved, or may behave, in a way that puts the safety or wellbeing of other site community members at risk. 'Safety or wellbeing' refers to a person's physical, emotional, and psychological safety.

Some examples of behaviour that may put others' safety or wellbeing at risk include, but are not limited to:

Type of behaviour	Examples (non-exhaustive)
Abusive, offensive, or insulting language	Swearing, derogatory comments, discriminatory language (such as comments targeting race, culture, sex, gender, sexuality, age, religion, disability, medical condition, physical appearance), sexual harassment
Aggressive, intimidating, or threatening behaviour	Shouting, physically leaning over someone, blocking someone's exit, moving toward someone in an intimidating way (such as 'storming' or lunging), pointing in someone's face, threatening gestures (such as drawing a finger across their own throat in a 'slicing' motion), threatening to harm someone or their property, threatening to commit an offence, implied threats, using an imbalance of power to intimidate someone (such as an adult toward a child)

Actual or attempted physical violence or assault	Punching, kicking, slapping, pushing, pulling, grabbing, spitting, carrying a weapon, hitting with objects, throwing objects, unwanted sexual contact, attempting to reach someone with the intent to harm them or having to be restrained from doing so
Trespassing on premises	When someone enters the site without express or implicit permission, or when a genuine visitor fails to leave the site promptly after being asked by site staff
Other offensive, disorderly, or unsafe behaviour	Smoking or vaping on or within 10 metres of site premises, offensive gestures (such as raised middle finger), fighting with someone on or near the premises, dangerous driving in the carpark, loitering, taking photos or recordings of others (including children) without consent
Inciting others to behave in these ways	Bringing others (non-genuine visitors) onto the premises to try to intimidate staff, having someone else make threats on their behalf, encouraging children/students to harm others

4.1.2. Risk of significant disruption

There can be circumstances where a visitor's behaviour is unreasonably impacting others' ability to work or learn, regardless of whether it is also putting their [safety or wellbeing](#) at risk.

A visitor could be directed to leave/not enter premises or barred from a site if it is reasonably believed they have behaved, or may behave, in a way that would cause significant disruption to the working or learning environment at the site or to an activity being carried out at related premises.

Some examples of behaviour that may cause significant disruption include, but are not limited to:

Type of behaviour	Examples (non-exhaustive)
Unreasonable disturbance of the working or learning environment or to an activity	Entering a classroom uninvited to confront someone, 'barging in' to an office, interrupting a meeting to demand an immediate conversation, banging windows, under the influence of a substance, interfering with an activity children are trying to participate in
Not following reasonable protocols or instructions	Refusing to follow reasonable requests from staff, refusing to follow site safety protocols such as visitor sign-in or to not enter bathrooms reserved for children, mocking or repeatedly speaking over staff
Property damage	Smashing windows, kicking down doors, damaging vehicles, 'trashing' offices, vandalism, dumping waste, destroying plants or play areas
Inciting others to behave in these ways	Bringing non-genuine visitors onto the premises to cause disruption, encouraging others (including children) to ignore staff instructions

4.1.3. Vexatious communication

A visitor could be directed to leave/not enter premises or barred from a site if it is reasonably believed they have engaged in vexatious communication to, or about, any member(s) of site staff. ‘Vexatious communication’ means any communication that a reasonable person would consider to be unreasonable in the circumstances. Vexatious communication may also pose a [risk to safety or wellbeing](#) and/or of causing [significant disruption](#) to staff members’ work.

Vexatious communication can include, but is not limited to:

Type of behaviour	Examples (non-exhaustive)
Communication that causes, or is intended to cause, the subject or recipient to feel distressed or harassed	Publishing inappropriate or defamatory comments about staff or putting their reputation at risk, spreading malicious rumours or gossip, sending messages directly to a staff member that personally target them
Communication that unreasonably diverts time and resources away from a staff member’s other duties or other genuine complaints	Excessive/high frequency communications, persistently re-raising issues that have already been addressed or refusing to accept a final outcome, making unreasonable demands, ignoring previous requests to follow a specified communication process, deliberately making false or trivial (non-genuine) complaints
Inciting others to behave in these ways	Asking others to share or pass on inappropriate materials, using social media to encourage others to confront a staff member about an alleged issue that does not concern them or to pressure the staff member to resign, having someone publish something on their behalf

Vexatious communications can occur in any of the following forms:

- contacting a staff member in any way, including in-person, by phone, in writing, or electronically
- publishing material about staff, including online
- inciting others to engage in these types of behaviours
- any other type of communication specified by Regulations (*not applicable at the time of publication*).

Vexatious communications can include singular serious incidents, such as derogatory material posted about a staff member on social media, as well as ongoing unreasonable communications to staff that have continued after being asked to stop.

4.1.4. Risks arising beyond the site premises

The use of protective powers to manage risk posed to the site community is not limited to misbehaviour or incidents that occurs on or near site premises or related premises. A Designated Person or Authorised Person may reasonably believe, on the basis of an incident or apprehended risk that has arisen away from the site, that the visitor *would* pose a risk to the safety or wellbeing of others in the site community or of causing significant disruption if they were to attend the site premises or related premises. See examples

below.

However, a barring notice can only prohibit a visitor from attending site and related premises (or up to 25 metres from their boundaries) and from communicating with site staff. If there are concerns about the risk posed to a site community member in other places, such as at their home or in the wider community or online, the issue should be reported to [SAPOL](#) and/or the affected site community member could consider seeking an [Intervention Order](#) for protection.

Scenario	Example outcome
<p>A parent approaches a teacher at a local shopping centre on the weekend and makes a threatening comment that, “the next time I see your face, I’ll f**king smash it in”.</p>	<p>While the incident occurred off-site and when the teacher was not on-duty, the site leader believes it is likely that the parent will come to the site premises in the near future, and that if they did so it would pose a risk to the teacher’s safety.</p> <p>It would be reasonable for the site leader to consider directing this parent to not to enter the premises and/or issuing a barring notice to them.</p>
<p>There has been a breakdown in social relationship between two parents, Alex and Farai. Alex reports to staff that Farai has been posting harassing and defamatory content on Alex’s business social media pages. Farai in turn alleges that Alex came to their house and deliberately damaged their car.</p> <p>Alex and Farai have each approached site staff, wanting them to intervene and stop the other parent’s behaviour.</p>	<p>This scenario does not involve a risk to the safety or wellbeing of people while they are at the site, so there would not be a basis for the use of protective powers in relation to either parent in this instance.</p> <p>Alex and Farai could be encouraged to manage their private dispute away from the site, such as by giving them information about mediation options or how they can report their concerns to police, and to drop off and collect their children in different places to avoid conflict at the site.</p>
<p>The same parents in the above scenario, Alex and Farai, become involved in a heated verbal altercation just outside the site fence at morning drop-off, which then escalates to physical violence.</p> <p>The incident is witnessed by multiple children, families, and staff in the area.</p>	<p>Both Alex and Farai have engaged in severe misbehaviour within 25 metres of the site’s boundaries, which has affected other site community members. The site leader also believes that each parent could pose a risk to the safety or wellbeing of someone else at the site.</p> <p>It would be reasonable for the site leader to direct Alex and Farai to not enter the premises and to consider issuing barring notices to both of them in this instance.</p>

4.2. Level of risk

When assessing the level of risk posed by a visitor, and in turn the most appropriate measure for managing that risk, the decision maker (Authorised Person or Designated Person, as applicable) should consider:

- the severity of any misbehaviour and/or the impact of the risk to members of the site community, including:
 - who has been directly impacted, and who has been secondarily impacted (for example, by witnessing the visitor’s behaviour even if they were not directly subjected to it)
 - the particular needs or [vulnerability](#) of anyone impacted, which may give weight to the context of the behaviour or its impact (such as Aboriginality, race, culture, sex, gender, sexuality, disability, medical condition, age, religion, trauma, child in care)
 - how their safety or wellbeing or their ability to work or learn has been impacted (for example, injury, distress, fear or worry, risk to cultural safety, time taken away from or disruption to their regular work duties, damage to or destruction of resources)
- if the risk is an apprehended risk, rather than relating to a specific incident or matter or that occurred on, near, or in relation to the site premises or related premises, whether there is a sound basis for assessing that the visitor *would* pose a risk to others’ safety or wellbeing or of causing significant disruption if they were to attend those places
- the likelihood of the risk occurring
- whether there have been any prior concerns in relation to the visitor’s behaviour, and the effectiveness of any previous attempts to manage these issues.

Some general, non-exhaustive examples of behaviours at different levels of severity are provided below as a guide for helping staff determine the type of response that may be appropriate and proportionate to the risk posed. However, the individual circumstances and risk of any real-life scenario **must** be considered on a case-by-case basis, which may result in a different outcome.

Severity	Examples
<p>Inappropriate in an education and care environment.</p> <p><i>Alternative strategies are likely to be the best response to remind the visitor about respectful behaviour expectations and how to raise concerns using appropriate processes in future. The use of protective powers would be excessive, unless this issue is part of a pattern of misbehaviour that has persisted after previous attempts to address it.</i></p>	<ul style="list-style-type: none"> • A visitor is swearing while talking about their weekend to other visitors at drop-off time, where they can be overheard by children. • A visitor enters an office and loudly speaks to a staff member while they are already trying to help someone on the phone, repeatedly interrupting them and ignoring requests to wait. • A visitor writes public comments on social media, stating their view that site staff lack the qualifications to support their child’s needs.

<p>Serious misbehaviour.</p> <p><i>It would be appropriate to consider issuing a barring notice if the risks posed cannot be reasonably addressed by alternative strategies.</i></p>	<ul style="list-style-type: none"> • A visitor directs offensive or insulting language at someone else (verbal abuse). • A visitor shouts aggressively at someone else while leaning over them, making them feel intimidated. • A visitor creates a derogatory social media post about a staff member and incites other community members to ‘pile on’ with insulting comments.
<p>Severe misbehaviour.</p> <p><i>It would generally be reasonable to issue a barring notice, unless there are other compelling reasons not to do so.</i></p>	<ul style="list-style-type: none"> • A visitor directs personal attacks and discriminatory language at someone else (extreme verbal abuse). • Two visitors engage in a physical fight on the premises. • A visitor has persistently engaged in harassing, vexatious communication with staff after previous attempts to address it, causing significant distress. • A visitor makes threatening comments and gestures to someone, making them feel scared.

4.2.1. Context and weight

Different people can be affected in different ways by the same type of misbehaviour. The impact of an incident on the individuals involved and the context may give further weight to the assessment of the level of risk (and in turn, the level of response necessary to manage that risk).

For example:

- verbal abuse from an adult to a child could be considered higher severity than the same verbal abuse being directed at another adult, due to the child’s younger age and the imbalance of power
- certain words or actions may be considered less serious in other contexts but take on a discriminatory or derogatory meaning when they are targeted at a particular group (for example, comments that are racist toward or threaten the cultural safety of Aboriginal staff, children, or their families)
- offensive ‘venting’ comments about a staff member that are posted on social media may have a more severe impact than the same comments being made to someone else in-person, due to their wider and more rapid spread through the site community
- the cumulative impact of an ongoing pattern of misbehaviour, which has persisted after previous attempts to address it, may be more severe than any individual incident.

5. Barring notices

Designated Persons **must** comply with the [Ministerial Guidelines](#) when issuing a barring notice.

The advice in this section complements the Ministerial Guidelines with further explanatory details and recommended practices for Designated Persons to consider when following these requirements.

Refer to the [flowchart](#) for a brief, visual summary of the steps required in issuing a barring notice.

5.1. Who can issue a barring notice

Only a Designated Person (as defined in section 93(15) of the Act) can make decisions about and issue barring notices. The Designated Person:

- for a school is the principal, or someone they have specifically authorised for this purpose
- for standalone preschool or children’s services centre is the director, or someone they have specifically authorised for this purpose
- for an approved education and care service under [Education and Care Services National Law](#) is the nominated supervisor
- for prescribed departmental premises is the Chief Executive of the Department for Education, or someone they have specifically authorised for this purpose.

Anyone who has been formally appointed to act in one of these positions will automatically assume the role of Designated Person for the relevant site.

In most cases, the Designated Person is the site leader with overall day-to-day responsibility for the management of their sites and keeping their site communities safe. Therefore, it’s appropriate that decisions about barring someone from the premises, and the relevant conditions to be applied, should be made by the site leader.

However, there are some circumstances where the site leader may, at their discretion, [authorise someone else](#) to issue a barring notice in their stead, such as where:

- they are temporarily absent from the site (for example, due to illness or attending a conference)
- they were a direct victim of the visitor’s behaviour, and feel concerned it could put their safety at further risk (for example, that they may be ‘targeted’ again for issuing a barring notice with their name on it)
- there could be a real or perceived conflict of interest, or concern about impartiality of their decisions
- it could damage relationships or trust being built between the family and site leader, making it more difficult to re-engage them positively in future.

5.1.1. Authorising someone else to issue a barring notice

The Designated Person must complete an *Authorisation form* (Appendix 5 of the [Ministerial Guidelines](#)) to authorise someone else to issue a barring notice in their stead. If an alternative person who issues the notice has not been formally authorised before doing so, the barring notice is not enforceable.

It is recommended that the *Authorisation form* is completed in advance and stored on file so that someone else is authorised to issue a barring notice if the Designated Person is unexpectedly absent.

The *Authorisation form* can be updated as necessary to add or remove authorised positions by completing a new copy of the form. It should also be reviewed annually for currency; however, it does not expire. If a Designated Person who signed an *Authorisation form* is no longer in the position, the new Designated Person should complete their own *Authorisation form*.

Only 1 person can be the Designated Person at any time; therefore, the authorisation becomes active only when the ‘substantive’ Designated Person is absent (and there is no-one formally appointed to act in their role) or where they abstain from making a decision about issuing a barring notice in a particular case for any other reason.

When this happens:

- if there is more than 1 position title listed in the *Authorisation form*, the person who is in the first-listed position becomes the Designated Person. If they are in turn unable to issue a barring notice in that instance, the person in the second-listed position becomes the Designated Person, and so on.
- the person authorised to act takes on the role of the Designated Person in issuing the barring notice. They must determine for themselves whether they believe the criteria for issuing a barring notice have been met and decide what conditions will be applied, and the barred person will have the right to apply to them to [change or withdraw the barring notice](#).
- clear [records](#) must be kept showing that the issuer was authorised at the time the barring notice was signed by them, including the reason for the authorisation in that particular case.

For approved education and care services under [Education and Care Services National Law](#) (that are not standalone preschools or children’s services centres), only the person in the role of nominated supervisor is the Designated Person. The Act does **not** allow them to authorise anyone else for this purpose.

Scenario	Example outcome
<p>A visitor directs extreme verbal abuse and targeted threats toward a preschool director, Ash, who is the Designated Person for the site.</p> <p>Ash feels worried that the visitor could retaliate against them if they took responsive action.</p>	<p>Ash feels concerned for their personal safety and does not want to issue a barring notice with their name on it.</p> <p>They decide to authorise someone else, who will independently decide whether a barring notice should be issued to that visitor.</p>
<p>A principal, Naseem, receives a report that a visitor has seriously misbehaved on the premises.</p> <p>The visitor has personal links with Naseem’s family.</p>	<p>Naseem is concerned about the perceived conflict of interest.</p> <p>They decide to authorise someone else who is not connected to the situation to decide whether a barring notice should be issued to the visitor.</p>

5.2. Grounds for issuing a barring notice

Subject to [limitations](#), a Designated Person may issue a barring notice (per section 93(1) of the Act) to a visitor who they reasonably believe:

- poses (or would pose, if they were to attend the premises) a [risk to the safety or wellbeing](#) of anyone else at the site premises
- poses (or would pose, if they were to attend the premises) a risk to the safety or wellbeing of anyone [associated with the site](#) who is at related premises, or who is in transit between the site and related premises
- poses (or would pose, if they were to attend the premises) a [risk of causing significant disruption](#) to the working or learning environment at the site, or to an activity being carried out at related premises
- has engaged in [vexatious communication](#) to, or about, site staff.

5.3. Limitations on circumstances where a barring notice may be issued

In addition to the legislated grounds for issuing a barring notice, the [Ministerial Guidelines](#) additionally require Designated Persons to:

- consider [whether less-restrictive measures are available](#) that would sufficiently address the risk posed to the site community by the visitor (per clause 3(a)(iii))

AND

- consider any [vulnerability](#) of the visitor (per clause 3(a)(i))

AND

- consider the [best interests of any child or student](#) who may be affected by the notice (per clause 3(a)(ii))

AND

- consider the [particular needs](#) of Aboriginal children/students, their families, and Aboriginal members of staff at the premises (per clause 6)

AND

- provide the visitor with an [opportunity to make submissions](#) about a proposed barring notice, unless the Designated Person considers it to be urgent (per clause 3(b-d))

before deciding to issue a barring notice to that visitor.

The Ministerial Guidelines also require [no improper use](#) of barring notices to prevent reasonable and respectful communications from a visitor (per clause 8).

A visitor can only be barred from the relevant site that is impacted or put at risk by their behaviour, and any related premises to be used by that site during the barring period. The conditions of a barring notice are not

transferable to other sites.

For example, if a child's enrolment transfers to another site while their parent is barred, the barring notice does not have any effect at the new site. Only the Designated Person for the new site would have the power to issue a barring notice relating to their site, after considering anew whether there are grounds to do so.

5.3.1. Availability of less-restrictive measures

Issuing a barring notice is a serious action. The Designated Person must first assess the availability of less-restrictive measures and whether they would sufficiently address the [risk](#) posed by a visitor.

Less-restrictive measures than a barring notice may include the use of [site-level strategies](#) and/or [directing the visitor not to enter premises](#) for 2 business days. These options may assist in addressing short-term risks and reminding the visitor about expectations for safe and respectful behaviour in future. However, in some cases these strategies will not be sufficient to address the risk to a site community and the Designated Person may consider that a barring notice is reasonably necessary to manage that risk.

5.3.2. Vulnerability

The Designated Person must consider any vulnerability they are aware of in relation to a visitor which may provide important context to their behaviour, such as (but not limited to) where they:

- have a disability, disorder, or illness that affects their capacity to regulate their behaviour or to understand that their behaviour is inappropriate

and/or

- have experienced, or are currently experiencing, trauma, hardship, significant stressors, or systemic disadvantage which may be affecting their behaviour more generally or their trust toward people in official positions or in education and care settings (which may include - but is not limited to - Aboriginal people, parents/carers of children with disability or complex needs, families or carers of children in care, refugees, or people experiencing family violence, homelessness, financial hardship, family illness or bereavement, etc)

and/or

- communicate in a way that has been perceived as aggressive, demanding, or otherwise inappropriate, but which could be reasonably attributed to factors such as cultural differences or limited English proficiency (rather than deliberate intent to offend or cause distress).

The Designated Person must take any known vulnerability into account when deciding whether issuing a barring notice is a reasonable action, or if an alternative approach would be more suitable to the particular needs of a vulnerable visitor and/or their family.

However, this consideration ultimately must also be balanced with the rights and needs of everyone else at the site. A Designated Person can have empathy for a vulnerable visitor's circumstances and still determine that a barring notice is reasonably necessary to address the risk posed to other site community members' safety or wellbeing, or their ability to work and learn.

In these cases, the Designated Person should also consider whether additional steps could be taken to support a vulnerable visitor to understand why their behaviour was not acceptable, how their concerns will

be heard and responded to (including while they are barred), and explore how they and staff can work together more positively in future. Refer to [site-level strategies](#) for examples of approaches that could be considered.

In turn, the Designated Person should also consider the vulnerability of anyone in their site community who has been affected by the visitor’s behaviour, as this may influence the [level of risk](#) posed.

Scenario	Example outcome
<p>Riley, a parent, has recently disclosed to the site leader that they have taken on caring responsibilities for an unwell family member, causing them high stress. Riley becomes upset when their child tells them they are feeling excluded by another student, Seong. Riley immediately approaches and confronts Seong in the yard, grabbing them by the shoulder and leaning close to their face to say, “you’d better let my kid join your game at lunch today if you know what’s good for you, you little piece of work!”.</p> <p>Seong is very frightened by this threatening and intimidating interaction. When a staff member intervenes, Riley appears to believe their actions were justified.</p>	<p>While acknowledging that Riley has personal circumstances that may be affecting their emotions and behaviour, this must also be balanced against the potential risk to others. It is not acceptable for any adult visitor to confront a child in an education or care setting about a perceived issue. Riley should have reported their concern to staff to provide appropriate follow up and support instead.</p> <p>Riley’s behaviour was serious and has put Seong’s safety and wellbeing at risk. Therefore, it would still be appropriate for the site leader to consider issuing a barring notice to Riley. Even if Riley is barred, the site can continue to offer additional supports to Riley’s family and follow up the concerns relating to Riley’s child feeling excluded.</p>
<p>Jian is an educator with a background of personal trauma. Jian reports being distressed after meeting with a parent, saying that the parent’s physical stature and direct manner of speaking made them feel intimidated.</p>	<p>While acknowledging Jian’s vulnerability and that this interaction has impacted their wellbeing, the parent did not behave inappropriately, so it would not be reasonable to respond using protective powers.</p> <p>The best approach would be to ensure Jian feels supported in future interactions or to consider alternative strategies, such as involving other staff or communicating through a different format.</p>

5.3.3. Best interests of any child or student who may be affected by a barring notice

Designated Persons must consider the best interests of any child or student who may be affected by a barring notice, such as when considering issuing a barring notice to their parent, advocate, or other support person, before taking that action (per clause 3(a)(ii) of the Ministerial Guidelines).

This includes considering the potential impacts to the wellbeing of any child or young person under the care of (or receiving direct support services from) the relevant visitor:

- as a direct result of the visitor’s behaviour and/or
- if that visitor’s access to the site premises were temporarily restricted by a barring notice.

These impacts may be more significant if the child or young person is [vulnerable](#) themselves.

As appropriate to the individual circumstances, staff could:

- check in with affected children and young people
- seek age-appropriate input about their needs and proposed follow up actions (such as issuing a barring notice)
- take steps to ensure they are not treated inequitably by others at the site, and they continue to feel safe and included in their learning and care environment
- seek input from others engaged with a vulnerable child or young person (such as social workers, advocates, Department for Child Protection, etc as relevant)
- consider additional wellbeing or other supports that can be provided.

This consideration must ultimately be balanced with the needs of the whole community (including staff, and all other children or young people at the site) for a safe, respectful, and inclusive working and learning environment. The Designated Person may determine that it is necessary to issue a barring notice and to also apply additional or [alternative strategies](#) to continue supporting an affected child or student’s needs and wellbeing and remaining connected with their support system.

If a parent is barred, their child(ren) will continue to attend their school, preschool, or children’s service as normal. An adult being subject to a barring notice is **not a reasonable excuse** for a child’s non-attendance.

In these cases, [appropriate conditions](#) must also be attached to their barring notice in consideration of the best interests of their child(ren), allowing for their safe drop off and collection at the site and essential communication about their education and care.

Scenario	Example outcome
<p>Jesse, a parent, has a complex home environment and has disclosed some mental health concerns. Jesse’s child accesses a range of supports at school, including breakfast programs and wellbeing support. The school is also working closely with Jesse to encourage them to connect with external support services.</p> <p>During a meeting at the school, Jesse becomes distressed and begins shouting verbal abuse at staff while overturning furniture toward them, leading to staff evacuating the room and directing Jesse to leave the premises.</p>	<p>Jesse’s behaviour has put others’ safety or wellbeing at risk, so it would be reasonable for the principal to consider issuing a barring notice. However, site staff have been working hard to build trust with Jesse and connect them with supports. The principal is concerned that barring Jesse could result in the family disengaging from the site and its supports entirely, and how this will impact Jesse’s child.</p> <p>They decide to give Jesse an opportunity to adjust their behaviour by using alternative strategies to address the incident and to minimise risk to staff in</p>

	future interactions with Jesse.
<p>Jordan’s parent and former step-parent have children at the same site. Their relationship breakdown has been acrimonious.</p> <p>During drop-off time, Jordan’s parent approaches their ex-partner and begins aggressively shoving them while yelling verbal abuse about personal matters.</p> <p>The incident is seen and heard by many other families in the area. Staff intervene and direct Jordan’s parent to leave immediately. Jordan is visibly embarrassed and uncomfortable.</p>	<p>Staff check in with Jordan and offer wellbeing support. Jordan reports being OK but feeling ashamed by their parent’s behaviour. Staff reassure Jordan they are not responsible for what took place and ask what Jordan would like to happen next.</p> <p>Jordan says they don’t want something like this to occur again, and they are worried people might be gossiping. Staff take action to follow up with Jordan’s parent in relation to their behaviour at the site. When checking on the other adult involved, staff encourage them to report any further concerns at the site for staff to manage, and they agree that these private matters should be kept between them and won’t be discussed with other community members.</p> <p>Jordan is also worried their friends won’t want to hang out with them anymore. They agree they would like help from staff to talk to them. Jordan’s teacher organises a confidential chat with Jordan’s close peers to help them understand and encourage them to look out for their friend.</p>

5.3.4. Aboriginal children/students, families, and staff

Designated Persons must also consider the needs of Aboriginal staff, children/students, and their families when making decisions about issuing barring notices (per section 93(5)(d) of the Act and clause 6 of the [Ministerial Guidelines](#)).

This includes considering the particular needs of:

- any Aboriginal staff member, child/student and/or their family who has been affected or impacted by the behaviour of the visitor, and whether that increases the [level of risk](#)
- an Aboriginal person to whom the Designated Person intends to issue a barring notice, including considering any [vulnerability](#) and context to their behaviour when deciding the most appropriate action (for example, using culturally responsive [alternative strategies](#) in place of, or in addition to, a barring notice to help support more positive engagement and resolution of concerns)
- any Aboriginal staff member, child/student and/or their family who would be affected by a barring notice being issued to another community member, due to their relationship with that person, including how the [best interests](#) of any Aboriginal child(ren) of a barred person can be supported.

5.3.5. No improper use of barring notices

All site community members should have access to a process for raising concerns in a reasonable and respectful way.

Per clause 8 of the [Ministerial Guidelines](#), a barring notice cannot be issued to a visitor for simply disagreeing with staff, accessing a complaints process, or raising genuine concerns about:

- issues relating to the provision of education and care at a site
- the safety or wellbeing of any particular child or student
- the conduct of anyone on, or the management of, relevant premises.

However, this action may be necessary if a visitor’s conduct while raising a complaint constitutes [misbehaviour that may warrant the use of protective powers](#) (for example, if they are being abusive to staff or engaging in vexatious communication). Being frustrated or upset about an issue or decision is not an excuse for anyone to abuse, threaten, intimidate, harass, or insult someone else.

Scenario	Example outcome
<p>Sam, a parent, is unhappy with the outcome of an issue and tells the teacher, Haru, “I don’t agree with how you’ve handled this. I’ll be making a complaint.”</p> <p>Haru believes they followed all processes correctly and went out of their way to support Sam’s child. They feel uncomfortable and offended that Sam wants to complain about them.</p>	<p>Sam, as any parent, can raise genuine concerns if they are dissatisfied with something relating to their child’s education and care.</p> <p>While Haru was upset by this interaction and supports should still be offered to them, it would not be reasonable to issue a barring notice to Sam (even if the person who manages Sam’s complaint finds that Haru did everything appropriately).</p>
<p>In the same scenario above, Sam uses offensive and threatening language when talking to Haru, saying, “You’re so full of sh**t. I’m taking this all the way to the top, you’d better watch your back”.</p>	<p>In this instance, it would be reasonable for the site leader to consider issuing a barring notice to Sam.</p> <p>This is not because Sam said they will raise a complaint, but because Sam used offensive and threatening language toward Haru and put their safety or wellbeing at risk.</p>

5.4. Opportunity for visitor to make submissions before a barring notice is issued

Once the Designated Person has considered all circumstances and determined that it would be appropriate to bar a visitor, they **must** then notify that visitor of their [proposal to issue a barring notice](#) and provide an opportunity for them to make submissions before the action is taken, **unless** the Designated Person considers that the circumstances require the barring notice to be issued [urgently](#) (per clause 3(b) of the [Ministerial Guidelines](#)).

It remains open to anyone who is issued a barring notice, regardless of whether they had opportunity to make submissions before they were barred, to [apply for their barring notice to be changed or withdrawn](#) by the Designated Person (or Chief Executive of the Department for Education, where applicable). Anyone who is barred from a government education and care site for 2 weeks or more can also [apply to the Minister for review](#).

5.4.1. Assessing the urgency of issuing a barring notice

During the response period, the visitor will not be subject to any of the proposed barring conditions. That is, they will not be prohibited from entering the site or any related premises (except where they are subject to a [direction to leave/not enter premises](#) for up to 2 business days), and they will not be prohibited from communicating with site staff, during this time.

Therefore, the Designated Person should consider their reasoning for determining that it would be appropriate to bar that visitor, and in turn what [risk](#) there may be in delaying the issuing of a barring notice to allow for the response period (including the level of risk and how likely it is), and:

- if they believe that they should accept that risk, give the visitor [notification of their proposal to issue a barring notice](#) (and may also, where appropriate, use [other responses](#) to minimise any short-term impact to the site community)

OR

- if they believe that they should not accept that risk and that a barring notice should be issued urgently, make a clear and factual [record](#) of the reason(s) it is urgent and then proceed directly to preparing and [serving](#) the barring notice.

5.4.1.1. Further incident(s) during response period

If a visitor is provided with an opportunity to make submissions, but then misbehaves again during the response period, the Designated Person should consider anew the full circumstances (including both the previous grounds for proposing to issue a barring notice and the new incident(s)) and assess whether they believe a barring notice should be issued urgently, or if they should accept the risk of allowing the opportunity for submissions to be made.

If deciding to urgently issue a barring notice based on the updated grounds, the Designated Person must also consider anew the appropriate conditions to be attached and the proportionality of the barring period (which could be different to those previously proposed).

The grounds described in the barring notice should include both the new incident(s) and the previous grounds. There is also a statement in the barring notice template (Appendix 2 of the [Ministerial Guidelines](#)) clarifying that the barring notice replaces the previously issued notification of proposal.

Scenario	Example outcome
A Designated Person issues a proposal notice to a parent, Jamie, who has verbally abused a staff member. Jamie is frustrated that the staff member reported their earlier behaviour to the site leader,	On this new information, the Designated Person considers that they should not accept the risk posed and that a barring notice is urgently required. They immediately proceed to issuing a

and contacts them again, threatening, “snitches get stitches”.	barring notice to Jamie, setting out both the previous verbal abuse and the new threat to the staff member as the grounds for issuing it.
--	---

5.4.1.2. Use of directions to leave/not enter premises before a barring notice

The Designated Person’s assessment of whether a barring notice should be issued to a visitor urgently is separate from any decision by them (or another Authorised Person) to issue that same visitor a [direction to leave/not enter premises](#). Decisions about the use of each power are made on their own merits, on the basis of the information available to the relevant decision maker at the time.

For example, if a visitor is directed to leave premises immediately and not return for 2 business days due to the Authorised Person’s reasonable belief that they pose an ‘imminent risk’, it does not automatically mean that any subsequent barring notice should be issued to them urgently.

If a visitor has been directed to leave/not enter premises for up to 2 business days, this may provide the Designated Person with some time to consider the full circumstances and decide appropriate actions while the site community is protected in the short-term. The period of 2 business days may also partially overlap with the response period provided for a visitor to make submissions about a proposed barring notice.

5.4.2. Providing notification of proposal to issue a barring notice

The Ministerial Guidelines require certain information to be provided to a visitor when giving them an opportunity to make submissions about a proposed barring notice.

A *Notification of proposal to issue a barring notice* template (Appendix 1 of the [Ministerial Guidelines](#)) has been approved and published for this purpose. It has been designed to complement the barring notice template (Appendix 2), so that information can easily be transferred between them.

The Designated Person may wish to use that barring notice template in the first instance to document the proposed grounds and conditions, and then copy this content into the corresponding sections of the *Notification of proposal to issue a barring notice*. They can then keep this draft barring notice on record so that it is ready for use if they later decide to proceed with issuing it.

The approved template requires the proposal notice to contain, at minimum, the following information:

- a brief, clear, and factual explanation of the [grounds](#) on which the barring notice is proposed to be issued
- the proposed [duration](#) of the barring period
- the proposed [conditions](#) to be applied, including:
 - all premises and areas that the barred person will be prohibited from entering
 - how the barred person will be permitted to communicate with site staff, if at all
 - any other conditions, exceptions, or special arrangements
- an explanation of how the recipient can make submissions, and the response period in which submissions will be accepted

- name, title, signature and letterhead/site logo of the [Designated Person](#) issuing it.

Once complete, the Designated Person must [serve](#) the *Notification of proposal to issue a barring notice* to the visitor.

When specifying the end date of the response period, the Designated Person must ensure the visitor is provided with at least 5 business days to respond (per clause 3(c)(i) of the [Ministerial Guidelines](#)) from the time the notice is served to them. In some cases, they will need to allow for a longer period (for example, if serving the notice by post they must consider the anticipated delay in the notice reaching the intended recipient, allowing for them to have 5 business days to prepare any submission, and in turn any anticipated delay in a posted submission being received by the Designated Person).

If there is a reason that makes it difficult or impossible for the visitor to make their submission in writing, they may ask the Designated Person to make an [oral submission](#) instead (per clause (3(c)(iii) of the [Ministerial Guidelines](#)).

It is open to the visitor to ask someone else to assist them with making their submissions if required.

5.4.3. Deciding whether to proceed with issuing a barring notice

The Designated Person must consider any submission made by the visitor received during the response period, and weigh this against the circumstances in which the barring notice was proposed (including the [availability of less-restrictive measures](#), any [vulnerability](#) of the visitor, and the [best interests](#) of any child or student who may be affected) and any other relevant considerations.

The Designated Person may start considering any submission as soon as it is received, so the visitor should include everything they wish to put forward in a single submission (or advise the Designated Person if they are intending to provide further information before the end of the response period). If any subsequent submission is made before the Designated Person has issued notification of their final decision, this further submission should still be taken into consideration.

If no submission is received by the end of the response period, the Designated Person will make their decision on the basis of the other information available to them only.

After considering all information available to them, the Designated Person may decide to:

- proceed with issuing the proposed barring notice
- change the duration and/or conditions of the proposed barring notice before issuing it
- notify the visitor of their decision not to issue a barring notice (and they may, if appropriate, take [alternative actions](#) to address any remaining concerns).

Scenario	Example outcome
<p>A grandparent, Giang, makes a submission about a proposed barring notice to be issued to them. Giang explains that they regularly drop off their grandchild at the site on Fridays due to the parents' work commitments, and the child is too young to</p>	<p>After reviewing the situation, the Designated Person feels it is still appropriate to bar Giang from the site due to the risk posed by their behaviour. However, considering what they know about the child, they also believe that it would be reasonable</p>

independently get from the car to their classroom. Giang raises a concern that if they are not able to continue supporting with safely delivering the child to the site on Fridays it could cause hardship for the family or affect their grandchild's attendance.

to accommodate Giang's request, and they should accept the risk of allowing Giang to temporarily part of the premises once a week.

They decide to update the barring notice before issuing it to Giang, modifying the conditions to permit them to walk their grandchild to the office on days they are doing drop off, subject to Giang's safe and appropriate behaviour while doing so.

5.5. Contents of a barring notice

Barring notices must be issued in a form approved by the Minister (per section 93(8)(a) of the Act). A barring notice template (Appendix 2 of the [Ministerial Guidelines](#)) has been approved and published for this purpose.

The Designated Person must follow the instructions in the template for deleting and modifying the contents to suit the individual circumstances. The template may also be customised to add site or sector specific information, such as in relation to complaints management processes or other protocols.

The approved template requires a barring notice to contain, at minimum, the following information:

- a brief, factual, and clear explanation of the [grounds](#) on which the barring notice has been issued
- the [duration](#) of the barring period
- the [conditions](#) that apply, including:
 - all premises and areas that the barred person is prohibited from entering
 - how the barred person is permitted to communicate with site staff, if at all
 - any other conditions, exceptions, or special arrangements
- how the barred person can [apply for their barring notice to be changed or withdrawn](#), or a [review by the Minister](#) where applicable
- name, title, signature, and letterhead/site logo of the [Designated Person](#) issuing it.

5.6. Duration of a barring notice

A barring notice will have effect until the expiry date specified, unless it is [revoked](#) sooner (per section 93(8)(e)(ii) of the Act). When a visitor's barring notice expires or is revoked, they will be free to re-enter site premises in the same way as any other genuine visitor (if they have a legitimate reason to be there) and to communicate with staff through usual channels.

A visitor may be barred for a maximum of 6 months from the date the barring notice is issued (per section 93(8)(e)(i) of the Act). However, not all incidents or risks will warrant a barring notice for the maximum period and the Designated person must apply a barring period that is [proportionate](#) to the circumstances.

The expiry date of a barring notice that has been issued cannot simply be extended beyond the original end date, even if it was for less than the maximum allowable time. However, if new circumstances have arisen

(for example, if the visitor has misbehaved again while they are already barred), the Designated Person could decide to issue a new, [superseding barring notice](#) that, in conjunction with the previous barring notice, may result in the total consecutive time that a visitor is barred exceeding 6 months.

The Designated Person is also encouraged to consider opportunities for [re-engaging a barred person](#) before the expiry of their barring notice, if they assess that the risk posed by that visitor has since passed.

5.6.1.1. Proportionate duration of barring notice

When deciding whether issuing a barring notice is reasonably necessary, the Designated Person also decides how long is an appropriate and proportionate period for that notice to be in effect (per clause 7 of the [Ministerial Guidelines](#)). The Designated Person should consider all relevant circumstances, including their assessment of [risk](#) posed to the site community, when making this decision.

In general, the maximum barring period (up to 6 months) should be reserved for circumstances where the Designated Person assesses the [level of risk](#) to be of higher severity.

For example, circumstances that may warrant a longer barring period may include:

- behaviours or risks with severe impact to others (such as violence, threats, or extreme abuse) and/or
- where concerns about the visitor’s behaviour have persisted after they have already been issued a barring notice from that site within the last 12 months (including where they are currently barred and have again behaved in a manner that meets the grounds for issuing a new barring notice).

In other circumstances, it is recommended that the Designated Person considers applying a barring period of up to 3 months in the first instance. A lesser period, such as for several weeks or to the end of the current term, may be sufficient to address the risk posed.

However, in all cases the Designated Person decides the barring period that they consider to be reasonably necessary to address the risk posed by the visitor, which may be for a shorter or longer time than is recommended in this Supplementary Guidance.

Scenario	Example outcome
Taylor, an adult cousin of a student, bursts into a leader’s office and begins aggressively shouting at the leader about a dispute with another family at the site. Taylor lunges across the leader’s desk and repeatedly hits their fists on the surface while shouting threats to physically harm both a student and the leader if there is any further interaction with their cousin. The leader feels trapped behind the desk and scared for their safety. Other staff who overheard the commotion intervene and are able to make Taylor exit the room.	<p>Taylor’s threatening and intimidating behaviour was severe. Taylor was directed to leave the premises immediately and not return within the next 2 days.</p> <p>The Designated Person believes that Taylor poses a risk to the safety or wellbeing of others at the site, including the leader and student who were the subject of Taylor’s threats. After considering all factors, they decide to bar Taylor for the maximum period of 6 months.</p>
Kim enters a classroom without invitation during	Kim’s misbehaviour disrupted the learning

<p>lesson time and tells the teacher they want to immediately discuss a friendship issue between their child and another student, Bailey. The teacher confirms they want to hear Kim’s concerns, but they will need to discuss it after school, or Kim could go to the office to speak with an available leader now.</p> <p>Kim becomes heightened and shouts at the teacher in front of students, “wow, you don’t even care! I guess you’ll just let Bailey keep being an a***hole to my kid for the rest of the day.” Kim then points at Bailey while leaving the room and says to the class, “watch out guys, nobody will do anything if Bailey is mean to you”.</p>	<p>environment and made the teacher and students feel intimidated. Bailey and Kim’s child were especially uncomfortable, and needed additional support before they could re-engage with their learning. While recognising that Kim felt concerned for their child, the way Kim raised their concern was unacceptable and unreasonable.</p> <p>After considering all factors, the Designated Person decides to bar Kim for the remainder of the current term (less than 3 months). Kim is also invited to provide more information about their concerns using the appropriate process so that staff can follow up with Kim’s child and Bailey.</p>
<p>In the same scenario above, it is not the first time Kim has misbehaved. Kim had already been barred from the site earlier in the year for verbally abusing a staff member, and Kim had been warned (and reminded about following appropriate process) on a previous occasion where they attempted to seek out a student they wanted to confront about a similar issue.</p>	<p>After considering all factors, the Designated Person decides that this incident warrants a longer barring period as the previous barring notice does not appear to have deterred Kim from repeatedly misbehaving. The Designated Person is concerned that Kim will continue to pose a risk to others in the site community, so they decide that barring Kim for the remainder of this term and the next (approx. 5 months) would be most appropriate.</p>
<p>A site has been engaging with a vulnerable parent, Uzoma. While Uzoma has responded positively to this, their behaviour can be volatile due to past trauma. Site leadership have formally reminded Uzoma several times about communicating respectfully with staff so that they can work together effectively to support their child.</p> <p>Today, Uzoma came on-site during outdoor play and began shouting and swearing at staff members on supervision duty. Uzoma did not follow staff instructions to stop this behaviour or to leave the site until told that police had been called. Staff and children who witnessed the incident felt frightened.</p>	<p>After weighing up all factors, including Uzoma’s vulnerability and the impact of Uzoma’s behaviour on the safety and wellbeing of staff and children, the Designated Person decides that a barring notice is warranted.</p> <p>The Designated Person considers that a barring notice of 2 weeks will allow sufficient time for Uzoma to “cool off” after this incident and provide a clear message that, while staff want to continue working with them, this type of behaviour cannot be accepted.</p>

5.7. Barring conditions

The Designated Person may, as reasonably necessary to manage the risk posed by the visitor (per s93(2) of the Act), apply any or all of the following types of conditions to a barring notice to prohibit the barred

person from:

- [entering site premises](#)
- [attending related premises](#) at times where they are being used by the site for official activities (such as camps or excursions)
- [being within 25 metres of a boundary](#) of the site premises and/or related premises
- [communicating with site staff](#), including:
 - contacting anyone employed at the site
 - communicating on any electronic platforms set up by or for the site, such as parent communication apps or social media pages
 - having someone else communicate in these ways on their behalf.

The Designated Person can modify these barring conditions to permit the barred person to enter the premises (or part of the premises) for specified purposes and/or to communicate in a specified way (per clause 5 of the [Ministerial Guidelines](#)).

It is essential that all barring conditions, and any exceptions, are made explicit in the barring notice so that it is very clear to the barred person (and to site staff in supporting their compliance and monitoring for breaches) what they are and are not permitted to do, and when.

The barring notice template (Appendix 2 of the [Ministerial Guidelines](#)) contains all of the above conditions by default, for the Designated Person to customise as appropriate and/or delete any conditions they do not wish to apply or which are not relevant. Further guidance is provided below to assist Designated Persons with setting appropriate barring conditions on a case-by-case basis.

5.7.1. Prohibiting the visitor from entering certain premises or areas

5.7.1.1. Prohibiting the barred person from site premises

When a visitor is barred from a site, they must not enter the site premises unless they have [express permission](#) from the Designated Person (or staff acting on their authority). The site premises are defined as any land and buildings or structures up to the boundaries of the site, which may include facilities such as sports ovals, playgrounds, or car parks.

The Designated Person may also, if desired, specify exceptions in the barring notice that permit the barred person to enter the site premises (or part of those premises) at specified times for a specified purpose.

5.7.1.2. Prohibiting the barred person from related premises

In addition to barring a visitor from the site premises, the Designated Person may also choose to bar them from attending related premises that will be in use by the site during the barring period, unless they have [express permission](#) from the Designated Person (or staff acting on their authority).

Related premises include any other places temporarily being used by the site for an official activity, such as a camp, excursion, or special event.

Related premises also include places that are used by the site on a regular basis for the delivery of education or children’s services. Examples may include:

- places that are physically separate from the rest of the site premises but still operated by the site, such as a new-arrivals support program that is located in a building across the road
- facilities where the site has a usage agreement with the owner or operator, such as a local council-owned community oval where the school delivers health and physical education curriculum.

To prohibit a barred person from attending these places during their barring period, the barring notice **must** explicitly state the individual locations of these related premises and the dates and times they will be in use by the site so that it is clear to the barred person where they not permitted to be and when. The barred person is not prohibited from going to any of the related premises outside of those times.

The Designated Person may also, if desired, specify exceptions in the barring notice that permit the barred person to enter one or more related premises (or part of those premises) at specified times for a specified purpose.

When a visitor is barred for a longer period, the site might not yet have confirmed details of all future activities to be conducted at related premises until the barring notice expires. If more activities need to be added later, the Designated Person could either issue a [variation notice](#) or a new [superseding barring notice](#) with an updated list of related premises and the dates and times they will be in use.

5.7.1.3. Prohibiting the visitor from being within 25 metres of relevant premises

The Designated Person has the option to also prohibit the barred person from being in the area of 25 metres around any boundaries of the site and/or the related premises listed in the barring notice, unless they have [express permission](#) from the Designated Person (or staff acting on their authority).

By default, the barring notice template (Appendix 2 of the [Ministerial Guidelines](#)) sets out that the barred person may not be within 25 metres of all boundaries of all premises listed. However, this can be deleted if not required, or modified to explicitly state that the 25-metre provision only applies (or does not apply) to certain premises or to certain boundaries of those premises (per clause 4(b) of the Ministerial Guidelines). For example, if the Designated Person only wished to apply this condition to one of their site’s boundaries, the barring notice could specify:

“You must not be within 25 metres of the [street name] fence line of [site name]”.

However, a barring notice **cannot** prohibit the barred person from attending other private properties, businesses, or community services that fall within 25 metres of premises, as they are not intended to prevent people from accessing these places (per clause 4(c) of the [Ministerial Guidelines](#)). For this reason, the barring notice template contains a standard exception that **must** be kept if applying any condition for the barred person to remain 25 metres away from the boundaries of one or more premises.

The Designated Person may also, if desired, specify exceptions in the barring notice that permit the barred person to enter one or more related premises (or part of those premises) at specified times for a specified purpose. The barring notice template contains a default exception to permit a barred parent to be within 25 metres around the site premises for the purpose of [safe drop off and pick up](#) of their child(ren), which can be removed by the Designated Person if not applicable.

5.7.1.4. Giving a barred person temporary permission to enter premises

There are circumstances where it may be reasonable for a barred person to be given temporary permission to enter premises on an ad-hoc basis, such as to collect a child who is unwell. The Designated Person could also give the barred person permission to come to a face-to-face meeting or attend a special event, if they consider it safe and appropriate to do so.

If a barred person is given temporary permission to enter the premises, they should be clearly informed that they may enter the premises only for that express purpose and they must leave the premises again immediately afterward, and the Designated Person should ensure relevant staff are aware of the permissions granted. Where practicable, these permissions should be provided to the barred person in writing as evidence that they did not attend the premises in breach of their barring conditions.

5.7.2. Communication conditions

A barring notice can limit the ways in which the barred person is permitted to communicate with the site. Where a barring notice is being issued to someone who is a parent of one or more children attending the site, their barring notice must allow for [essential communication](#).

By default, the barring notice template (Appendix 2 of the [Ministerial Guidelines](#)) sets out that the barred person will be prohibited from initiating contact with anyone employed at the site or communicating on any electronic platforms managed by or on behalf of the site, other than in any ways specified in their barring conditions. For example:

- requiring them to only communicate with a nominated contact person at the site (or, conversely, only prohibit them from contacting specified staff members or a class of staff members, such as teachers or OSHC staff)

and/or

- requiring them to only communicate using a specified method, such as email

and/or

- placing limits on the frequency of communication.

The Designated Person may be nominated as the contact person in a barring notice, or it may be another appropriate leader, staff member, or team at the site. As a barring notice can be in effect for up to 6 months, it is recommended to state the relevant position title rather than a person's name so that, if that person takes leave or moves out of the role, the condition will continue to apply to whoever occupies the position.

If deciding to specify how the barred person may communicate, the Designated Person should consider:

- any relevant [vulnerability](#) or needs of the barred person (for example, whether they require support from an interpreter or would have significant difficulty with written communication)

and/or

- whether a particular contact method is necessary to minimise the risk of further harm (for example, requiring the barred person to communicate only in writing if they have been verbally abusing staff).

Alternatively, a barring notice can prohibit the barred person from contacting anyone employed at the site

altogether (for example, if the visitor does not have any genuine reason to be communicating with staff at all). If this is appropriate, the Designated Person should retain the final default communication condition in the barring notice template and delete all others.

Regardless of any communication conditions, a barred person may contact the Designated Person to exercise their right to [apply for their barring notice to be changed or withdrawn](#).

5.7.2.1. Other actions to limit communication

The Designated Person could also consider taking additional steps to restrict the barred person's access to other contact channels during the barring period to prevent non-compliant communications. For example, the barred person's account could be blocked from commenting on the site's social media page, or their access to a parent communication app could be managed to remove the ability to send messages to staff.

Where staff members do receive contact from a barred person that is not compliant with their barring conditions, it is recommended they do not engage and instead refer the communication to the nominated contact person for follow up. The Designated Person should also be notified so they can consider whether any further action is appropriate in response to the [breach](#) of conditions.

The communication conditions of a barring notice are a 'one way' restriction, meaning any site staff member could still initiate contact with the barred person as required in the course of their duties. However, wherever possible, it is recommended that communications come from the nominated contact person as a single channel for consistency and to reduce potential confusion for the barred person about who they are allowed to contact.

5.7.3. Conditions to support best interests of any child or student affected by a barring notice

The Designated Person **must** take into consideration the best interests of any child(ren) under the visitor's care, if applicable, when deciding the conditions to be attached to their barring notice (per clause 5(b) of the [Ministerial Guidelines](#)). Children should not be unreasonably disadvantaged at their education and care site due to concerns about the behaviour of their parent or carer.

The barring conditions can be adjusted to accommodate [safe drop off and pick up](#) of a barred person's child(ren) and [essential communication](#) with site staff in support of the child(ren)'s education and care needs, while also balancing this appropriately with the rights and needs of everyone else at the site.

Any modifications in support of the best interests of a barred person's child(ren), or a child or young person they are directly supporting, may also be subject to their co-operation with the conditions and general expectations for safe and respectful behaviour. For example, if the barred person continued to verbally abuse others while accompanying their child on the site premises, it may be necessary for the Designated Person to [vary](#) their barring conditions to further restrict the barred person's access to the premises and/or to make alternative arrangements to ensure the safety or wellbeing of other community members.

5.7.3.1. Conditions supporting safe drop off and pick up of child(ren)

The barring notice template (Appendix 2 of the [Ministerial Guidelines](#)) by default prohibits the barred person from being within 25 metres of the site's boundaries, with an exception to enter that area up to the site's

external boundary (such as a gate) for the purpose of dropping off or picking up their child(ren) and then leaving the area immediately afterward.

The Designated Person can add further details, if desired (such as to specify times where the barred person is permitted to be in that area for that purpose).

Where the barred person is a parent or carer of one or more children at the site who may not be able to get to and from the external gates independently (for example, due to very young age or additional support needs) the Designated Person could:

- further modify the barring conditions to permit the barred person to accompany their child(ren) onto the site premises, or part of the premises (for example, between an external gate and an office or the child's classroom), and then leave the premises immediately

or

- retain the default conditions and make other site-level arrangements to support the child(ren)'s needs, such as having staff accompany them to and from the external gates instead.

5.7.3.2. Conditions supporting essential communication about child(ren)

A parent who is barred **must** continue to have some access to essential communication to and from the site about their child(ren)'s education and care (including the child(ren)'s needs, safety and wellbeing, and attendance) to support their best interests.

However, the ways in which the parent is permitted to communicate with the site about these matters may be limited to minimise risk of further impact to others in the site community. Refer to the [communication conditions](#) section for more details about specifying how a barred parent may contact staff.

Designated Persons should also consider reasonable alternatives that can balance the positive outcomes for children from their parent's engagement in their education and care with the management of potential risks to the site community. For example, if convening a meeting to discuss the needs of a child of a barred parent, the Designated Person could:

- give permission for the barred parent to temporarily enter the site premises for the purpose of attending the meeting (and then leave immediately afterward), if they consider it safe to do so

or

- make arrangements for the barred parent to participate in the meeting remotely (e.g. by phone conference or video link)

or

- hold the meeting in a neutral off-site location, if they consider it safe to do so.

5.8. Serving a notice

A barring notice, *Notification of proposal to issue a barring notice*, or variation or revocation notice must be served (per section 140 of the Act) by:

- giving it to the barred person personally (including via a process server or other third party)

or

- leaving it at the barred person's residential or business address with someone apparently over the age of 16 years

or

- posting it to the barred person at their last known place of residence or business

or

- emailing it to an email address the barred person has provided, and which appears to be current.

A barring notice comes into effect from the time it is served on the barred person (per section 93(8)(e) of the Act). A barring notice **must** be correctly served, or it will have no effect.

Where required for visitors with English as an additional language or dialect, the Designated Person is responsible for arranging translation of a barring notice and/or *Notification of proposal to issue a barring notice*, or engaging interpreting services as appropriate.

Visitors could also be given contact details for the Legal Services Commission's [free legal helpline](#) if they need further assistance with understanding their rights and obligations.

5.8.1. Personal service

The Designated Person, or another site staff member, can personally serve (give) a notice to the intended recipient; however, it is recommended this is only attempted where staff feel safe to do so. The Designated Person should ensure a [record](#) is kept of the date, time, and location of service. For example:

"At [time] on [date], I served a barring notice to [barred person's full name] by handing it to them personally at [location/address]."

Alternatively, a third party (such as a process server, police officer, or sheriff's officer) can be engaged to serve the notice to the intended recipient and asked to provide evidence of service.

A barring notice that is personally served will have effect from the time it is given to the barred person.

5.8.2. Electronic service

A notice can be served electronically by attaching it to an email and sending it to an email account used by the intended recipient. It is recommended that the options to request both 'delivery' and 'read' receipts are switched on when sending a notice by email and that a [record](#) is kept of any receipts or other response received as evidence of service.

A barring notice that is electronically served will have effect from the time it is transmitted (unless the sender receives notification of unsuccessful delivery or an incorrect address).

5.8.3. Service by post

A notice can be served to the intended recipient by post, but the Designated Person should consider that there will be some delay before the notice is delivered. The Designated Person should enquire about the anticipated delivery timeframe for the notice, which may vary according to geographic location and type of

postal service used. A [record](#) should be kept that shows when the barring notice was posted and how, such as a receipt or tracking information.

A barring notice that is served by post will only have effect from the time it would ordinarily be expected to be delivered in accordance with the postal service used (or, until notification of successful delivery is received when using a registered mail or courier service). For this reason, it is not generally recommended to serve a barring notice by post unless the other serving methods are unavailable – and if so, it is recommended to use a service where the Designated Person will be notified of successful delivery.

5.9. Variation and revocation of barring notices

A barring notice can be varied (changed) or revoked (withdrawn) by the Designated Person who issued it at any time, whether on their own initiative or after considering an [application for barring notice to be changed or withdrawn](#). For example, there may be a need to update the barring conditions to reflect a change in circumstances since the barring notice was issued (such as to change the nominated contact person, or to specify additional related premises that will be in use by the site during the barring period which were not known at the time of issuing the barring notice).

The Chief Executive of the Department for Education, or their authorised delegate, may vary or revoke a barring notice issued in relation to a **government site**, whether on their own initiative or after considering an [application for barring notice to be changed or withdrawn](#).

The Minister may also vary or revoke a barring notice after considering an [application for review](#) from a person who has been barred from a **government site** for 2 weeks or more.

Some example wording that could be used for variation and revocation notices is provided below. A variation or revocation notice must be issued in writing and [served](#) to the barred person.

As an alternative to a variation notice, particularly if there are significant changes required, it may be more suitable for the Designated Person to issue a [superseding barring notice](#) that sets out the new conditions.

5.9.1.1. Example wording for a variation notice

A variation notice should clearly explain what has changed from their previously issued barring notice. For example, when varying one or more conditions:

I refer to your application for the barring notice issued to you on [date] to be changed or withdrawn. After considering the information you submitted, I have decided that, while it is still appropriate for you to remain barred from [site name], it would be reasonable to change the barring conditions.

[OR, as applicable] I have considered the barring notice issued to you on [date] in relation to [site name] and decided that the barring conditions should be changed due to [reason].

The following condition/s outlined in your barring notice no longer apply/applies:

- *[relevant condition/s].*

The new condition/s you must comply with is/are:

- *[new condition/s].*

This/these new condition/s, and all other conditions of your barring notice, will remain in effect through to the end of [barring notice end date]. Refer to the barring notice for further information.

Or, for example, where reducing the duration of the barring notice:

I refer to your application for the barring notice issued to you on [date] to be changed or withdrawn. After considering the information you submitted, I have decided that, while it is still appropriate for you to remain barred from [site name], it would be reasonable to shorten the barring period.

[OR, as applicable] I have considered the barring notice issued to you on [date] in relation to [site name] and decided that the barring period should be shortened due to [reason].

I have decided to change the end date of the barring notice that I issued to you on [date], which had an original expiry of [original end date]. I confirm that the end date of your barring notice has been changed to [new end date].

All conditions of the barring notice will remain in effect through to the end of [new end date]. Refer to the barring notice for further information.

5.9.1.2. Example wording for a revocation notice

A revocation notice should clearly explain that the previously issued barring notice no longer has any effect. For example:

I refer to your application for the barring notice issued to you on [date] to be changed or withdrawn. After considering the information you submitted, I have decided that it is appropriate to revoke the barring notice with immediate effect.

[OR, as applicable] I have considered the barring notice issued to you on [date] in relation to [site name] and decided that it is appropriate to revoke the barring notice with immediate effect due to [reason].

This means that the barring notice no longer applies, and you can enter [site name] premises and communicate with staff in line with usual processes.

5.10. Superseding barring notices

There may be times where it is appropriate for the Designated Person to issue a new barring notice to a visitor who is already subject to an active barring notice relating to that site, such as where:

- the Designated Person has determined to vary the conditions of the barring notice after considering an [application for barring notice to be changed or withdrawn](#), or for any other reason, and this would be more appropriate or clearer than issuing a variation notice
- the barred person has not engaged appropriately with their barring conditions and further limitations are necessary, for example:
 - a barred person has continued to speak aggressively to nominated contact staff over the phone, so the conditions could be varied to only permit the barred person to communicate in writing for the remainder of the barring period
 - if the barred person has been permitted to accompany their child(ren) into the site grounds at drop off and pick up times, but they have continued to behave inappropriately while

doing so, their conditions could be modified to only allow them to accompany their child(ren) to the external boundary of the site with other arrangements made for staff to escort the child(ren) to and from there.

- the barred person has misbehaved again in a way that meets the [grounds](#) for issuing a new barring notice.

A superseding barring notice must also be issued in compliance with the [Ministerial Guidelines](#) (that is, the requirements for preparing and serving it are the same as for the original notice and the Designated Person must consider the circumstances anew).

The barring notice template (Appendix 2 of the [Ministerial Guidelines](#)) contains an optional statement for inclusion when issuing a superseding barring notice, clarifying that it replaces the previously issued notice.

5.11. Application for barring notice to be changed or withdrawn

Anyone who has been issued a barring notice may apply to the Designated Person who issued the notice* to ask them to vary or revoke it.

Anyone who has been barred from a government school, preschool, children's services centre, or other Department for Education site, for any period, can also apply to the Chief Executive of the Department for Education to ask them to vary or revoke the barring notice.

The *Application for barring notice to be changed or withdrawn* (Appendix 3 of the [Ministerial Guidelines](#)) is the form approved by the Minister (per section 93(9) of the Act) for this purpose. A copy of the form is to be enclosed when issuing the barring notice and/or a blank electronic version can be downloaded from <https://www.education.sa.gov.au/docs/psp/conditions-for-learning/application-for-barring-notice-to-be-changed-or-withdrawn.pdf>.

The barred person may apply at any time before the expiry of their barring notice. They are strongly encouraged to use the provided application form, as it is designed to help them articulate the reason(s) for their request and the outcome(s) they are seeking. However, the Designated Person (or Chief Executive, as applicable) should still treat any other communication from the barred person which reasonably appears to be asking for their barring notice to be varied or revoked as if it were an application.

If there is a reason that makes it difficult or impossible for the barred person to make their submission in writing, they may ask the Designated Person (or Chief Executive) to make an [oral submission](#) instead.

The barred person should include any information that they want the Designated Person (or Chief Executive) to consider, and explain the reasons they believe their barring notice should be revoked or varied. Further supporting documents can be attached if relevant when submitting it to the Designated Person (or Chief Executive).

On receipt of an application, the Designated Person (or Chief Executive) must consider it within a reasonable timeframe, and may decide to:

- confirm the barring notice, meaning it will remain in effect until it expires

- vary the notice (for example, to change the end date or a condition)
- revoke the notice, meaning all barring conditions cease to have effect immediately.

The barred person must be promptly notified of the Designated Person’s (or Chief Executive’s) decision and the reason(s) for that outcome. There is suggested wording available for notifying the applicant of a [variation or revocation](#) of their barring notice. All barring conditions remain in effect while an application is under consideration.

*If the Designated Person who issued the notice is unable to consider an application due to absence or having left the role before the expiry of the barring notice, the person acting in or who has assumed their role is authorised to consider the *Application for barring notice to be changed or withdrawn* and has the power to vary or revoke the barring notice.

Scenario	Example outcome
<p>A parent, Sasha, has just been barred from a site due to their behaviour. Sasha has realised that the barring notice means they will miss out on attending their child’s performance next week. Sasha asks the Designated Person to withdraw the barring notice or allow them to attend the performance so that their child will not be disappointed by their absence.</p>	<p>After reviewing the situation, the Designated Person is concerned that Sasha has not shown remorse for their actions or the impact on others, nor made efforts to improve their behaviour, and there is still a risk to the site community.</p> <p>The Designated Person decides to uphold the barring notice and confirm that Sasha is not permitted to attend the performance.</p>
<p>A parent, Unathi, was barred from the site for 3 months for verbally abusing a staff member. In the 6 weeks that have passed, Unathi has been following their barring conditions, communicating more respectfully, and offered an apology for their behaviour. Unathi asks the Designated Person if they could come back to the site sooner so they can fully re-engage with the site community.</p>	<p>After reviewing the situation and checking in with the staff member who was originally impacted by Unathi’s behaviour, the Designated Person considers that Unathi has demonstrated a commitment to improving their behaviour. They feel that the risk has passed and a barring notice is no longer required.</p> <p>The Designated Person revokes the barring notice and meets with Unathi to discuss how they and staff can work together more positively going forward.</p>

5.12. Application for Minister review of barring notice

Anyone who has been barred from a **government site** (Department for Education school, preschool, children’s services centre, or other Department for Education premises) for 2 weeks or more also has the right to apply to the Minister to review the Designated Person’s decision (per section 94(1) of the Act).

The *Application for Minister review of a barring notice* (Appendix 4 of the [Ministerial Guidelines](#)) is the form approved by the Minister for a barred person to apply for review (per section 94(2) of the Act). In cases where ministerial review is available, a copy of this form is to be enclosed with the barring notice by the Designated Person, and/or a blank electronic version can be downloaded from

<https://www.education.sa.gov.au/docs/psp/conditions-for-learning/application-for-minister-review-of-barring-notice.pdf>.

The barred person may apply for review at any time before the expiry of their barring notice. They are strongly encouraged to use the application form as it is designed to help them articulate the reason(s) for their request, and the outcome(s) they are seeking.

If there is a reason that makes it difficult or impossible for the barred person to make their submission in writing, they may ask the Minister to make an [oral submission](#) instead.

The barred person should include any information that they want the Minister to consider, and explain the reasons they believe their barring notice should be revoked or varied. Further supporting documents can be attached if relevant when submitting it to the Minister.

After considering an application, the Minister may decide to:

- confirm the barring notice, meaning it will remain in effect until it expires
- vary the barring notice (for example, to change the end date or a condition)
- revoke the barring notice, meaning all barring conditions cease to have effect immediately.

The barred person will be notified of their application outcome in writing. All barring conditions remain in effect while the application is under consideration.

Where ministerial review is available, there is no requirement for the barred person to apply to the Designated Person or Chief Executive of the Department for Education for their barring notice to be changed or withdrawn before applying for a review by the Minister.

The Minister cannot review, vary, or revoke a barring notice issued in relation to a non-government site.

5.13. Breach of barring notice

A breach occurs when the barred person fails to follow one or more of the conditions outlined in their barring notice, such as:

- entering premises or an area they are prohibited from
- contacting a staff member they are not permitted to communicate with, or communicating in a way that is not permitted.

A visitor who enters an area they are barred from attending will not be considered to have breached their barring conditions if they are there:

- in line with other conditions of their barring notice that permit them to be in that area in certain circumstances (for example, where a person is barred from being within 25 metres of a site's boundaries except at times when they are dropping off or picking up children)
- with the express permission of the Designated Person or a staff member acting on their authority; for example, where they have been invited to enter the premises to collect an unwell child or attend an in-person meeting (per section 93(12) of the Act).

A visitor who contacts staff other than in the ways specified in the communication conditions of their barring

notice will not be considered to have breached their barring conditions if:

- they could not reasonably have been expected to know that the person was a staff member; for example, if they approached or spoke to someone in their local community who they were not aware of being an employee at the relevant site (per section 93(11) of the Act)
- they were contacting the Designated Person for the purpose of [applying for their barring notice to be changed or withdrawn](#) (per section 93(13) of the Act).

5.13.1. Responding to a breach of barring notice

A barred person who fails to comply with (breaches) their barring notice is guilty of an offence with a maximum penalty of \$7,500 (per section 93(10) of the Act). Refer to [offences and penalties](#) for further advice about prosecution of offences.

Depending on the individual circumstances, a breach of barring conditions may be managed by the site in a more immediate and effective way through other strategies, such as:

- verbally directing the barred person to leave the premises immediately, if they have come on-site without explicit permission
- formally reminding the barred person about their barring conditions and explaining how their actions were a breach
- issuing a new, [superseding barring notice](#) with amended conditions to address any new risks raised by the breach (such as changing how the barred person can communicate with staff or where they are permitted to drop off and pick up their child(ren))
- considering additional site security measures.

5.14. Re-engaging after barring

A barring notice is a temporary measure to manage risk posed to a site community. When a visitor's barring notice expires or is revoked, they will be able (where they have a genuine reason) to enter the premises and communicate with staff in the same way as any other visitor.

If the barred person is a parent or carer at the site, the shared aim should be to re-build a productive and mutually respectful relationship so that they and staff can work together to support their child(ren)'s best interests, while ensuring a safe working and learning environment for everyone. It's also important for people to have the opportunity to demonstrate that they can improve their behaviour, and to recognise that circumstances may change over the course of a barring period (which could be up to 6 months).

Designated Persons are therefore also encouraged to consider ending a barring period before the expiry date if they consider that the risk posed by the barred person has since passed and it would be safe and appropriate for them to begin re-engaging with the site community sooner. For example, this might be suitable if the barred person has been compliant with their barring conditions and shown positive changes in their behaviour and/or remorse for the impact of their actions.

The most appropriate strategies for re-engagement will depend on the individual circumstances, but some examples could include:

- reaffirming the site's commitment to working together with them to support their child(ren)'s needs
- reminding the barred person about expectations for respectful communication and behaviour, and how to raise complaints or concerns through appropriate processes next time
- providing an opportunity to discuss any issues or concerns that may have contributed to the person's behaviour, and a way forward
- [revoking or varying](#) the barring notice to have a reduced duration, if there is no longer a risk posed
- passive re-engagement (taking no specific action and allowing the barring notice to 'naturally' expire).

The Designated Person can [give permission](#) for the barred person to enter premises to attend a meeting to discuss these matters, if they consider it safe to do so.

6. Directions to leave/not enter premises

A visitor who has been directed to leave/not enter **site premises** by an [Authorised Person](#) must:

- leave immediately if they are currently on the premises, and
- not enter the site premises for 2 further business days.

A visitor who has been directed to leave/not enter **related premises** by an Authorised Person must:

- leave immediately if they are currently on the premises, and
- not enter those premises for 2 further business days, or the remaining period that the related premises are being used by the site for an activity (whichever is shorter).

These directions are intended to be used to help manage active or imminent risks posed by a visitor’s behaviour. They should be given at the time an incident is occurring or as soon as practicable after the fact e.g. generally, within a business day.

Directing a visitor to leave/not enter premises for several days may be sufficient action by itself to manage short-term risks posed their behaviour. Alternatively, it could be used to provide interim protections to the site community while longer-term protective measures (such as preparing and serving an urgent [barring notice](#) or arranging additional security) are considered and implemented.

There is no avenue for appeal against a direction to leave/not enter premises. However, there is nothing to prevent anyone who has been given a direction from contacting the site to provide their perspective on an incident or action taken, or to raise a complaint to be treated in line with the site’s usual complaint management processes.

6.1. Grounds for using this power

An Authorised Person may direct a visitor to leave/not enter the site premises or related premises, as applicable, if they reasonably believe that visitor:

- poses (or would pose, if they were to attend the premises) an imminent [risk to the safety or wellbeing](#) of anyone else at the site premises
- poses (or would pose, if they were to attend the premises) an imminent risk to the safety or wellbeing of anyone [associated with the site](#) at related premises
- poses (or would pose, if they were to attend the premises) an imminent [risk of causing significant disruption](#) to the working or learning environment at the site, or to an activity being carried out at related premises
- has engaged in [vexatious communication](#) to, or about, site staff.

Scenario	Example outcome
A visitor in the office, Remy, becomes frustrated when they are told that a leader they want to speak with immediately is currently unavailable. Remy	Remy’s behaviour is causing disruption to the working environment and could also pose a risk to others’ safety or wellbeing. It would be reasonable

begins yelling and pushing objects off the counter toward staff, saying they will keep doing it until the leader comes out to see them.	for staff to direct Remy to leave in this instance.
A parent, Chris, becomes heightened while speaking to a staff member over the phone about an incident between Chris' child and another child. They make a threatening comment that, "I'm getting in my car to come down and beat some sense into that kid myself".	Chris has indicated their intent to attend the site and pose an imminent risk to others' safety or wellbeing. It would be reasonable for staff to immediately direct Chris to not attend the premises while considering whether any other longer-term strategies are also needed.

Before issuing a direction to leave/not enter premises to a visitor on the grounds of vexatious communication, the Authorised Person should consider whether this action is reasonably necessary to address the risk posed by the behaviour (noting that a direction will not prevent the visitor from communicating with staff over the phone, electronically, or by other means). For example:

Scenario	Example outcome
A parent, Simran, has been repeatedly approaching a leader at the site to re-raise an issue that has already been addressed, and ignoring requests to make an appointment or follow the steps for escalating their complaint. The leader is feeling harassed, and that managing Simran's excessive contact is taking unreasonable time away from their other duties.	If other strategies have not been successful in redirecting Simran's behaviour, then temporarily directing them away from the site could provide some relief for the impacted leader and help Simran understand that their unreasonable behaviour needs to stop.

6.2. Issuing a direction

Any staff member at the relevant premises is authorised to issue a direction to leave/not enter premises to a visitor. However, it is recommended that this is done by a member of the site leadership team wherever they are available to do so.

In any case, the site leader should be notified promptly if another staff member has directed a visitor to leave/not enter premises so they can review the matter and whether any further actions should be taken.

Directions can be given [verbally](#) and/or in [writing](#) (per section 95(1b) of the Act).

A visitor who has been issued a verbal direction should, wherever possible, be sent a follow-up written notification as soon as practicable afterward to confirm what the direction means and how long it applies for. The exception is in cases where the site does not have any direct contact details for the visitor, in which case a [record](#) must be kept of the direction given and why it was not followed up in writing.

6.2.1. Verbal directions

An Authorised Person may verbally issue a direction to leave/not enter site or related premises to a visitor

“on the spot” (in-person) or direct them not to enter those premises over the phone (for example, if the visitor has threatened to come to the premises and behave unsafely).

There is no compulsory wording to be used; however, to be effective, it should be very clear to a reasonable person that the visitor is being directed to leave/not enter the premises. For example:

- ‘I need you to leave the school grounds, right now’ is a clear instruction.
- ‘Get out’ is more ambiguous. It could potentially be interpreted by the visitor as asking them to leave the immediate area, rather than the entire premises.

6.2.2. Written directions

Written directions must be issued directly to the intended recipient and clearly set out:

- that they have been, or are being, directed not to enter premises due to their behaviour
- the premises the direction applies to
- how long the direction applies for.

The written direction should be issued in the way most appropriate to the circumstances and the site’s usual methods of communication. For example, the site may routinely send important communications to families by SMS (text message), email, or via a parent communication app.

Staff could also personally hand the visitor a copy of the written direction, though this is not generally recommended unless it has been assessed as safe to do so. Due to the urgent and short-term nature of directions, postal service should not be used to issue them.

Below are some recommended exemplars an Authorised Person could use to issue a direction in writing, which should be modified to suit the individual circumstances. Refer to [duration of directions](#) for an explanation of how to determine the expiry date of a direction.

6.2.2.1. Follow-up to an earlier verbal direction to leave – exemplar

Due to your behaviour on [date], you were directed to leave [site name/related premises]. This means you must not attempt to re-enter these premises until after [date/time of direction expiry]. If you do, SAPOL may be contacted – maximum penalty of \$7,500 may apply. I am reviewing this incident and whether further actions are needed to ensure the safety and wellbeing of our community.

6.2.2.2. Initial written direction to not enter premises – exemplar

Due to your behaviour on [date], I am directing you not to enter the premises of [site name/related premises] until after [date/time of direction expiry]. If you do, SAPOL may be contacted – maximum penalty of \$7,500 may apply. I am reviewing this incident and whether further actions are needed to ensure the safety and wellbeing of our community.

6.3. Duration of directions

The period of 2 business days begins on the business day after the day that the initial direction was issued by an Authorised Person i.e. if both a verbal and written direction were issued, whichever came first.

For example, when a visitor is directed to leave/not enter **site premises**:

- a direction first given at 10.00am on a Tuesday expires at close of business Thursday
- a direction first given at 2.00pm on a Friday expires at close of business Tuesday
- a direction first given at 2.00pm on a Friday, where the following Monday is a public holiday, expires at close of business Wednesday.

However, a visitor who is directed to leave/not enter **related premises** can only be directed away for 2 further business days if the relevant site will be using those premises for that whole period. If not, the direction expires at the time the related premises will no longer be in use by the site.

For example:

- a visitor is directed to leave a community pool where a school is conducting its annual swimming carnival. The swimming carnival is a single day event, so the visitor can only be directed not to return to the community pool for the remainder of that day.
- a visitor is directed to leave a property a school has hired out on the first day of a 3-night student retreat. They can be directed not to return to that property for the full 2 further business days, as the school will still be using the premises throughout that time.

7. Restraining, removing, or preventing entry to site premises

An [Authorised Person](#) may use reasonable force (per section 95(3) of the Act) to:

- restrain a visitor or trespasser on the site premises who they believe is posing an imminent threat to someone’s safety, or to remove them from the premises
- prevent entry to the site premises by someone who is currently subject to a direction to leave/not enter premises or a barring notice, or to remove them from the premises.

These powers only apply to the **site premises** i.e. not at related premises where off-site activities, such as camps or excursions, are taking place or anywhere else outside the site.

While all site staff are authorised to use this power where necessary, it may be more appropriate for actions to restrain, remove, or prevent a person’s entry to be undertaken by SAPOL officers where possible.

However, education and care staff should still be aware of this power in case they need to use it to protect themselves or others.

Before using this power, staff should consider potential risk to their own safety and any alternative actions that could remove themselves and others from the way of potential harm if practicable (for example, enacting site lockdown procedures and/or contacting SAPOL for assistance).

Scenario	Example outcome
<p>A parent, Lindsey, approaches and verbally abuses a second parent, Pat, who is waiting to pick up their child near a classroom. Pat tries to walk away, but Lindsey runs up behind and puts their arm around Pat’s neck while continuing to yell abuse.</p> <p>Nearby staff give multiple verbal directions to Lindsey to let go of Pat and to leave the premises, but they are ignored. Pat is visibly distressed and unable to get out of Lindsey’s grip.</p>	<p>Staff are concerned that Lindsey’s behaviour is posing an imminent risk to Pat’s safety. While taking steps to ensure they also remain safe, 2 staff members intervene to physically restrain Lindsey away from Pat using reasonable force. They continue attempting to verbally de-escalate the situation until police arrive.</p> <p>After the incident, the site leader provides a follow up written notification to Lindsey that they were directed to leave the premises and therefore must not return within the next 2 business days, and also considers issuing a barring notice to Lindsey.</p>

8. Records management

Clear and detailed record-keeping can support rigour in process and the availability of clear evidence in the event of an application for a barring notice to be changed or withdrawn, an application for Minister review of barring notice, or when considering prosecuting an offence.

The types of information that are recommended to be recorded, as appropriate to the circumstances, are:

- details of a visitor's behaviour that has met the grounds for using the protective powers including the date, time, location/format, a clear and objective description of the behaviours and language used (including quotes where possible), any actions taken and by whom
- any supporting evidence of the behaviour or risk posed by a visitor (for example, incident reports, witness statements, screenshots, CCTV footage, other documents, etc)
- any input from others about proposed follow-up actions, such as an affected child or young person
- details of any previous strategies attempted to address concerns about the visitor's behaviour (for example, copies of any previous communications sent to them)
- when a visitor is directed to leave/not enter premises:
 - details of when the [verbal direction](#) was given and by whom
 - a copy of any [written direction](#) given, and evidence or details of how it was issued
 - if a follow-up written notification was not issued to someone who was verbally directed to leave/not enter, the reasons for this (for example, that no contact details were available)
 - if the visitor has entered premises (or attempted to) while subject to a direction, details of the date, time, location, description of the behaviour, and any actions taken.
- when a Designated Person determines that a visitor will not be provided an opportunity to make submissions before a barring notice is issued to them, the reason(s) they consider the barring notice must be issued [urgently](#)
- when a visitor is provided an opportunity to make submissions before a barring notice is issued to them:
 - a copy of the *Notification of proposal to issue a barring notice*
 - evidence of [service](#)
 - any [submissions](#) made by the visitor
 - if a request from the visitor to make an [oral submission](#) is refused, the Designated Person's reason for refusing it
- when a visitor has been barred from premises:
 - a copy of the complete and signed barring notice
 - evidence of [service](#)
 - if the notice was issued by someone other than the 'substantive' Designated Person,

evidence that the issuer was [authorised](#) to do so (for example, evidence that they were ‘acting’ site leader at the time or a copy of the signed *Authorisation form*) and the reason for the authorisation in that case

- any application for a barring notice to be [changed or withdrawn](#), and the response provided
- any [variation or revocation notices](#) issued, and how and when they were issued
- any special [permissions](#) granted for a barred person to enter premises, or other communications with the barred person about their barring notice
- if the visitor has [breached](#) their barring conditions, details of the date, time, location/format, description of the breach and any further misbehaviour, and any actions taken and by whom.

8.1. Confidentiality

Communications to visitors about their behaviour or sanctions being applied to them are personal information and therefore must be kept confidential.

Barring notices should only be shared on a need-to-know basis to support the safety, wellbeing, and good order of the site community and the barred person’s compliance with their barring conditions.

For example, where a parent is barred from a school it would generally be reasonable for the principal to share information about their site access and communication restrictions with any site staff who might ordinarily have contact with that parent, such as their child(ren)’s teachers, office staff, and staff members who are providing supervision around entrances to the site or at upcoming camps, excursions, and events.

However, it would not be appropriate for the principal or site staff to discuss that visitor’s barring notice (or any other kind of personal information) with other parents or children/students.

Information about barring notices, directions to leave/not enter premises, or concerns about visitors in relation to a site community may be shared with SAPOL or other relevant authorities.

When a child or young person’s enrolment is transferred to a new site, there is an information transfer process to ensure the new site receives all relevant details they need to help make the best arrangements for the child or young person. This may include, for example, disclosing whether the child or young person’s parent is currently subject to a barring notice (but as outlined in the section on [limitations on circumstances](#) where a barring notice can be issued, those barring conditions will not apply to the new site).

8.2. Oral submissions

A visitor may ask to make an oral submission when:

- [making a submission](#) to the Designated Person about a proposal to issue a barring notice to them
- applying to the Designated Person (or Chief Executive, where applicable) for their barring notice to be [changed or withdrawn](#)
- applying to the Minister for a [review](#) of their barring notice (where applicable).

The visitor will need to provide a reason why there is an impediment to them providing a written submission (for example, due to disability or level of English proficiency).

Where a visitor is permitted to make an oral submission, they **must** do so in the form of an audio recording. The Designated Person, Chief Executive, or Minister (as applicable) may provide instructions to the visitor about how to submit their audio recording, such as acceptable file types and how to send it to them. They are not required to accept any submissions made in other forms, such as video recordings.

It is recommended that the recipient of the oral submission produces a written transcript of the audio recording for ease of re-reading and records management.

9. Definitions

9.1. Authorised Person

Per section 95(4) of the Act, an Authorised Person for a site is:

- anyone employed at that site
- a police officer
- anyone appointed as an officer of the teaching service in the Department for Education (per s97 of the Act), including those who are employed at other sites
- anyone else authorised by the Chief Executive for this purpose (*not applicable at the time of publication*).

An Authorised Person has the power to:

- direct a visitor to leave site or related premises immediately and not return for up to 2 further business days
- direct a visitor to not enter site premises for 2 further business days
- restrain a visitor or remove them from site premises if they are posing an imminent risk to the safety of others
- remove a visitor from site premises or prevent their entry where they are subject to a current direction or barring notice.

9.2. Designated Person

Per section 93(7) of the Act, the Designated Person:

- for a school is the principal, or someone they have specifically authorised for this purpose
- for standalone preschool or children’s services centre is the director, or someone they have specifically authorised for this purpose
- for an approved education and care service under [Education and Care Services National Law](#) is the nominated supervisor
- for prescribed departmental premises is the Chief Executive of the Department for Education, or someone they have specifically authorised for this purpose.

Anyone who has been formally appointed to act in one of these positions will automatically assume the role of Designated Person for the relevant site.

A Designated Person has the power to:

- issue a barring notice
- give permission for a barred person to attend relevant premises or activities
- vary (change) or revoke (withdraw) a barring notice they have issued, at any time

- consider any applications for a barring notice to be changed or withdrawn from persons they have barred and make decisions about upholding, varying, or revoking those barring notices.

9.3. Minister

The Minister for Education, Training and Skills.

The Minister is responsible for approving and issuing the [Ministerial Guidelines](#), which Designated Persons must comply with when issuing a barring notice. The Minister may update these at any time.

The Minister has the power to vary (change) or revoke (withdraw) a barring notice issued in relation to a government education and care site for a duration of 2 weeks or more, upon an application for Minister review from the barred person.

9.4. parent

For the purposes of this Supplementary Guidance, the term parent refers to all persons responsible for the child. A person responsible for the child means a person who is the child's:

- biological parent, adoptive parent, or other person recognised as a parent if the child was conceived following a fertilisation procedure or under a surrogacy arrangement
- [guardian](#)
- person standing [in loco parentis](#).

This does not include a person who has had their legal custody, guardianship, or responsibility for the child removed by a Court, Act, or Law. As an example, a biological parent who has had their custody, guardianship, or parental responsibility for the child removed by a parenting order made under the *Family Law Act 1975* is not a person responsible for the child.

9.4.1. guardian

A person who has legal guardianship or custody of a child.

9.4.2. in loco parentis

A person acting in a parental style relationship with a child, where the person has intended to place themselves in the position of a parent toward a child and has assumed the same duty and authority as a parent with respect to the nurturing, control, and protection of a child. A person in loco parentis may include a person:

- in a de facto relationship with a child's biological parent where they have assumed responsibility for the child
- who has taken over care of a child after the death of both biological parents, or where there has been a family breakdown and the child is estranged from both biological parents
- in an informal fostering arrangement.

This person does not have to assume any or all financial responsibility for a child to satisfy this definition.

9.5. person associated with the site

For the purposes of this Supplementary Guidance, a person will be considered to be associated with a site if they are:

- employed at the site
- a student or child enrolled at or attending the relevant site
- a person responsible for a student or child attending the relevant site, such as a [parent](#)
- present at the site or related premises for a reason connected with the site, such as genuine [visitors](#).

9.6. prescribed departmental premises

Department for Education sites that are not defined as schools, preschools, children’s services centres, or approved education and care services (such as Out of School Hours Care connected with a school).

Prescribed departmental premises include, but are not limited to:

- local education and student support services offices
- behaviour centres and learning centres providing programs for students
- corporate offices.

9.7. related premises

Any premises or place being used by a site in relation to the provision of education or children’s services, or being used by the site for an activity conducted by or in connection with the site (including at a public place); for example, camps, sports or swimming carnivals, swimming lessons, excursions, or functions.

9.8. safety or wellbeing

The physical, emotional, or psychological safety or wellbeing of a person (per section 90A of the Act).

9.9. site

A South Australian school, preschool, children’s services centre, approved education and care service under the [Education and Care Services National Law](#), or any [prescribed departmental premises](#).

9.9.1. government education and care site

A site that is operated by the Department for Education, including all government schools, government preschools, government children’s services centres, and all prescribed departmental premises.

9.10. site leader

The most senior person with overall day-to-day responsibility for the relevant site, such as:

- the principal of a school
- the director of a standalone preschool or children’s services centre

- the nominated supervisor of an approved education and care service
- the manager of a prescribed departmental site that provides education and care to children or young people (e.g. Learning and Behaviour Units, Intensive English Language Centres)
- a senior leader at other prescribed departmental premises (e.g. an education director at a local education office, a director of a corporate business unit), noting where there are multiple people in roles of equivalent responsibility for the site the most appropriate person to be considered 'site leader' for the purpose of this guidance will be determined on a case-by-case basis.

All site leaders are [Authorised Persons](#), and in most cases they are the [Designated Person](#) for the premises.

9.11. vexatious communication

Any communication that a reasonable person would consider unreasonable in the circumstances (per section 90A of the Act). This can include, but is not limited to, communication that:

- causes, or is intended to cause, the subject or recipient to feel distressed or harassed
- unreasonably diverts time and resources away from a staff member's other duties or management of genuine complaints, such as communications of very high frequency, persistently re-raising issues that have already been addressed, or making unreasonable demands
- ignores previous reasonable requests for the person to follow a specified communication or complaints management process
- is defamatory, derogatory, or otherwise inappropriate, such as spreading malicious rumours.

Vexatious communications can occur in any of the following forms:

- contacting a staff member in any way, including in-person, by phone, in writing, or electronically
- publishing material about staff, including online
- inciting others to engage in these types of behaviours, such as having someone else send communications on their behalf
- any other type of communication specified by Regulations (*not applicable at the time of publication*).

9.12. visitor

Anyone who is neither employed at the relevant premises nor a child/student attending the site. Visitors can include:

- [parents](#) of children/students attending the site
- other family members or friends
- volunteers
- governing council or board members
- other people performing duties at the premises (e.g. allied health service providers, trades, couriers, waste collection, etc)

- other members of the local community.

A visitor is a genuine visitor if they have a legitimate reason to be on the site premises at the time they are there; for example, to collect their child or attend an appointment.

A visitor is a [trespasser](#) if they do not have a reasonable excuse to be on the premises at a given time. A genuine visitor could become a trespasser if they fail to leave when directed by site staff.

9.12.1. trespasser

A person who is on the premises without a reasonable excuse.

10. Record history

Published date: 17 November 2025

10.1. Approvals

Status: Approved

Version: 1.0

Policy Officer: Principal Policy Adviser, Conditions for Learning (Department for Education)

Policy sponsor: Lead Director, Conditions for Learning (Department for Education)

Responsible Executive Director: Deputy Chief Executive, Schools and Preschools (Department for Education)

Approved by: Minister for Education, Training and Skills

Approved date: 14 November 2025

Next review date: 14 November 2028

10.2. Revision record

Version: 1.0

Approved by: Minister for Education, Training and Skills

Approved date: 14 November 2025

Review date: 14 November 20298

Amendment(s): New Ministerial Guidelines implemented in line with Part 8 of the *Education and Children's Services Act 2019*.

11. Contact

Schools and Preschools Division (Department for Education)

Email: education.schoolsandpreschools@sa.gov.au

*Please note that the Department for Education **cannot** assist with enquiries or complaints relating to non-government education and care sites. Contact the relevant site for information about their processes.*

Site leaders and staff at sites that are members of the Association of Independent Schools of South Australia can contact [AISSA](#) (phone (08) 8179 1400) for further advice and support.

Site leaders and staff at Catholic Education South Australia sites can contact [CESA](#) for further advice and support.

Flowchart – Summary of steps for issuing a barring notice

Refer to the links to the Ministerial Guidelines and Supplementary Guidance for more detailed information.

