**Sections 340 - 340A – Direction letter template (up to 60 days)**

Managing the inappropriate and hostile conduct procedure

### Name

Address

Dear Ms / Mr / Mrs Surname

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

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

**My decision**

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

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

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

**Material relied upon**

In making my decision, I considered the following material:

* Sections 340 and 340A of the Act <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.340> [A hard copy of the relevant section of legislation must be provided]
* Departmental procedure *Directions and orders - Managing inappropriate and hostile conduct*

[https://ppr.qed.qld.gov.au/pp/hostile-people-on-school-premises-wilful-disturbance-and-trespass-procedure](https://ppr.mpe.qed.qld.gov.au/pp/hostile-people-on-school-premises-wilful-disturbance-and-trespass-procedure)) [A hard copy of the relevant section of legislation must be provided]

* A request from the principal of school, pursuant to section 340A of the Act to issue you with a section 340 direction
* A copy of number of witness statements from school staff, students, parents, other people concerning your conduct at the school on date of incident
* Notes of conversations between [parties] on [date]
* [Etc. such as photographs of…, CCTV footage showing… (Note: a copy of material evidence relied upon must be provided)
* [List any other materials related to the incident that occurred on that particular date e.g. OneSchool record of any action/s taken by QPS]
* [List any other previous directions issued to the person] A copy of a direction given to you pursuant to section 337 of the Act dated date.

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

**Findings of fact**

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

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

* *On [date], at approximately 5.00pm, you attended XXX State School in order to collect your son from the Outside School Hours Care service. At approximately 5.00pm you approached the administration block;*
* *You met the Deputy Principal at the rear door of the block. She had just closed the rear door to leave the building for the day and turned to find herself standing face to face with you;*
* *The Deputy Principal was accompanied by the Business Services Manager;*
* *You began swearing - calling the Deputy Principal a “little fuck” and a “fucking bitch”. Your demeanour was aggressive; the volume of your voice was loud;*
* *The Deputy Principal indicated that he/she felt very intimidated by your actions;*
* *You moved forward in an aggressive stance continuing to yell insults and threats;*
* *Your aggression escalated and you punched the wall of the building, directly in front of the Business Service Manager’s face, with force; the force was sufficient to break the wall cladding of the exterior wall;*
* *The Principal walked out of the administration block and directed you to leave the school grounds three times. You did not comply;*
* *You continued to swear at and verbally abuse the Deputy Principal as you left the grounds after the third direction to leave the school;*
* *The Principal re-entered the administration building and called the police;*
* *You re-entered the grounds approximately 15 minutes later despite previously being directed to leave;*
* *The Principal and Deputy Principal locked themselves in the Administration building and called 000 for assistance;*
* *You started to bang hard on windows and doors, yelling out to staff inside the building. You continued to bash the windows and the doors;*
* *The Principal instigated a school lockdown because cleaners were on site and the Outside School Hours Care service was still operating;*
* *You left the grounds before police attended;*
* *I understand that police have subsequently spoken to you about this matter and that they have pressed charges against you, namely 1 x Wilful disturbance (section 333, of the Act);*
* *Your actions were witnessed by other staff and students;*
* *This is not the first occasion on which you have engaged in inappropriate behaviour on school premises / against school staff / school visitors. On XX August you were served with a direction under section 337 of the Act.*]
* *On [date], at approximately 5.00pm, you attended the premises of XXX State School in order to collect your son from the After School Care facility. At approximately 5.00pm you approached the administration block;*
* *You met the Principal at the rear door of the block. The Principal had just closed the rear door to leave the building for the day and turned to find herself standing face to face with you;*
* *The was accompanied by the deputy principal.*
* *You began swearing - calling the Principal a “little fuck” and a “fucking bitch”. Your demeanour was aggressive; the volume of your voice was loud;*
* *The Principal felt very intimidated by your actions;*
* *You moved forward in an aggressive stance continuing to yell insults and threats at her;*
* *Your aggression escalated and you punched the wall of the building, directly in front of the Principal’s face, with force; the force was sufficient to break the wall cladding of the exterior wall;*
* *The Principal directed you to leave the school grounds three times. You did not comply;*
* *You continued to swear at and verbally abuse the Principal and the Deputy Principal as you left the grounds after the third direction to leave the school;*
* *The Principal and Deputy Principal re-entered the Administration building and called the police;*
* *You re-entered the grounds approximately 15 minutes later despite previously being directed to leave;*
* *The Principal and Deputy principal locked themselves in the Administration building and called 000 for assistance;*
* *You started to bang hard on windows and doors, yelling out to staff inside the building. You continued to bash the windows and the doors;*
* *The Prinicpal instigated a school lockdown because cleaners and after school care were on site;*
* *You left the grounds before police attended;*
* *I understand that police have subsequently spoken to you about this matter and that they have pressed charges against you, namely 1 x Wilful disturbance (s.333 Education (General Provisions) Act 2006).*
* *I understand that you have been granted bail in respect of this offence on the condition that you do not approach the Principal or Deputy Principal or attend the premises of the school;*
* *Your actions were witnessed by other staff and students;*
* *I am satisfied, pursuant to s.340A of the Act, that it is appropriate for me to issue this direction rather than the school Principal, because…………[insert reasoning that supports decision iunder s.340A]*
* *This is not the first occasion on which you have engaged in inappropriate behaviour on school premises / against school staff / school visitors. On XX August you were served with a direction Under Section 337 of the Education (General Provisions) Act 2006.*

**Reasons for my decision**

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

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

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

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

**Application for review**

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

[Insert name, title, address and email of relevant [delegate](https://ppr.mpe.qed.qld.gov.au/delegation/education-general-provisions-act-2006-director-general-delegations.pdf)] (for s.340A, usually Regional Director)

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

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

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

Yours sincerely

**Director-General’s name [OR name of Director-General’s delegate]**

**Director-General [OR position of Director-General’s delegate]**

**Department of Education**

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Ref:

Enc.

CC: Regional Director, Region Name

 Principal, School Name