



Cheshire College
South & West

Unwanted Persons Policy

Key Information	
Policy Reference Number	CCSW - UPP
ELT Post responsible for policy update and monitoring	Deputy Principal and CEO
Published on Website	Yes
Date approved by ELT	25 May 2021
Date approved by committee	24 June 2021
Date of next policy review	27 June 2024

1. Aim

- 1.1 Cheshire College South & West is an orderly, safe place, where relationships between staff and visitors demonstrate mutual respect and recognition of shared responsibility for learner welfare and educational progress. However, on occasion, the behaviour of some visitors can sometimes cause nuisance or disturbance to staff and/or learners lawfully using the College premises. The College is responsible for protecting the health and safety of both staff and learners.
- 1.2 At all times, the common purpose remains clear, to act with zero tolerance of behaviour which causes nuisance or disturbance in the College and to ensure all members of the College community and all visitors to the College, can be confident that they are operating within a safe environment.

2. Overview

- 2.1 Section 85A of the Further and Higher Education Act 1992 makes it an offence for a trespasser on College premises to cause or permit a nuisance or disturbance and allows for the removal and prosecution of any person believed to have committed the offence.
- 2.2 A visitor to the College normally has implied permission to be on the College premises at certain times and for certain purposes but, if that visitor's behaviour causes or permits a nuisance or disturbance to those persons lawfully using the College premises, then this permission may be withdrawn and they will become a trespasser. A person who nevertheless persists in entering College premises and/or displays unreasonable behaviour may be removed and prosecuted under section 85A.
- 2.3 This policy concerns the action which may be taken when a visitor (*a person who is not a member of staff or enrolled as a learner at the College*) whilst present on College premises, causes a nuisance or disturbance to the annoyance of persons who lawfully use the College premises. All members of the College have a right to expect that the College is a safe place in which to work and learn. There is no place for those persons who cause or permit a nuisance or disturbance in the College.
- 2.4 Where such behaviour does occur, the police may become involved incidents. However, in certain circumstances, the College will take the lead in initiating action against the person who is causing the disturbance. The College needs to ensure evidence is always properly recorded in writing when dealing with a for use in court if this should become necessary. This policy therefore includes incident report forms for the formal recording of incidents of this type together with model letters for use in informing certain persons that they may not enter onto College premises.
- 2.5 The following appendices are attached to the policy:
 - 2.5.1 **Appendix 1: Text** for display in the designated areas so that all visitors to the College are made aware that they are welcome and explaining that steps may be taken to remove visitors who cause or permit nuisance or disturbance to those lawfully using the College.
 - 2.5.2 **Appendix 2: An incident report form** to be used for recording each incident of nuisance and disturbance to those persons lawfully using the College premises.
 - 2.5.3 **Appendix 3: Letters to be sent by recorded delivery** for use in warning those visitors who do cause or permit nuisance or disturbance on College premises. The letters show that where such a person who has been identified as having caused a nuisance or disturbance re-enters College premises and causes a further nuisance or disturbance, section 85A might be used. The letters are to be sent by the Principal, on behalf of the Corporation.

3. Procedure

- 3.1 The College may take the lead in authorising the removal of a person believed to be causing or permitting a nuisance or disturbance and itself bring proceedings against them. The Corporation Board have authorised the Principal to exercise the powers to remove persons under section 85A and if necessary, bring proceedings against that individual. Additionally, in all situations, the police are authorised to remove someone from College premises and to bring proceedings for an offence under section 85A.

- 3.2 In there is an incident:
- 3.2.1 The Student Liaison Officer should be contacted as soon as practically possible through Reception.
 - 3.2.2 The Student Liaison Officer will take details and proceed to approach the visitor concerned to identify the purpose of their presence on site (*i.e., why they are on the College premises, how long they will be on the site and who they are meeting whilst on site*).
 - 3.2.3 If the Student Liaison Officer determines that there is no valid purpose for the visit, then the Student Liaison Officer will then ask the visitor to leave the site either immediately or immediately after their proposed reason for the visit should have been concluded.
- 3.3 If a person refuses to comply with the instructions of the Student Liaison Officer:
- 3.2.4 The Student Liaison Officer will contact the Duty Manager, who will then decide as to whether to deal with the matter directly by approaching the visitor or, if it is deemed necessary by the Duty Manager, they will request the involvement of a member of the Executive Leadership Team (*ELT*). If an ELT member is contacted, they will advise whether the Duty Manager or the ELT member will deal directly with the visitor or whether the police should be called.
- 3.4 Recording and reporting incidents:
- 3.2.5 The Student Liaison Officer will gather the information necessary to complete the incident report form (*Appendix 2*) as soon as possible after the incident has occurred but, in any event, no later than 24 hours after the incident occurred. The Student Liaison Officer will pass the signed incident report form to the ELT member within 24 hours of the incident occurring.
- 3.5 Follow up action:
- 3.2.6 The ELT member will review the incident report form and shall determine whether the matter is sufficiently serious or frequent enough to require the visitor to be barred from entering onto College premises.
 - 3.2.7 If the ELT member determines that further action is necessary, they will notify the Principal, who will then determine whether there is sufficient evidence to bar the person from the College premises and the Principal shall determine the use of the recorded delivery letters (*Appendix 3*).
 - 3.2.8 The Student Liaison Officer will pass the file containing the incident report form and copies of all witness statements and recorded delivery letters to the College Legal Advisor. The College Legal Advisor will be responsible for retaining in on file all documentation (*report forms/witness statements/copy letters etc.*) relating to the person concerned in accordance with the requirements of Data Protection legislation.



Cheshire College South & West welcomes visitors.

**The College will act to ensure it remains a safe place
for learners, staff and other members of our
community.**

On arrival, please report to reception.

If you cause or permit a nuisance or disturbance to anyone lawfully using the College premises, you will be removed from the premises and may be prosecuted.

Appendix 2



Incident Response Form

This includes trespass, nuisance or disturbance on college premises.

This form must be completed as fully as possible (*please use a continuation sheet if necessary*). For an incident involving or witnessed by a learner under the age of 18, a member of staff should complete the form on their behalf and the form should be signed by the learner and the member of staff completing the form.

However, any discussion between one witness and another should not precede completion of the form, as this might lead to allegations of collusion.

Date of Incident	:	
------------------	---	--

Time of Incident	:	
------------------	---	--

1. Member of Staff Reporting Incident

Name of Staff Member Reporting Incident	:	
---	---	--

Job Title	:	
-----------	---	--

Work Location	:	
---------------	---	--

2. Details of Person(s) to whom the nuisance or disturbance was caused

Name	:	
------	---	--

Job Title/Learner	:	
-------------------	---	--

Work Location/Home Address (If Learner)	:	
---	---	--

3. Details of person causing or permitting the nuisance or disturbance

<i>Name/address/description and any other relevant factual details which may assist in the identification of the individual concerned.</i>	

4. Witness(es) if any

Name	:	
------	---	--

Job Title/Learner	:	
-------------------	---	--

Work Location/Home Address (If Learner)	:	
---	---	--

<i>Other relevant factual information. I.e., Relationship between member of staff/learner and trespasser/person causing or permitting nuisance/disturbance, if any</i>

5. Details of incident

<i>Type of incident e.g., if trespass, was the trespasser causing a nuisance or disturbance and how etc.</i>

<i>Location of incident (attach sketch if appropriate)</i>

Other details: describe incident, including, where relevant, events leading up to it; relevant details of trespasser not given above; who/what was involved, who else was present

6. Outcome

e.g., whether police called including details of the Police officer name and number/police incident number; whether trespasser was removed from premises under section 85A; what happened after the incident; any legal action

7. Other information

To be completed as appropriate

8. Possible contributory factors

To be completed as appropriate

9. Is trespasser/person causing nuisance known to have been involved in any previous incidents

Yes No

10. Give date and brief details of (10) if known

To be completed as appropriate

--

11. Had any measures been taken to try to prevent an incident of this type occurring? If so, what?

To be completed as appropriate

--

12. Could they be improved?

To be completed as appropriate

--

13. If no measures had been taken beforehand, could action now be taken? If so, what?

To be completed as appropriate

--

14. Name and contact details of police officer involved, and incident number or crime reference number.

To be completed as appropriate

--

15. Any other relevant information

<i>To be completed as appropriate</i>	

<i>Signed</i>	:	
---------------	---	--

<i>Date</i>	:	
-------------	---	--

Please return as soon as possible (*and in any event no later than 24 hours after the incident occurs*) to:

College Legal Advisor
Crewe Campus
Dane Bank Avenue
Crewe
Cheshire
CW2 8AB

Appendix 3 – Letters

BAN LETTER I

TO BE SENT BY RECORDED DELIVERY

Dear Sir/Madam,

I have received a report about your conduct whilst you were present on the premises of Cheshire College South & West on [enter date and time].

[Add summary of the incident and of its effect on staff, learners, other persons.]

I must inform you that Cheshire College South & West will not tolerate conduct of this nature on its premises and will act to defend its staff and learners. I am therefore instructing that (*for a temporary period*) you are not to reappear on the premises of Cheshire College South & West. If you do not comply with this instruction, I shall arrange for you to be removed from the premises and prosecuted under Section 85A of the Further and Higher Education Act 1992. If convicted under this section, you are liable to a fine of up to £500.

The withdrawal of permission for you to enter the premises of Cheshire College South & West takes effect straightaway. However, I still need to decide whether it is appropriate to confirm this decision. Before I do so, I wish to give you an opportunity to give me in writing any comments or observations of your own in relation to the report which I have received.

These comments may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct. To enable me to take a decision on this matter at an early point, you are asked to send me any written comments you wish to make by (*state date ten working days from the date of letter*).

Yours faithfully,

LETTER 2

TO BE SENT BY RECORDED DELIVERY

Dear Sir/Madam,

On [date] I wrote to you informing you that on [date] I had withdrawn permission for you to come onto the premises of Cheshire College South & West. To enable me to determine whether to confirm this decision for a longer period, I gave you the opportunity to give your written comments on the incident concerned by [date].

[I have not received a written response from you] / [I have now received a letter from you dated [date], the contents of which I have noted].

In the circumstances, and after further consideration, I have determined that the decision to withdraw permission for you to come onto the premises of Cheshire College South & West should be confirmed. I am therefore instructing that until further notice you are not to come onto the premises of Cheshire College South & West without the prior knowledge and written approval of [name].

If you do not comply with this instruction, I shall arrange for you to be removed from the premises and prosecuted under Section 85A of the Further and Higher Education Act 1992. If convicted, you are liable to a fine of up to £500.

Yours faithfully,

LETTER 3

TO BE SENT BY RECORDED DELIVERY

Dear Sir/Madam,

On [date] I wrote to you informing you that, I had temporarily withdrawn permission for you to come onto the premises of Cheshire College South & West. To enable me to determine whether to confirm this decision for a longer period, I gave you the opportunity to let me have your written comments on this incident by [date].

[I have not received a written response from you] / [I have now received a letter from you dated [date], the contents of which I have noted].

[However] In the circumstances, and after further consideration of the matter, I have decided that it is not necessary to confirm the decision, and I am therefore restoring to you the permission to come onto the premises of Cheshire College South & West, with immediate effect.

Nevertheless, I remain very concerned at the incident which occurred on [date] and I must warn you that if there is any repetition of your behaviour on that occasion, I shall not hesitate to withdraw permission for you to come onto the premises again.

Yours faithfully,