

GUIDELINES – POLICE REQUEST TO INTERVIEW STUDENTS

THE SCHOOL

**Guidelines -
Police Request to Interview Students
2011**

Preamble

Occasionally, members of the Police Service may seek permission to interview a student at School or off campus during school hours. The following guidelines have been drawn up to assist Headmasters and senior staff to respond appropriately to such requests. They have been drawn up by the Commission and vetted by a senior legal practitioner.

Although it is expected that School personnel will cooperate with members of the Police Service in the proper exercise of their policing responsibilities and powers, School personnel are encouraged to take a critical view of requests to interview students at School or during school hours.

In particular, your attention is drawn to the opportunity for malicious or vexatious complaints to be made to the Police by non-custodial parents and others.

In considering any request by members of the Police Service to interview a student at School or off-campus during school hours, the Headmaster should have regard to the presumption of innocence and the best interests of the student.

If in doubt as to the propriety of an interview taking place at school or off-campus during school hours, the Headmaster should decline the request and refer the Police to the student's parent(s) or legal guardian(s).

Guidelines

1. If a member of the Police Service seeks permission to interview a student at the School, (or to take a student away from the school during regular school hours), the Headmaster or the most senior available staff member must be advised.
2. The Headmaster should first determine whether it is appropriate for the interview to take place at the School or away from school during regular school hours. School staff may not obstruct police in the execution of their duties but should consider the urgency of the matter, the nature of any alleged offences, and the appropriateness of the interview taking place on school premises or away from school during school hours.
3. The matter about which police wish to interview a student may be such that it is not appropriate for the School to first contact the student's parent(s) e.g. in cases of suspected abuse involving the parent(s).
4. In all cases where it is appropriate to first contact the parent(s), all reasonable efforts should be made to do so. If the parent(s) cannot be contacted and the Headmaster agrees that it is appropriate for the interview to take place at the School or off campus, a senior member of staff must be present throughout the whole interview.

The staff member attending should be appropriate to the circumstances (taking into account the nature of the matter, the age and sex of the student etc) and should be a person with whom the student is familiar and/or in whom the student has confidence. The staff member should indicate their willingness to participate/assist in this way.

5. Where a student is being interviewed in relation to an alleged offence by the student, the staff member may terminate the interview if for any reason the student indicates, by words or actions, that he/she is unwilling to continue the interview. Members of the Police Service are permitted to interview suspects as long as the interview is voluntary, and the suspect is not threatened, intimidated or offered inducements to participate in or continue the interview.
6. The staff member is there to give support to the student, not to assist the police in their enquiries (although a staff member may not obstruct the police in the proper exercise of their duties).

As soon as possible after the interview, the staff member should make notes of the interview, particularly as to the student's demeanour and willingness to be interviewed. The staff member may be summonsed to give evidence in subsequent legal proceedings.