

Policy on the Use of the Library Under the *Library Regulation 2005*

Introduction

The *Library Regulation 2005* makes provisions for acceptable behaviours by people who use libraries and identifies measures to exclude persons who breach the regulations.

Ashfield Library has a responsibility to ensure the safety and wellbeing of clients, visitors, staff and volunteers and to maintain the security of the collections, buildings and facilities. Library clients, visitors, staff and volunteers have the right to use the Library's services, facilities and collections in safety and without being unnecessarily distracted or disturbed by other people.

Policy Statement

This policy supports the administration of the provisions of the *Library Regulation 2005* Part 3 Use of libraries and library books. In particular the policy provides guidelines to assist staff in implementing the provisions of the *Library Regulation 2005* clause 17 with regard to asking a person to leave the Library's premises. It includes periods of exclusion of a person, the delegations and the process to be followed.

Legislative and Policy Framework

Library Act 1939

Occupational Health & Safety Act 2000

Freedom of Information Act 1989

Client code of conduct

Health Records & information Privacy Act 2002

Privacy and Personal Information Protection Act 1988

Guarantee of service

Use of the Internet Policy

Administration of the Library Regulation 2005 Part 3

All Library staff are responsible for ensuring that the provisions of the *Library Regulation 2005* are implemented with regard to the use of the Library, its collections, services and facilities.

Staff who identify that a person has breached the Regulation will advise the person of the breach and that compliance with the Regulation is required. The matter may be resolved by advising the person that a breach of the Regulation has occurred and offering the person a copy of the *Client Code of Conduct* and/or the *Library Regulation 2005*.

Many incidents are resolved through clients adjusting their behaviour once their breach of the Regulation has been advised by a staff member.

A decision to ask a person to leave the Library can be made if there is a breach of the Regulation or if a person does not accept or refuses to accept the requirement to comply. (Clause 17(1)).

Delegations

The *Library Regulation 2005* gives all Library staff the authority to ask a person to comply with the Regulation, and to ask a person to leave the Library if a Regulation has been breached

The Manager Library Services will administer of the Regulation.

The Director Corporate & Community Services has the authority to extend the period of exclusion up to the maximum period, based on an assessment of available information. The delegation for administration of the Regulation has been assigned to:

Officer in Charge of the Library	<ul style="list-style-type: none"> • Ask a person to leave the Library premises, or issue a warning to a person that they risk being directed to leave
Security staff	<ul style="list-style-type: none"> • Ask a person to leave the Library premises
Manager, Library Services Director Corporate & Community Services	<ul style="list-style-type: none"> • Determine a period of exclusion of a person up to two (2) months • Sign a letter of exclusion for up to two (2) months • Report to the Library Committee on the implementation of this policy
Director Corporate & Community Services	<ul style="list-style-type: none"> • Determine a period of exclusion of a person up to one (1) year • Sign a letter of exclusion for up to one (1) year • Review a request to lift an exclusion of a period equal to or less than one (1) year and determine to lift or maintain the exclusion

Staff training and communication

Staff are updated on the Library's exclusion policy and related policy and procedure such as the client code of conduct, through their divisional and branch meetings. The management of incidents is regularly discussed at key meetings and is constantly monitored by Reader Services Librarian.

Directing a person to leave the Library

The determination to ask a person to leave the Library will be based on judgement as to the nature and severity of the breach and the likelihood of the matter being resolved without any further breach occurring.

The primary purpose of directing a person to leave the Library is to ensure the safety and security of Library users, staff and volunteers, collections and facilities. The direction to leave may be for a cooling off period, and may not necessarily result in exclusion from the Library for a period other than for the cooling off period.

Breach of the Regulation

The giving of a direction to leave Library premises for a breach of the regulation by a person in the Library is delegated to those Library staff designated in this policy. The delegate may determine to issue a warning to the person that they risk being directed to leave the Library premises, or may direct the person to leave. The delegate may determine to allow the person to return to the Library premises, after a cooling off period the length of which the person is to be advised and must agree.

The authority to issue a warning and to direct a person to leave Library premises is delegated to the officer in charge of the Library and security staff.

Exclusion from the Library

The period of exclusion of a person for a breach of the Regulation under clause 17(3) of the *Library Regulation 2005*.

Period of exclusion

1. The maximum period for which a person may be excluded from the Library is for life.

2. The usual period of exclusion for a person asked to leave the Library under clause 17(3) of the *Library Regulation 2005* will be two (2) months. The delegate determining the exclusion will consider:
 - the nature and severity of the breach; and/or
 - whether the breach is a first or repeat occurrence.

3. Where the breach is a repeat occurrence and/or the nature and severity of the breach is deemed to warrant a longer period of exclusion, the period of exclusion may be up to one (1) year.

4. The Manager, Library Services is delegated to determine a period of exclusion from Library premises for periods of up to two (2) months and to sign letters of exclusion for periods up to two (2) months.

5. Director, Corporate & Community Services and the Manager, Library Services are delegated to determine a period of exclusion from the Library premises for periods of up to one (1) year and to sign letters of exclusion for periods up to (1) year.

6. Where a person has been excluded for a period of one year, the exclusion may be reviewed and lifted if the Director Corporate & Community Services or their delegate not involved in the original decision is satisfied that such action is warranted.

Procedures for excluding a person from the Library

Letter of exclusion

Where a person has been excluded from the Library for a breach of the Regulation, a letter of exclusion will be delivered to the person, either by post or in person.

A letter of exclusion for a breach of the Regulation will be signed by the delegate. All letters of exclusion will include reasons supporting the decision to exclude and a summary of events. The summary will include the date(s), description of the incident(s) and the clause(s) of the Regulation breached. If a person refuses to identify his/her name, the letter will be addressed "Dear Sir/Madam".

Reviews and appeals

A person may seek a review of the period of exclusion by writing to the Manager, Library Services who will determine whether the period of exclusion will be reduced, maintained or extended. This determination will be made by consideration of the available incident reports and records and any case put forward by the person seeking the review.

The Director Corporate & Community Services may delegate this review to a senior manager. The reviewing officer will not be a person involved in the original decision to exclude the person.

Record Keeping

The keeping of records is essential in determining a period of exclusion and in ensuring the documentation of breaches of the Regulation is up-to-date, factual and accurate. A record of events or breaches may be made in the desk diary, a staff member's work diary, or as a memo or file note. The record should be made

on the day of the incident and signed and dated by the staff member(s) making the record. The staff member's supervisor should be advised of the incident and sign and date the record.

Reporting forms for completion and inclusion on official files are available to staff.

This documentation will be used for the purposes of determining a period of exclusion and advising a person of the determination made and the reasons for it. The documentation will also be considered for determining whether and/or when an exclusion will be lifted.

A copy of all correspondence, incident reports and related documentation is to be included on the Exclusions from the Library file.

Management and reporting

The procedural management of incidents involving clients and use of the Library is principally managed by the Manager Library Services, Reader Services Librarian or their delegate.

The Manager, Library Services will prepare a report on categories of incident and exclusions for the Library Committee at the end of each financial year.

Approval

This policy was approved February 2007

Implementation Date

February 2007

The implementation of this policy does not affect the period of current exclusions.

Review

This policy will be reviewed in February 2008 unless any change in legislation, government policy, or other matter deem it necessary to amend it sooner.

Ashfield Library Policy on the Use of the Library under Library Regulation 2005

Ashfield Library Client Code of Conduct

Ashfield Library is committed to provide a welcoming and safe environment for research, study, recreation and learning. The Library has a responsibility to ensure the safety and wellbeing of its clients, visitors and staff. All users and staff of the Library have the right to use the Library's services, facilities and collections in safety and without being unnecessarily distracted or disturbed by other people.

This code outlines the conduct we expect from all Library clients and visitors. It is based on the Library Regulation 2005. Copies of the Regulation are available.

- Treat fellow clients and Library staff with respect and courtesy. Unsociable behaviour, including harassing clients or staff, is not allowed. This includes the use of offensive or threatening language and the making of threats to staff or clients.
- Meet acceptable levels of personal hygiene or dress, in the interests of your health and safety and the interests of other people using Library collections, facilities and services.
- Disruptive behaviour and excessive noise are not allowed.
- Minimise noise from mobile phones or personal audio devices such as electronic games, pagers, CD players in public areas.
- Take care of Library collections, equipment and furniture. Mutilating Library material through marking, cutting or tampering with security tags is a breach of the regulation.
- Ensure Library material is not hidden or deliberately misplaced.
- Refrain from smoking on Library premises.
- Keep valuable items with you at all times. The Library is not responsible for your personal belongings.
- Do not leave unattended children in the Library.
- Library staff have the right to inspect equipment, folders, bags or property as clients leave the Library.
- Leave the Library when requested at closing time and during emergency procedures.
- Inform Library staff promptly of any concerns you have relating to the behaviour of other clients.

Clients who do not comply with the Library Regulation 2005 and this Code of Conduct may be asked to leave the Library or may be refused access to the Library buildings. Clients who are asked to leave the Library may be excluded from the Library for a period as determined by the Manager, Library Services.

For your safety, surveillance cameras may be placed in public areas.

Feedback Comments on this policy are welcome. Please complete a Feedback form, available at the Loans Desk.

January 2007