**Applying for internal review of an ongoing school community safety order**

**What is an internal review?**

An internal review allows you to appeal an authorised person’s decision to make, not revoke, vary or not vary an ongoing school community safety order (order). The review is undertaken by the internal reviewer who is supported with information relevant to the decision.

The internal review of a decision in relation to an ongoing order is a ‘merits review’. A merits review means the internal reviewer reconsiders all the information as if they had ‘stepped into the shoes’ of the authorised person (that is, all the same considerations and processes apply).

The internal reviewer has the same powers as the authorised person to affirm, vary, or revoke an order that has been issued to you as the applicant of this internal review.

**Am I eligible?**

If you have been issued with an ongoing order, you have the right to request an internal review.

**Is there a fee?**

The Department of Education and Training (DET) does not charge a fee to lodge an internal review.

**When do I need to apply by?**

You must apply for an internal review within 28 days after the decision that you wish to appeal.

**What happens to the order while it is being reviewed?**

The order will remain in place in its current form while it is being reviewed.

**Who is the internal reviewer?**

The Assistant Deputy Secretary, Schools and Regional Services in DET is the internal reviewer for a decision made by a principal.

The Deputy Secretary, Schools and Regional Services of DET is the internal reviewer for a decision made by a Regional Director of DET.

The Department’s internal reviewer will assess your application in a fair, unbiased and transparent manner.

The internal reviewer must consider the following to make their decision:

* the relevant facts
* the law, the Ministerial Guidelines, and the School Community Safety Orders Policy
* any submissions you make to support your application
* any additional relevant material or further information that the reviewer requests, which could include additional information that you provide, or information from the authorised person or any other persons).

The internal reviewer will also take into account your rights under the [*Charter of Human Rights and Responsibilities Act 2006*](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/cohrara2006433/)(Vic).

**What is the process?**

1. Complete an Internal Review Application Form and submit it to the Internal Review Secretariat (Secretariat) at safer.school.communities@education.vic.gov.au within 28 days after the decision that you wish to appeal. You will receive an acknowledgement of receipt of the application.
2. You will then receive an email which will detail the internal review process, including the date by which a decision will be made. If any more information is required, you will also be asked to provide this.
3. The internal reviewer will decide to either affirm, vary or revoke the order, supported by information relevant to the decision.
4. You will receive a letter setting out the reasons for the decision as soon as reasonably practicable after the decision is made.

**How long will it take to reach an outcome?**

The standard duration for an internal review decision to be made is 28 days after you have submitted the application, subject to any extensions of time. You will be notified as soon as practicable after the decision is made about the outcome.

The Secretariat may request further information from you to support their recommendation to the internal reviewer. Any time you take to respond will not be counted toward the 28 day period for deciding the internal review outcome. For example, if the Secretariat has indicated that an internal review decision will be made by 1 June but you take 5 days to provide additional information as requested, the decision will instead be made by 6 June.

The internal reviewer may extend this period by a further 28 days. If this occurs, you will be notified in writing. You may also apply for an extension to this period (see below).

**Can I get an extension?**

You can request an extension of a further 28 days from the internal reviewer by writing to safer.school.communities@education.vic.gov.au.

Where the internal reviewer has decided to grant an extension, you will be informed in writing.

**What is a submission? What format does my submission need to be in?**

A submission will allow you to provide information to the internal reviewer to help inform their decision.

A submission may:

* provide a detailed description of the incident that led to the ongoing order being made
* explain your personal circumstances and any vulnerabilities that should be considered
* explain why you selected the grounds for making the application, for example:
	+ why do you believe the grounds for issuing the order were not made out?
	+ what aspect of the process do you believe was not followed?
	+ what facts do you believe were inaccurate or have subsequently been proven wrong?

The standard format of a submission is a written submission. If you wish to submit an oral submission (instead of a written submission), you can make this request by emailing the Secretariat at safer.school.communities@education.vic.gov.au, who will seek approval from the internal reviewer.

If your request to submit an oral submission is granted, you may record it through a video or a voice recording application and provided via email to the Secretariat. All submissions will be stored securely by the Department in accordance with the privacy collection notice contained in the Internal Review Application Form.

If you seek another person’s assistance to provide an oral submission, written consent needs to be sought from that person.

**What if I am not satisfied with the outcome?**

You can apply to Victorian Civil and Administrative Tribunal (VCAT) for external review of the decision. This may involve paying an application fee to VCAT.

More information about applying to VCAT can be found [here](https://www.vcat.vic.gov.au/case-types/review-and-regulation/application-for-review-of-a-decision.). If you wish to contact VCAT, you can do so on T: 1300 018 228 or via email at E: admin@vcat.vic.gov.au.

**How can I get help from a translator?**

For help from an interpreter or translator, you can contact the Secretariat at safer.school.communities@education.vic.gov.au.

**Who do I contact for more information about my application or the process?**

For more information about your application or the internal review process, you can contact the Secretariat at safer.school.communities@education.vic.gov.au.

**How can I get other support?**

We acknowledge that this may be a difficult and challenging time for you and encourage you to consider seeking any additional supports you may wish to.

The following supports are available.

**The DET regional offices – For help, questions or feedback if your school cannot help**

North Eastern Victoria Region

* T: 1300 333 231
* E: nevr@education.vic.gov.au

North Western Victoria Region

* T: 1300 338 691
* E: nwvr@education.vic.gov.au

South Eastern Victoria Region

* T: 1300 338 738
* E: sevr@education.vic.gov.au

South Western Victoria Region

* T: 1300 333 232
* E: swvr@education.vic.gov.au

**Parents Victoria – For support and advocacy for parents of school children**

* T: 0419 716 171
* W: <https://www.parentsvictoria.asn.au>

**Victoria Legal Aid – for free legal advice**

* T: 1300 792 387
* W: <https://www.legalaid.vic.gov.au/contact-us>

**Parentline – For counselling and support for parents and carers**

* T: 13 22 89

**Mindspot – For online, personalised mental health care**

* W: <https://www.mindspot.org.au/>

**Beyond Blue – For information and support for anxiety, depression and suicide prevention**

* T: 1300 22 4636 (24 Hrs)
* W: <https://www.beyondblue.org.au/>

**Lifeline – For crisis support and suicide prevention services**

* T: 13 11 14 (24 Hrs)

**internal review application form**

**for a person applying for internal review of an ongoing school community safety order**

This form is for government schools and should be completed if you wish to apply to the Department of Education and Training (Department) for internal review of an ongoing school community safety order (Order), including review of:

* a decision to make an Order
* a decision to vary an Order
* a decision to refuse an application to vary an Order
* a decision to refuse to revoke an Order.

**The completed form and a copy of the Order issued to you must be sent to the Internal Review Secretariat (Secretariat) at** **safer.school.communities@education.vic.gov.au within 28 days after the decision that is the subject of the review was made. Keep a copy of the form for your own records.**

Information about the internal review process can be found on the [Department of Education and Training website.](https://vic.gov.au/school-community-safety-orders-information-parents-and-carers)

**Privacy collection notice**

All information you provide as part of this form is optional. Please only provide information you are comfortable with, but keep in mind that failing to provide the information requested in this form may impact whether it is possible for an internal review decision to be made.

The Department protects your personal and health information in accordance with the *Privacy and Data Protection Act 2014* (Vic), the *Health Records Act 2001* (Vic) and the *Public Records Act 1973* (Vic). Collectively, referred to as (Victorian Privacy Law).

Your contact details will be used by a representative from the Department to seek a submission from you (if you indicate that you wish to make a submission), understand any inclusion and access measures you may need to participate in the internal review process, inform you of the outcome of the internal review or to seek other relevant information from you to enable you to participate in the internal review process.

This information may also be used in a de-identified way to:

* facilitate internal and external reviews
* capture data on how frequently and in what circumstances orders are made
* ensure orders are being used appropriately in line with Part 2.1A of the *Education and Training Reform Act 2006* and Guidelines, noting that orders are intended to be an option of last resort where there are no other less restrictive options available
* identify any trends in the types of schools, students, families or situations where orders are being used to inform potential system improvements or targeted supports
* monitor and identify opportunities to improve how the Scheme is operating and interacting with other systems, for example, parent complaints and disputes functions
* ensure available administrative and operational supports are notified and deployed as soon as possible following the issuing of an immediate order
* assist with statutory review of the scheme.

Information you provide may be disclosed to appropriate areas that need to know the information within the Department in accordance with the [Schools’ Privacy Policy](http://www.education.vic.gov.au/Pages/schoolsprivacypolicy.aspx). Staff providing technical support may also have access to your personal information. Information collected by the Department will be used or disclosed for the purposes stated in this notice or where otherwise permitted by law.

This information will be stored securely stored on the Department’s servers in accordance with Victorian privacy laws, including on eduSafe Plus (the Department’s incident and hazard reporting system).

Information may be sought from persons with specialist or expert knowledge relevant to the decision. Where these persons are external to the Department, they will be bound to the same privacy and confidentiality requirements as persons internal to the Department (as detailed in the [Department’s Privacy Policy](https://www.education.vic.gov.au/pages/privacypolicy.aspx) or, where a matter is subject to external review, the [privacy requirements of VCAT](https://www.vcat.vic.gov.au/the-vcat-process/privacy-and-access-to-information/privacy-at-vcat)).

You have the right to seek access to, or correction of your own personal information. You can request access and seek to correct your information by emailing safer.school.communities@education.vic.gov.au.

For further information about the way the Department collects and handles personal information, including access, correction and complaints, see [Department’s Privacy Policy](https://www.education.vic.gov.au/pages/privacypolicy.aspx).

**APPLICATION FORM**

|  |  |
| --- | --- |
| **Name** |  |
| **Address** |  |
| **Phone number** |  |
| **Email** |  |
| **Preferred mode of contact**  |  |
| **Name of child or children enrolled at school (if applicable)**  |  |
| **Interpreter or translator required to provide support throughout the internal review process?**  | [ ]  Y [ ]  N Language/dialect: |
| **What is the outcome you are seeking?** | [ ]  For the ongoing order to be cancelled [ ]  For the ongoing order to be changed (please specify the change you are seeking) |
| **On what ground(s) are you making this application?**Select an option(s) that best describes why you are applying for review of this decision. | [ ]  The grounds for issuing the order were not made out[ ]  The process for issuing an order was not followed (for example, the authorised person did not properly consider any known vulnerability of yours)[ ]  mistaken facts in decision making[ ]  Other (please specify) |
| **Will you be represented, accompanied or assisted by another person?** *Examples may include:* 1. *family members or friends;*
2. *a carer;*
3. *an interpreter, including an Auslan interpreter;*
4. *a disability support worker;*
5. *a lawyer, including from Victoria Legal Aid or a community legal centre; and*
6. *other advocates for persons with vulnerability.*
 | [ ]  Yes Please specify: [ ]  No |
| **If you would you like to make a written submission to the Department for consideration as part of your application, please include it here.** *A submission will allow you to provide information to the internal reviewer to help inform their decision. In writing a submission, you may choose to:** *provide a detailed description of the incident that led to the ongoing order being made*
* *explain your personal circumstances and any vulnerabilities that should be considered*
* *explain why you selected the grounds for making the application, for example:*
	+ *why do you believe the grounds for issuing the order were not made out?*
	+ *what aspect of the process do you believe was not followed?*
	+ *what facts do you believe were inaccurate or have subsequently been proven wrong?*

You may also attach any supporting documents to your application.  |
| **Would you like to make an oral submission to the Department for consideration as part of your application?** *A submission will allow you to provide information to the internal reviewer to inform their decision.**If you require a person’s assistance to provide an oral submission, written consent must be sought from that person and provided to the Department before the oral submission is completed and considered as part of your application.* *Your oral submission should be recorded through a video or a voice recording application and provided to the Department via email at* *safer.school.communities@education.vic.gov.au**.* *If you do not have access to voice recording technology, a representative from the Department of Education and Training will contact you to seek such information from you via phone or in person.* *Your oral submission will be stored securely in line with the Department’s privacy and record keeping obligations.* |
| **Please remember to provide a copy of the order you would like reviewed with this application.**  |
| **Declaration** I have read and understood this form and the Applying for Internal Review of an Ongoing School Community Safety Order fact sheet. I declare that the information in this form and any attachments is true and correct to the best of my knowledge. I understand that the Order remains in effect while it is being reviewed by the Department, and that I must continue to comply with its terms for the duration of this review. I understand that an internal review decision will be made within 28 days after the decision that is the subject of the review was made, and any time I take to respond to any requests for information from the Department will extend this period. I agree to the use of the information that I have provided, as detailed in the privacy collection notice. Signed:Dated: |