**LETTER TEMPLATE – Notice of PROPOSAL to issue an ONGOING school community safety ORDER**

 (To be used on School Letterhead)

[*Insert name*

*Address*

*Address*]

*[Date]*

Dear[*insert name*],

This letter is to provide you with notice of my proposal to issue you with an ongoing school community safety order, with the terms and conditions and for the reasons set out below in **Attachment 1.**

You have the opportunity to make written submissions to me about the proposed order. A written submission form is also attached (**Attachment 2**). This is your opportunity to provide me with:

* any reasons why you believe the order should not be made
* why the terms should be different
* any other information that you would like me to take into account when considering whether or not to make an order, including any vulnerabilities or anything relevant about you or your family’s current circumstances.

You have until *[insert date – this must provide at least 7 days from the day that notice of the proposal to issue the order was given]* to send me a written submission before I decide to proceed with issuing you an order. You may apply for an extension of time before this date. If you do not provide me with any further information or submission, or apply for an extension of time before this date, I will make my final decision based on the information I currently have before me without any further reference to you.

You can provide me with this information by sending an email to *[insert email address]*. You can also ask me to provide this information orally and/or with assistance from a translator rather than in writing, or you can nominate another person to provide this information on your behalf.

Any information you provide will be treated as confidential and recorded according to the [Records Management – School Records Policy.](https://www2.education.vic.gov.au/pal/records-management/policy)

For further information, **Attachment 3** is a fact sheet for parents about School Community Safety Orders. The [Department of Education and Training website](https://www.vic.gov.au/school-community-safety-orders) also has more information.

Yours faithfully

**Attachment 1**

**Proposed School community safety ordeR**

|  |
| --- |
| **Name of person to whom the order applies:** |
| **Start date of order:** Click or tap to enter a date. |
| **End date of order:** Click or tap to enter a date. *Note: the end date must* *not exceed 12 months* *from the start date of the order*. |
| **Name of school and all school related place(s) to which the order applies:** |
| **Grounds on which the order is made:** *[delete as necessary]** + *the person poses an unacceptable risk of harm to:*
		- * *any person (regardless of whether they are a member of the school community) at any premises of the school or an area that is within 25 metres of the boundary of those premises; or*
			* *a member of the school community at any other place or premises on which there is an activity conducted by or in connection with the school or an area that is within 25 metres of the boundary of that place or those premises, if the member of the school community is at that place for a reason that is connected with the school; or*
	+ *the person poses an unacceptable risk of causing significant disruption to the relevant school or activities carried on by the relevant school; or*
	+ *the person poses an unacceptable risk of interfering with the wellbeing, safety or educational opportunities of students enrolled at the relevant school; or*
	+ *the person has behaved and is likely to behave in a disorderly, offensive, intimidating or threatening manner to a member of the school community of the relevant school, either:*
		- * *at any premises of the school or an area that is within 25 metres of the boundary of those premises; or*
			* *at any other place or premises on which there is an activity conducted by or in connection with the school or an area that is within 25 metres of the boundary of that place or those premises; or*
	+ *the person has engaged in and is likely to engage in vexatious communications with, or regarding, a staff member at the relevant school.*
 |
| **Reason(s) why the order is being made:***[include a plain English description of the behaviour that satisfies the grounds, including dates, times, location the behaviour occurred, and the people involved de-identified]**When describing the situation:** *record a complete description of the inappropriate behaviour using objective language, along with a description of its impact on the person affected by that behaviour (for example, when you raised your voice and spoke over staff member X, staff member X felt intimidated), rather than state subjective conclusions about the behaviour (for example, you were rude to staff member X). The latter description may aggravate the situation, as the person involved will likely dispute your conclusion. This approach may also allow relationship repair efforts to begin by focusing on changing behaviour, increasing the chance of success of such efforts*
* *avoid the use of names or identifying features of persons (other than the person the order applies to), unless it is critical to being able to explain the grounds.*
 |
| **Terms of order and any conditions or exceptions to these terms:** *Terms* *[What the person is prohibited from doing - delete and adapt to circumstances]*1. *entering or remaining on any school-related place of the relevant school; for example, an order may be subject to the condition that a person may, or may not, access only specific parts of the school or school-related place*
2. *approaching, or causing another person to approach, within 25 metres of any staff member for class of staff members within or outside of any school-related place of the relevant school;*
3. *contacting any staff member or class of staff members; f or example, an order may be subject to the condition that, despite being prohibited from communicating with certain members of staff at the school, the person subject to the order may still approach or communicate with certain other staff members;*
4. *using or communicating on a communication platform owned, controlled by, or established in relation to the relevant school; for example, an order may be subject to the condition that a person may not use offensive or discriminatory language in any communication to staff members; for example, an order may be subject to the condition that certain specified types of communication are, or are not, appropriate, including verbal, written, electronic and via school controlled IT or social media systems or platforms; or*
5. *any other prescribed conduct*

*Conditions and exceptions* *[You may determine conditions and exceptions to be attached to the order, including but not limited to times when, or areas where, the order does not apply]* *This could be:*1. *place-based, for example, an order may be subject to the condition that a person may, or may not, access only specific parts of the school or school-related place;*
2. *event-based, for example, an order may be subject to the condition that, despite being prohibited from accessing a school or school-related place, the person the subject of the order may still access those places for the purposes of attending a particular event such as a parent teacher meeting or to watch a school play or sport event that their child is participating in;*
3. *time-based, for example, an order may be subject to the condition that it only applies during particular hours;*
4. *person(s)-specific, for example, an order may be subject to the condition that, despite being prohibited from communicating with certain members of staff at the school, the person subject to the order may still approach or communicate with certain other staff members;*
5. *harm-specific, for example, an order may be subject to the condition that a person may not use offensive or discriminatory language in any communication to staff members; and*
6. *communication specific, for example, an order may be subject to the condition that certain specified types of communication are, or are not, appropriate, including verbal, written, electronic and via certain IT or social media systems or platforms.*
 |
| **Actions that may lead to order being changed or cancelled:***These may also specify any reasonable and appropriate actions that the person may take to have the order revoked. Conditions must not include positive obligations or requirements on the person the subject of the order to do certain things that would result in a specific penalty if not met, or be considered to be non-compliance with the order.* *Action that may be taken by the subject of the order (such as making an apology or attending a mediation), must be expressed to provide an incentive to the person to undertake the action by having the order reviewed or revoked.* |

**Attachment 2**

**written submission form**

**for a person subject to or proposed to be subject to a school community safety order**

If you wish, you can make written submissions in response to an immediate school community safety order being made or a proposal to make an ongoing school community safety order. You can outline any reasons why you believe the order should not be issued or why the terms should be different to those proposed.

The way you can provide a written submission is flexible. You don’t have to use this form, although you may find it useful. You can provide the authorised person who gave you the proposal to issue an order with this information by sending them an email or by post.

You can also ask to provide this information orally and/or with assistance from a translator rather than in writing. You can also nominate another person to provide this information on your behalf.

**Privacy collection notice**

All information you provide as part of a written submission is optional. Please only provide information you are comfortable with. Any contact details you provide may be used to update you on the submission or to clarify details in the submission as needed.

The Department protects your personal 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).

Should you choose to disclose your (or your child’s) vulnerabilities, these will be considered by the authorised person in the decision of whether to issue, change or cancel an order. 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 the Act and Guidelines and only as a measure of last resort
* 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.

De-identified information may also be used to inform the Department’s annual report, reporting to parliament or other public reporting purposes.

Information you provide via a submission may be disclosed to appropriate areas that need to know the information within the Department of Education and Training in accordance with the [Department’s Privacy Policy](https://www.education.vic.gov.au/pages/privacypolicy.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.

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 contacting the authorised person who issued you the order.

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

If you have any questions or do not understand this form, please contact [name of person and contact details].

**WRITTEN SUBMISSION**

|  |  |
| --- | --- |
| **Date** |  |
| **Name** |  |
| **Address** |  |
| **Phone number** |  |
| **Email** |  |
| **Name of child or children enrolled at school (if applicable)**  |  |
| **Request** | [ ]  To not have an order issued against you [ ]  To have your order changed [ ]  To have your order cancelled |
| **Reasons for request***This can include:* * *an explanation of why you behaved in the way that led to an order being issued or proposed to be issued*
* *reasons you will no longer behave in such a manner*
 |
| **Response to the reason(s) given for the order being issued***This can include why you disagree with the reasons given for issuing the order or the grounds upon which the order has been made* |
| **How an order would impact upon your ability to care for your child and continue to be engaged in their education (if applicable)** *For example, the order will limit your ability to do school drop off and pick up*  |
| **Any alternative option that should be considered instead of the order or a term/condition included or proposed to be included in the order***For example, a meeting or mediation to try and resolve the conflict or disagreement*  |
| **Vulnerabilities or other circumstances that should be considered***For example, a vulnerability may:* * *have been the cause or contributed to the behaviour that led to an order being issued or proposed to be issued*
* *impact your ability to effectively understand the effect of an order and comply with an order*
* *limit your ability to participate in the process surrounding the issuing of an order such as making submissions or appealing an order*
* *mean that an order has a disproportional effect on you, with harsher impacts on you than it would on people without that particular vulnerability.*

*See list of relevant vulnerabilities below this table. Vulnerabilities disclosed can relate to you or your children enrolled at the school (if applicable).* |
| **Other supporting information***Please provide any other information you consider relevant. You may wish to attach supporting documents.* |
| **Declaration** I declare that the information in this form and any attachments is true and correct to the best of my knowledge. I agree to the use of the information that I have provided, as detailed in the privacy collection notice. Signed:Dated: |

**Examples of vulnerabilities**

Examples of vulnerabilities that you may raise to be considered include whether you:

* are Aboriginal or Torres Strait Islander, and, because of that, have suffered racism, discrimination and systemic disadvantage.
* are culturally and/or linguistically diverse, from a migrant or refugee background or seeking asylum, or who have experienced racism.
* have limited English language ability.
* live with disability, including:
	+ sensory impairment, for example, vision or hearing loss which prevents interaction with others and difficulties in accessing information;
	+ mental illness or emotional disorder, for example, episodes of mental ill health which seriously affect mood, grief and loss reactions, depression, thought disorder and difficulties with complex reasoning;
	+ intellectual, developmental and learning disabilities;
	+ communication or language disability or disorder;
	+ physical disability, for example, problems with mobility and muscle movement;
	+ neurological disorders including those caused by trauma to the head or brain.
* identify as an LGBTIQ+ person and because of this, experience discrimination and barriers to your participation in society.
* have suffered a trauma in the past, including being a victim of physical or psychological abuse and trauma, torture, rape, slavery, slavery-like practices such as forced labour and forced marriage.
* are facing serious financial hardship, including if you are without a home or are living in crisis or emergency accommodation or are supported by a housing agency or family services.
* are experiencing family violence or dysfunction.
* suffer from a serious drug or alcohol dependence.

are elderly or frail, for example, where your age and condition causes or contributes to memory loss, inability to cope with complex decision-making and sensory and mobility problems which prevent the ability to access and learn new information.

**Attachment 3**

**Fact sheet - Ongoing School Community Safety Order**

**What is an Ongoing School Community Safety Order?**

Some people, like principals and Department of Education and Training staff, are called ‘authorised persons’. They have the power to make Orders that set rules for you to follow when you go to or engage with the school.

The Order may stop you from entering or staying on school grounds or other places where school activities happen. The Order may state that you are not allowed to behave in a certain way to certain people, at certain times, at the school or other places where school activities happen. The Order may include special circumstances like times when, or areas where, the Order does not apply.

You have been given this Order so that teachers, students and other people at school feel safe. More information about School Community Safety Orders can be found [here](https://www.vic.gov.au/school-community-safety-orders). You can watch a video [here](https://vimeo.com/723185699/0195aac2e2) to help you understand what School Community Safety Orders do.

**How long is an Order in place for?**

The Order also tells you how long these rules will be in place for. The longest amount of time they can be in place for is 12 months.

**How do I tell the school that I disagree with an Order being made?**

Before an authorised person can make an Order, they must let you know they are thinking about making an Order and why they think they will make an Order. You can make a ‘submission’ to the authorised person to explain why you acted in a certain way, how it will impact you or your child or anything else they need to know so that they can decide whether to make an Order. For example, you may want to tell the authorised person that your child has a disability so that they can make arrangements to make sure you can continue to support them to go to school.

You have 7 days to make a submission after being told by the authorised person that they are thinking about making an Order. You can also ask for more time to make a submission if you need it.

A written submission can be an email or a letter to the authorised person. You can use the template found on the Department of Education and Training website [here](https://www.vic.gov.au/school-community-safety-orders).

If you don’t want to write a submission, you can ask to give a verbal submission instead. You can also ask someone else to make a submission for you, such as your disability support person or interpreter.

**If I have a child at the school, what happens to them now that I have to follow an Ongoing Order?**

Your school has thought carefully about how the Order will affect your child and how you care for them. An Order is not meant to stop you from caring for them or being involved with their education.

Your school will give you a ‘Communications and Access Protocol’ as soon as possible after giving you an Order. This will set out:

* how you can be told about your child’s education
* how your child can continue to go to school and participate in school activities safely
* what they will do to make sure your child is supported and looked after.

**What happens if I don’t follow an Order?**

If you don’t follow the rules set out in the Order, the school may apply to the Magistrate’s Court to make you follow the Order.

If the Magistrate’s Court finds that you were wrong in not following an Order, they may:

* require you to pay a fine
* require you to comply with the Order
* require you take specific action to comply with the Order
* require you do anything else that the Court thinks is appropriate.

You will not be jailed, receive a criminal record or a criminal penalty for not following an Order.

**What if I need an order to be changed?**

If you want to have rules in an order removed or changed, you can ask the authorised person who made the order to make those changes. If the authorised person agrees, they need to give you a written copy of the changed order. If they disagree, they need to follow the same requirements as when making an ongoing order.

If an authorised person wants to add new rules to an order, they need to follow the same requirements as when making an ongoing order.

**What if I want to appeal an Order?**

You can apply to your school to appeal an Order for the following reasons:

* If you don’t agree that an Order should have been made against you
* If you have asked the authorised person to change something in the Order but they refused, and you’re unhappy with this decision
* If the authorised person changed the Order and you are unhappy with this decision
* If the authorised person has decided not to cancel the order, and you are unhappy with this decision.

An internal review decision can take 28 days from the time your application is sent to the principal. This time is used to carefully assess the reasons behind the Order being made against you and the reasons provided in your submission.

The internal reviewer may make changes to the Order, cancel the Order or not do either. Once a decision is made, you will be notified by email and/or by post and you will receive a copy of the reasons for the internal review outcome to help you understand the decision made.

If you are unhappy with the outcome of the internal review, you may appeal the decision to the Victorian Civil and Administrative Tribunal. You can find more information about this on the Department of Education and Training website [here](https://www.vic.gov.au/school-community-safety-orders).

**What if I need a translator/interpreter or other support?**

If you need a translator, interpreter or a support person, you can tell the school principal who can help you get support.

If your child goes to a government school, you can also contact the Department of Education and Training’s regional office for more support.

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| --- | --- |
| North Eastern VictoriaPhone: 1300 333 231Email: nevr@education.vic.gov.au  | North Western VictoriaPhone: 1300 338 691Email: nwvr@education.vic.gov.au  |
| South Eastern VictoriaPhone: 1300 338 738Email: sevr@education.vic.gov.au  | South Western VictoriaPhone: 1300 333 232Email: swvr@education.vic.gov.au  |

**What if I want more information?**

You can go to the Department of Education and Training website [here](https://www.vic.gov.au/school-community-safety-orders) for more information.