**LETTER TEMPLATE – Issuing an immediate school community safety order in writing**

(To be used on School Letterhead)

[*Insert name*

*Address*

*Address*]

*[date]*

Dear[*insert name*],

This letter is to provide you with *[if already verbally issued:* a written copy of the immediate school community safety order that I issued to you on *(date and time)] [if issuing for the first time:* a copy of the immediate school community safety order that I am issuing you with, effective immediately*].*

The order is attached (**Attachment 1**) and sets out the reasons I am issuing this order and the terms of the order. You must comply with this order until *[date].*

*If recipient has a child enrolled at the school and the order may impact the child’s education:* I have also included in the order measures to mitigate any impact that a school community safety order may have on your ability to care for and be involved with your child or children’s education.

I will now review this order and consider if there are grounds to issue you an ongoing school community safety order or whether the immediate school community safety order should be revoked. If I consider that grounds for an ongoing order exist, I will send you a further letter with the proposed terms for the ongoing order, and you will have an opportunity to make a submission in response. If I decide that the grounds for an ongoing order do not exist, I will be in contact to inform you that the immediate order is revoked.

You can make a written submission to me about the continuation of this order at any time whilst this order is in place. This is your opportunity to provide me with:

* any reasons why you believe the order should not have been made
* why the terms should be different
* any other information that you would like me to take into account.

You can provide me with this information by sending an email to *[insert email address]* or completing **Attachment 2**. You can also ask to provide this information to me 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**

**IMMEDIATE 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.*[An immediate order cannot exceed 14 days duration]* |
| **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 and imminent risk of harm either to:*
	+ *another 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*
	+ *a member of the school community who is 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*
* *The person poses an unacceptable and imminent risk of causing significant disruption to the relevant school or activities carried on by the relevant school*
* *The person poses an unacceptable and imminent risk of interfering with the wellbeing, safety or educational opportunities of students enrolled at the relevant school*
 |
| **Reasons on which 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 (including any conditions or exceptions to these terms and communication and access measures)** *Terms* *You are prohibited from entering or remaining on any school-related place of the relevant school specified in the order for a maximum of [number] days.* *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.*

*You should consider alternative arrangements to ensure the child's continued attendance at, and safe access to, the school and school activities, if because of the order the parent/carer cannot escort the child to or from school or school activities. You should also consider if the order allows an exception for the parent/carer to continue school related activities if the child is not able to safely access school and school activities.* *For further guidance, including supports and subsidies may assist the student to travel to and from school, see chapter ‘*[*Minimising impacts on students’*](https://www2.education.vic.gov.au/pal/school-community-safety-orders/guidance/minimising-impacts-students) *in the* [*School Community Safety Orders Policy*](https://www2.education.vic.gov.au/pal/school-community-safety-orders/policy)*.**Tailor as appropriate or delete:*The person subject to this order is allowed to:* be outside the school gates to conduct school drop off and pick up between [specify time]
* conduct drop off and pick up at [school-related place e.g. swimming carnival] on [date]. *(For example, use this where there is no other person or means available to ensure the student’s safe access to and from the event)*
* nominate in writing to me the name and contact details of a trusted person to conduct drop off and pick up from [location] on your behalf.

*You can identify other staff members who can be communicated with, or specify the frequency and methods of communications that will be allowed to give updates on the student’s progress or provide feedback on school related matters.* *For example:* * *exploring alternative meeting arrangements for parent teacher interviews like video conferencing*
* *asking a family member of the student to attend meetings or communicate with the school*
* *replacing the staff member(s) affected by the parent’s behaviour with another staff member or if this is not possible, limiting the parent’s interactions to receiving and giving updates on the student’s progress via email.*

*Tailor as appropriate or delete:*The following form and method of contact will be allowed:* email communications to [specify name of staff member(s)]
* one email per [specify frequency] to [specify name of staff member(s)] if it is in relation to [topic e.g. your child’s progress at school]
* attending [specify meeting e.g. parent teacher interviews] via [specify acceptable platform e.g. video conferencing]
 |
| **Actions that may lead to order being revoked:***[These actions must not include positive obligations or requirements on the subject of the order to do certain things (such as making an apology or attending a mediation) that would result in a specific penalty if not met, or be considered to be non-compliance with the order. Actions must be expressed to provide an incentive to the person to undertake the action by having the order reviewed or revoked.]* |

**Review process**

The authorised person must review the order within 14 days and decide whether to revoke the order or issue an ongoing order. You have the right to make written submissions and to request to make oral submissions and have an advocate or translator present.

**Consequences for not following the order**

You must comply with this order.

Failure to comply with this order can result in enforcement action at the Magistrate's Court and may result in a fine or a court order.

The Magistrate’s Court may issue the following orders:

* payment of a fine of up to 60 penalty units (access the [Department of Justice and Community Safety website](https://www.justice.vic.gov.au/justice-system/fines-and-penalties/penalties-and-values) to find out how much this amounts to)
* an order compelling the person to comply with the order
* an order compelling the person to take specified action to comply with the order, or
* any other order that the Court considers appropriate.

**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 order or 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.

Regardless of the form in which you make the submission, please continue to read the ‘privacy collection notice’ below, as this outlines how your information will be handled.

**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 - Immediate School Community Safety Order**

**What does an Immediate School Community Safety Order do?**

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.

An Order stops you from entering or staying on school grounds or other places where school activities happen. The Order may include details like times when, or areas where, the Order does not apply.

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 Immediate Order?**

The Order also tells you how long these rules will be in place for. The longest amount of time an Order can be in place for is 14 days.

**If I have a child at the school, what happens to them now that I have to follow an Immediate 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 if I don’t agree with an Immediate Order?**

The authorised person who made the Order must immediately review the Order after they have made it to consider whether they should make an ‘Ongoing School Community Safety Order’ or to cancel the Order. More information about Ongoing Orders can be found on the Department of Education and Training website [here](https://www.vic.gov.au/school-community-safety-orders).

You can make a submission at any time to explain why you acted in a certain way, how it will impact you or your child or anything else they need to know. For example, you may want to tell the school that your child has a disability so that they can make sure you can continue to support them to go to school.

A written submission can be an email or a letter to the authorised person. You can use the template 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.

**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 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.

|  |  |
| --- | --- |
| 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.