

School Community Safety order Policy and Procedure

1. Introduction

- 1.1 Lakeside College is a positive place of learning and work where everyone has a right to a safe and healthy environment. Everyone in the School community plays a shared role in being respectful. When parents and carers behave aggressively towards staff or members of the School community, it can have a significant impact on the physical and mental health, safety and wellbeing of the staff, students and other members of the School community who experience it.
- 1.2 The *Education and Training Reform Act 2006* (Vic) (**Act**) was amended by the *Education and Training Reform Amendment (Protection of School Communities) Act 2021* to establish the School Community Safety Order Scheme (**Scheme**). The Scheme is just one part of the School's suite of initiatives to address work-related violence at the School.
- 1.3 Following this policy and Guidance Procedure will assist principals and authorised persons to issue orders consistently with legislation, the binding Ministerial Guidelines, and department policy.
- 1.4 This policy supports the School to use the Scheme to manage the risks to the safety of School staff, students and the broader School community from a small minority of parents, carers and other adults who engage in harmful, threatening or abusive behaviour.

2. Purpose and Scope

- 2.1 The Scheme enables authorised persons to issue school community safety orders (**Orders**) to prohibit or restrain certain behaviours from occurring on School premises and school-related places, or in relation to School staff. Orders can be immediate or ongoing.
- 2.2 Orders can only be issued to adults (18 years old or over) who are not staff members or students at the School. This may include parents or carers of students at the School, former students, friends or partners of students, former staff members or staff members from other schools and third-party contractors engaged by the School.
- 2.3 Orders can only be made if the School has considered other ways to address the behaviour and an order is the least restrictive means available, in accordance with the Guidance Procedure.
- 2.4 If an Order is given to a person who has a child at the School, the School must make sure that the child can continue to attend school and enable the parent to be involved with their education.
- 2.5 The Guidance Procedure attached as Schedule One to this policy contains important information about the Scheme that principals and authorised persons are required to understand before issuing Orders.

3. Types of orders

- 3.1 Prior to making an Order the authorised person must consider the mandatory considerations listed in the Guidance Procedure, attached to this policy.
- 3.2 There are 2 types of Orders that principals and other authorised persons can issue to prohibit or limit different types of behaviours – ongoing School community safety Orders (**Ongoing Orders**) and immediate School community safety orders (**Immediate Orders**).

Ongoing Orders

- 3.3 Ongoing Orders may be made for any period up to a maximum of 12 months and can prohibit or limit a person from:
 - 3.3.1 entering or remaining on any School-related place;
 - 3.3.2 approaching, or causing another person to approach, within 25 metres of any staff member or class of staff members within or outside of any School-related;
 - 3.3.3 contacting any staff member or class of staff members; and/or
 - 3.3.4 using or communicating on a communication platform owned, controlled by, or established in relation to the relevant School.
- 3.4 Ongoing Orders can be issued where an authorised person reasonably believes that one or more of the grounds exist with respect to the person who is proposed to be subject to the order. The Guidance Procedure(below) contains a detailed description of the grounds for issuing Ongoing Orders.

Immediate Orders

- 3.5 Immediate Orders prohibit a person from entering or remaining on any School-related place specified in the Order and remain in effect for a maximum of 14 days.
- 3.6 Immediate Orders may be made orally or in writing where the person who is subject to the Order poses an unacceptable and imminent risk of:
 - 3.6.1 harm to another person on School premises or to a member of the School community at a School-related place;
 - 3.6.2 causing significant disruption to School activities; or
 - 3.6.3 interfering with the wellbeing, safety or educational opportunities of students.

4. Breaches to Orders

- 4.1 If a person breaches an Order, the School may initiate enforcement proceedings in the Magistrates' Court for one of the following orders:

- 4.1.1 a fine of up to 60 penalty units (access the Department of Justice and Community Safety website to find out how much this amounts to);
- 4.1.2 an order requiring the person to comply with the Order;
- 4.1.3 an order requiring the person to take specified action to comply with the Order;
- 4.1.4 an order requiring the person to do anything else that the Court thinks is appropriate.

4.2 A person who breaches an Order will not receive a criminal penalty.

5. Internal and external review of Orders

- 5.1 A person to whom an Ongoing Order applies may apply in writing to the school by contacting Mr Robert Tassoni for an internal review of the authorised person's decision to:
 - 5.1.1 make the Order;
 - 5.1.2 vary the Order on the authorised person's own motion;
 - 5.1.3 refuse an application by the subject for a variation to the Order; or
 - 5.1.4 refuse to revoke the Order.
- 5.2 An application must be referred to a reviewer as soon as is practicable, who may affirm, vary or revoke the relevant decision.
- 5.3 A person who is not satisfied with the outcome of an internal review of the Order may apply to the Victorian Civil and Administrative Tribunal for an external review of that decision.

6. Other actions and responsibilities

- 6.1 Other actions and responsibilities associated with the Scheme are detailed in the Guidance Procedure below, including mandatory considerations for issuing Orders, relevant procedures and reporting.

7. Definitions

- 7.1 **"Authorised persons"** are those persons empowered to make, vary or revoke school community safety orders. Principals and the Secretary are automatically authorised persons under the Act by virtue of the position they hold. The Secretary has the power to authorise additional persons or classes of persons to be authorised persons.
- 7.2 **"Member of the School community"** includes a student enrolled at the School, a parent of a student at the School, a staff member of the School or a person who is present at a School-related place for a reason connected with the School.

Commented [Moore1]: Note that the Secretary has not currently authorised any additional persons to act as authorised persons.
If a situation arises where the principal of the school is in a position of conflict re making an Order, please seek further advice.

Commented [TH2R1]: LEVNT will apply to the Secretary to have the Executive Director and Director: Leadership and School Improvement recognised as authorised persons

7.3 “School-related place” refers to:

7.3.1 any premises of the School, which may include an area that is within 25 metres of the boundary of those premises; and

7.3.2 in addition to the School premises, any other place or premises on which there is an activity conducted by or in connection with the School, which may include an area that is within 25 metres of the boundary of that place or those premises.

8. **Related policies and legislation**

Commented [Moore3]: Please update as required.

- 8.1 Child and Family Violence Information Sharing Schemes
- 8.2 Child Safety and Wellbeing
- 8.3 Complaints – Parents
- 8.4 Emergency and Critical Incident Management Planning
- 8.5 Mental Health and Wellbeing – Employees
- 8.6 Mental Health in Schools
- 8.7 OHS Risk Management
- 8.8 Principal Health and Wellbeing
- 8.9 Records Management — School Records
- 8.10 Respectful Behaviours within the School Community
- 8.11 Privacy Policy
- 8.12 Student Engagement
- 8.13 *Child Wellbeing and Safety Act 2005* (Vic)
- 8.14 *Charter of Human Rights and Responsibilities 2006* (Vic)
- 8.15 *Disability Discrimination Act 1992* (Cth)
- 8.16 *Education and Training Reform Act 2006* (Vic)
- 8.17 *Education and Training Reform Amendment (Protection of School Communities) Act 2021* (Vic)
- 8.18 *Occupational Health and Safety Act 2004* (Vic)
- 8.19 *Occupational Health and Safety Regulations 2017* (Vic)
- 8.20 *Privacy Act 1988* (Cth)



8.21 *Privacy and Data Protection Act 2014 (Vic)*

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GUIDANCE PROCEDURE

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Further guidance may be found in the Ministerial Guidelines for the School Community Safety Order Scheme available [here](#) or from the Victorian Government.

1. GROUNDS FOR ISSUING AN ORDER

1.1 Orders Generally

- 1.1.1 Authorised persons may issue Ongoing Orders and Immediate Orders. There are different grounds for each type of Order.
- 1.1.2 Authorised persons may only issue an Order where:
 - 1.1.2.1 they reasonably believe that at least one or more grounds exists; and
 - 1.1.2.2 the Order is reasonably necessary to address these grounds (this means that the terms and effect of Orders must be proportionate to the behaviour and the risk of harm seeking to be addressed).
- 1.1.3 Even when an authorised person is satisfied that the above requirements are met, they must also consider the considerations in Mandatory considerations before issuing an Order before making a final decision to issue an Order.

1.2 Definitions for Orders

The following definitions apply for ongoing and immediate orders:

- 1.2.1 **"Reasonably believe"**
 - 1.2.1.1 In deciding whether to make an Ongoing or Immediate Order, an authorised person must reasonably believe that one or more grounds for making the Order exist.
 - 1.2.1.2 A reasonable belief is an objective test which requires the existence of facts which are sufficient to induce the belief in a reasonable person standing in the shoes of the decision maker. If an authorised person believes that the grounds for making an Order have been met, and this belief is one a reasonable person would hold based on available or ascertainable facts (rather than on suspicion or assumption), they are likely to hold the necessary reasonable belief that the grounds for an Order exist.
- 1.2.2 **"Reasonably necessary"**
 - 1.2.2.1 To make an Order, it must be reasonably necessary to address the grounds on which it is proposed to be made.
 - 1.2.2.2 Whether making the Order is reasonably necessary is an objective test which involves considering whether a properly informed, reasonable person would agree that

the Order is necessary. This means that Orders must be proportionate to the behaviour and the risk of harm seeking to be addressed.

- 1.2.3 **“Harm”** means harm of any kind, including physical or mental harm. This may be caused by physical conduct, verbal abuse, threats of harm or vexatious communications that causes unreasonable stress or anxiety to a person.

1.2.4 **“Unacceptable risk”**

- 1.2.4.1 The term ‘unacceptable risk’ requires consideration of both the likelihood of the relevant risk eventuating and the seriousness of the consequences if the risk eventuates. In considering whether a risk is unacceptable, authorised persons should apply the following 2-limb test:

1.2.4.1.1 consider the likelihood of the risk eventuating; and

1.2.4.1.2 consider the gravity or seriousness of the consequences if the risk eventuates.

1.2.5 **“Imminent and unacceptable risk”**

- 1.2.5.1 While ‘imminent’ is not defined in the Act, its ordinary meaning is something that is likely to occur, is impending or may eventuate at any moment.

- 1.2.5.2 To make an Immediate Order, an authorised person will need to assess whether a situation poses both an imminent and an unacceptable risk by considering the following 3-limb test:

1.2.5.2.1 the likelihood of the risk of harm, significant disruption or interference eventuating;

1.2.5.2.2 the consequences and seriousness of the risk if it eventuates; and

1.2.5.2.3 whether the risk is likely to occur at any moment.

1.3 Grounds for Ongoing Orders

1.3.1 *Ground 1: Harm to others*

- 1.3.1.1 An authorised person may issue an Ongoing Order if they reasonably believe that a person poses an unacceptable risk of harm to:

- 1.3.1.1.1 any person (regardless of whether they are a member of the School community) on or within 25 metres of the premises of the School; or
- 1.3.1.1.2 a member of the School community at any other place or premises where there is an activity conducted by or in connection with the School (including an area that is within 25 metres of this area, if the member of the School community is there for a reason that is connected with the School).
- 1.3.1.2 Harm to others can include:
 - 1.3.1.2.1 physical conduct towards a student, staff member, or parent, such as hitting, kicking, shoving, physical restraint of, and using weapons or objects to injure, a person;
 - 1.3.1.2.2 verbal abuse towards a student, staff member, parent or carer, for instance, using obscene or derogatory language to communicate where that abuse causes mental harm;
 - 1.3.1.2.3 threats of harm, where they have the potential to cause fear or distress; or
 - 1.3.1.2.4 vexatious communications that causes unreasonable stress or anxiety in the workplace and the other person's personal life.
- 1.3.2 *Ground 2: Significant disruption to the School or its activities*
 - 1.3.2.1 An authorised person may issue an Ongoing Order if they reasonably believe that a person poses an unacceptable risk of causing significant disruption to the School or activities carried on by the School.
 - 1.3.2.2 For example, this includes where a person refuses to leave a classroom or place where a School activity is taking place or otherwise interferes with a teacher's ability to instruct a class.
- 1.3.3 *Ground 3: Interference with the wellbeing, safety or educational opportunities of students*
 - 1.3.3.1 An authorised person may issue an Ongoing Order if they reasonably believe that a person poses an

unacceptable risk of interfering with the wellbeing, safety or educational opportunities of students enrolled at the relevant School.

- 1.3.3.2 For example, this includes where physical violence or abuse occurs in the presence of students.

1.3.4 *Ground 4: Disorderly, offensive, intimidating or threatening behaviour*

- 1.3.4.1 An authorised person may issue an Ongoing Order if they reasonably believe that a person has behaved and is likely to continue behaving in a disorderly, offensive, intimidating or threatening manner to a member of the School community, either:

1.3.4.1.1 at, or within 25 metres of, any premises of the School; or

1.3.4.1.2 at, or within 25 metres of, any other place or premises on which there is an activity conducted by or in connection with the School.

- 1.3.4.2 To satisfy this ground, such behaviour must be:

1.3.4.2.1 disorderly, which may include disrupting a class, staff meeting or other event;

1.3.4.2.2 offensive, which may include behaviour that may be perceived as insulting or derogatory;

1.3.4.2.3 intimidating, which may include making someone feel fearful, nervous or timid; or

1.3.4.2.4 threatening, may include making a person fear for their safety.

1.3.5 *Ground 5: Vexatious communications*

- 1.3.5.1 An authorised person may issue an Ongoing Order where a person has engaged in and is likely to engage in vexatious communications with, or regarding, a staff member at the relevant school.

- 1.3.5.2 Vexatious communications in relation to a staff member of a school means a communication that a reasonable person would consider unreasonable in the circumstances in one of the following types of communication:

- 1.3.5.2.1 approaching, calling, sending messages to or otherwise contacting the staff member;
- 1.3.5.2.2 publishing material about the staff member; and
- 1.3.5.2.3 causing someone else to engage in the above behaviour on the person's behalf.
- 1.3.5.3 The person who has engaged in vexatious communications must also be likely to engage in vexatious communication in the future for this ground to be satisfied.
- 1.3.5.4 This can include communications that:
 - 1.3.5.4.1 are of an unreasonably high frequency;
 - 1.3.5.4.2 repeatedly and deliberately ignore reasonable requests to use a specified complaints, dispute resolution or other related process;
 - 1.3.5.4.3 unreasonably divert resources away from other reasonable complaints and school operations;
 - 1.3.5.4.4 are a source of stress for staff members and affect their physical or mental health and wellbeing and work performance; and
 - 1.3.5.4.5 intend to cause or have the effect of causing distress or harassment to staff.

1.4 Grounds for Immediate Orders

- 1.4.1 The grounds for Immediate Orders are the same as grounds 1 to 3 for Ongoing Orders, except the unacceptable risk must also be imminent.
- 1.4.2 Imminent and unacceptable risk can be assessed by considering:
 - 1.4.2.1 the likelihood of the risk of harm, significant disruption or interference eventuating;
 - 1.4.2.2 the consequences and seriousness of the risk if it eventuates; and
 - 1.4.2.3 whether the risk is likely to occur at any moment.

1.5 Police involvement

- 1.5.1 Police and relevant emergency services should always be contacted in the case of an emergency, immediate threat, or suspected criminal behaviour.
- 1.5.2 For example, if a parent refuses to leave school grounds after being abusive and threatening towards staff, police should be called regardless of whether an Order is in place.

2. MANDATORY CONSIDERATIONS BEFORE ISSUING AN ORDER

2.1 Mandatory Considerations

- 2.1.1 After determining that there are grounds for issuing an Order and the Order is reasonably necessary to address these grounds, authorised persons must account for mandatory considerations before making a final decision about whether to issue an Order. These mandatory considerations include:
 - 2.1.1.1 whether the Order is the least restrictive means available to address the grounds on which the Order is proposed to be made;
 - 2.1.1.2 any vulnerability of the person of which they are aware; and
 - 2.1.1.3 where relevant, any impact of the Order on the safety, wellbeing and educational opportunities of a child or children, including the children of a person against whom the Order is proposed to be made.
- 2.1.2 The authorised person must consider whether any of these matters are relevant to the decision and, if they are, weigh them up at their discretion after taking into account all relevant information and the particular circumstances of the matter. For example, an authorised person may be aware of a vulnerability but determine that it is not relevant to their decision to make an Order, or should be given little weight, because it did not contribute to or cause the behaviour that satisfied the relevant ground.
- 2.1.3 There are further obligations under other legislation that authorised persons must consider, which includes occupational health and safety considerations.

2.2 Mandatory consideration 1 – Least restrictive means

- 2.2.1 Authorised persons need to consider alternative actions to address the behaviour before issuing an Order. 'Least restrictive' means the option that leaves the person with the most autonomy while addressing its intended aim.

- 2.2.2 This must be determined on a case-by-case basis having regard to the nature of the risk that the Order is seeking to mitigate and whether any reasonable and less restrictive alternatives to an Order are available to address that risk. An Order can still be issued even if it is not the least restrictive option, so long as alternative actions have been considered, and the Order is still reasonably necessary.

2.3 Mandatory consideration 2 – Vulnerability of the person subject to an order

- 2.3.1 An authorised person must take into account the vulnerability of the person who may be subject to an Order where it is relevant to the decision to issue an Order.
- 2.3.2 An authorised person may become aware of a vulnerability through:
- 2.3.2.1 a disclosure by the person to whom an Order may apply or by another person, or official record;
 - 2.3.2.2 any prior relationships and interactions with the person; and
 - 2.3.2.3 forming a reasonable perception that the person has difficulty communicating in English.
- 2.3.3 Authorised persons should take positive steps to provide a person who may be subject to an Order with the opportunity to raise vulnerabilities that are relevant to the proposed decision to issue an Order, while ensuring that the person is not treated unfavourably because of those vulnerabilities. This can be done by providing a person to whom an Order may apply with the opportunity to raise any vulnerabilities for consideration through a written submission form when notice of a proposal to give an Ongoing Order is given and when an Immediate Order has been issued.
- 2.3.4 Examples of vulnerabilities that an authorised person may be required to consider include:
- 2.3.4.1 whether a person is Aboriginal or Torres Strait Islander and, because of that, has suffered racism, discrimination and systemic disadvantage;
 - 2.3.4.2 whether a person is culturally and/or linguistically diverse, from a migrant or refugee background or seeking asylum, or who have experienced racism;
 - 2.3.4.3 whether a person has limited English language ability;
 - 2.3.4.4 whether a person is living with disability, including:
 - 2.3.4.4.1 sensory impairment, for example, vision or hearing loss which prevents interaction with

others and difficulties in accessing information;

- 2.3.4.4.2 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;
- 2.3.4.4.3 intellectual, developmental and learning disabilities;
- 2.3.4.4.4 communication or language disability or disorder;
- 2.3.4.4.5 physical disability, for example, problems with mobility and muscle movement;
- 2.3.4.4.6 neurological disorders including those caused by trauma to the head or brain;
- 2.3.4.4.7 whether a person identifies as an LGBTQIA+ person, who may be vulnerable due to discrimination and barriers to their participation, systemic disadvantage, risks to their safety or the status of their mental or physical health and wellbeing;
- 2.3.4.4.8 whether a person has suffered a trauma in the past, including victims of physical or psychological abuse and trauma, torture, rape, slavery, slavery-like practices such as forced labour and forced marriage, human trafficking or other serious forms of psychological, physical or sexual violence;
- 2.3.4.4.9 whether a person is facing serious financial hardship, including people without a home or who are living in crisis or emergency accommodation or who are supported by a housing agency or family services;
- 2.3.4.4.10 whether a person is experiencing family violence or dysfunction;
- 2.3.4.4.11 whether a person suffers from a serious drug or alcohol dependence; and/or
- 2.3.4.4.12 whether a person is elderly or frail, for example, where their 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.

2.3.5 An authorised person may form the view that a known vulnerability could be relevant when:

- 2.3.5.1 identifying whether there are grounds to make an Order;
- 2.3.5.2 assessing whether the Order is the least restrictive means available to respond to the behaviour;
- 2.3.5.3 giving notice and allowing submissions, including alternative arrangements for submissions; and
- 2.3.5.4 determining the content and form of an Order.

2.4 Mandatory consideration 3 – Impact on child safety, wellbeing and education

2.4.1 Where relevant, an authorised person must consider the impact of the Order on the safety, wellbeing and educational opportunities of an individual child or children, including the children of a person against whom an Order is being considered.

2.4.2 Such risks may include impacts on the child's:

- 2.4.2.1 continued attendance and engagement at the School;
- 2.4.2.2 mental health and wellbeing due either to the knowledge that their parent is subject to an Order, or, as a flow on effect of any detrimental impacts on parent health, wellbeing or behaviour that may affect the child; and
- 2.4.2.3 physical safety and wellbeing of the child, particularly if there is a risk of family violence. Making an Order may have the potential to exacerbate existing safety risks that a person poses to their family in some circumstances. For example, children might suffer retaliatory or retributive action from the parent who is subject of the Order.

2.4.3 These risks must be appropriately considered and managed by the authorised person when making an Order, for example, reporting concerns to relevant police and child protection and otherwise taking steps to fulfil duty of care obligations to the student.

2.4.4 The authorised persons should consider using available tools, such as the Child and Family Violence Information Sharing Schemes and Multi-Agency Risk Assessment and Management, to obtain information which may be relevant to determining whether issuing

an Order may present a heightened risk to a child or another person.

2.5 Other requirements under other legislation

2.5.1 Occupational Health and Safety obligations

- 2.5.1.1 Principals have certain obligations under the *Occupational Health and Safety Act 2004* (Vic) to ensure that, so far as is reasonably practicable, the workplace is safe and without risks to health.
- 2.5.1.2 Authorised persons must consider the health and safety impacts of the behaviour of the person on staff and/or other members of the School community, should an Order not be issued, when considering whether to issue an Order.