



Intervention Orders

Purpose of this policy

The purpose of this policy is to ensure that staff:

- understand and respond appropriately to persons who are protected by, or subject to, intervention orders.
- are aware of their rights and obligations in applying for, and responding to, intervention orders related to behaviour that has occurred during the course of their employment.

Policy

Parents, guardians, carers, students and school staff are expected to provide the principal or a member of the school leadership team with relevant information and documentation about any family violence intervention orders or personal safety intervention orders, that may impact on the way in which the school manages its operations.

School staff are expected to react sensitively and respond appropriately to any persons who are protected by, or subject to, intervention orders.

Any student or school staff applying for a family violence intervention order or a personal safety intervention order or responding to an application for a family violence intervention order or a personal safety intervention order that may impact on the way the school manages its operations are encouraged to speak to the principal or a member of the leadership team about their concerns.

Family Violence Intervention Orders

Family violence intervention orders are Court orders made pursuant to the *Family Violence Protection Act 2008* (Vic). These Orders are usually made in the Magistrates' Court of Victoria or the Children's Court of Victoria.

A family violence intervention order protects one or more individuals (affected family members) against the behaviour of another individual (the respondent).

These Orders are usually made between family members or between people who were, or are currently in a relationship.

These Orders may prohibit the respondent from committing one or more of the following behaviours:

- Prohibit family violence
- Exclude the respondent from a particular residence
- Prohibit the respondent from approaching, telephoning or contacting the affected family members
- Prohibit the respondent from being anywhere within a specified distance of where the affected family members live, work, attend school or child care
- If a child is one of the affected family members and there is:
 - a parenting order in place, the Order may revive, vary, discharge or suspend the parenting order
 - no parenting order in place, the Order may:
 - make arrangements for the child to live with, spend time with, or communicate with the respondent; or
 - prohibit the respondent from living with, spending time with, or communicating with the child.

The Court will make a family violence intervention order if the Court is satisfied, on the balance of probabilities, that the respondent has committed family violence against the affected family members and is likely to continue to do so or do so again.

For more information about these Orders, see: Decision Making Responsibilities for Students

Personal Safety Intervention Orders

Personal safety intervention orders are Court Orders made pursuant to the *Personal Safety Intervention Orders Act 2010 (Vic)*. These Orders are usually made in the Magistrates' Court of Victoria or the Children's Court of Victoria.

A personal safety intervention order protects one or more individuals (affected persons) against the behaviour of another individual (the respondent).

These Orders may prohibit the respondent from committing one or more of the following behaviours:

- Prohibit the respondent from committing assault, sexual assault, harassment, property damage or interference, or making serious threats towards or against the affected person
- Prohibit the respondent from stalking the affected person
 - Note: "Stalking" is defined as a course of conduct that has the intention of causing physical harm or mental harm to a person, or arousing an apprehension of fear for a person's safety. Stalking behaviour can include the following:
 - Following a person
 - Contacting a person by post, telephone, fax, text message, email
 - Publishing information about a person on the internet or in an email

- Entering or loitering outside a person’s home, business, workplace or any other place whether the person usually attends
- Using abusive or offensive words or performing abusive or offensive acts - Keeping a person under surveillance.
- Exclude the respondent from the affected person’s place of residence
- Prohibit the respondent from approaching, telephoning or contacting the affected person
- Prohibit the respondent from being anywhere within a specified distance of the affected person or where the affected person lives, works, or attends school.

The Court will make a personal safety intervention order if the Court is satisfied that the respondent has committed assault, harassment, property damage or interference, made a serious threat or engaged in stalking behaviour and is likely to continue to do so or do so again.

Person protected by an order - School Response/Actions

This table outlines the action to be taken by a school if a person protected by an order is a parent/guardian/carer, student or staff member.

If the person protected by the order is a...

Action to be taken

Parent, guardian, or carer

- Request a copy of the Order.
- Determine whether any special arrangements need to be made for school activities or events.
- Request a copy of the Order.
- Determine whether it affects the responsibilities and obligations of the parent, guardian or carer for the student (see: [Decision Making Responsibilities for Students](#)).
- Record the Order on CASES21 or equivalent database.
- Develop an Individual Management Plan for the student (see: [Student Engagement](#))
- Communicate the Plan to:
 - the student
 - his or her parents, guardian or carer (if appropriate to do so)
- school staff who will be responsible for implementing the Plan.

Student

The principal:

- requests a copy of the Order.
- reminds the staff member about the Employee Assistance Program (see: Employee Safety and Support Services).
- determines whether any special arrangements or adjustments need to be made for the individual staff member.

School staff

Person subject to an order - School Response/Actions

This table outlines the action to be taken by a school if a person subject to an order is a parent/guardian/carer, student or staff member.

**If the person
subject to the
order is a...**

Action to be taken

**Parent, guardian
or carer**

- Request a copy of the Order.
- Determine whether it affects the responsibilities and obligations of the parent, guardian or carer for the student (see: Decision Making Responsibilities for Students).
- Determine whether any special arrangements need to be made for school activities or events.
- Request a copy of the Order.
- Determine whether the Order prevents the student from coming to school.
- If the Order does prevent the student from coming to school:
 - Communicate this to the student and his/her parent, guardian or carer as soon as practicable
 - Develop a Student Absence Learning Plan
 - Assist the student to pursue appropriate educational, training or employment opportunities
 - Encourage the student to obtain independent legal advice.
- If the Order does not prevent the student from coming to school:
 - Determine whether any special arrangements need to be made for school activities or events
 - Develop an Individual Management Plan for the student (see: Student Engagement)

Student

- Communicate the Plan to:
 - the student
 - his or her parents, guardian or carer (if appropriate to do so)
 - school staff who will be responsible for implementing the Plan.

The principal:

- requests a copy of the Order.
- reminds staff member of the Employee Assistance Program (see: Employee Safety and Support Services).
- determines whether the Order prevents the individual staff member from continuing with his or her employment.

If the order does prevent the individual staff member from continuing with his/her employment, the principal:

- communicates this to the staff member as soon as possible
- encourages the staff member to get independent legal advice.

If the order does not prevent the individual staff member from continuing with his or her employment, the principal determines whether any special arrangements or adjustments need to be made for the individual staff member.

School staff

Person making the application - School Response/Actions

This table outlines the action to be taken by a school when the person making the application is a parent/guardian/carers, student or staff member.

Where person making the application is a ...

Action to be taken

- | | |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parent, guardian or carer | <ul style="list-style-type: none"> ▪ Avoid taking sides or becoming involved. ▪ Do not prepare any statements or letters of support. ▪ Do not provide any information or documentation to the parent, guardian or carer or their representative unless it is in accordance with legislation. ▪ Do not produce documents or give evidence in Court unless compelled to do so by Witness Summons (see: Subpoenas and Witness Summonses). |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- If the application is to protect the student against behaviour of a staff member or another student at the school:
 - the principal or member of the leadership team should take steps to try and resolve the concerns. This may include:
 - Restorative practices
 - Education
 - Mediation
 - Development of an Individual Management Plan
 - Making adjustments or special arrangements for the individual student.
- In all cases:
 - Do not provide any information or documentation to the student or their representative unless it is in accordance with legislation.
 - Do not produce documents or give evidence in Court unless compelled to do so by Witness Summons (see: Subpoenas and Witness Summonses)

Student

- If the application is to protect the staff member from the behaviour of another staff member or student at the school, the principal:
 - encourages the staff member to speak with the following persons to try and resolve their concerns:
 - Manager
 - OHS Advisory Service (see: Employee Safety and Support Services).
- In all cases:
 - Remind the staff member about the Employee Assistance Program (see: Employee Safety and Support Services)
 - Do not provide any information or documentation to the staff member unless it is in accordance with legislation.
 - Do not produce documents or give evidence in Court unless compelled to do so by Witness Summons (see : Subpoenas and Witness Summonses).

School staff

Person responding to applications - School Response/Actions

This table outlines the action to be taken by a school when the person responding to the application is a parent/guardian/carer, student or staff member.

Where the person responding to the application is a...

Action to be taken

Parent, guardian or carer

- Avoid taking sides or becoming involved.
- Do not prepare any statements or letters of support.
- Do not provide any information or documentation to the parent, guardian or carer or their representative unless it is in accordance with legislation.
- Do not produce documents or give evidence in Court unless compelled to do so by Witness Summons (see: Subpoenas and Witness Summonses).
- If the application is being made by a staff member or another student at the school:
 - the principal or member of the leadership team should take steps to try and resolve the concerns. This may include:
 - Restorative practices
 - Education
 - Mediation
 - Development of an Individual Management Plan
 - Making adjustments or special arrangements for the individual student.
 - Comply with any requests by the Court to prepare a report Section 75(1) of the *Personal Safety Intervention Orders Act 2010* (Vic) permits the Court to request that the Secretary of the Department prepare a report that contains:
 - Options for alternative education and training; and
 - Any information that may assist the court in assessing whether the order would prevent the student from attending the school.
- If any school staff receive such requests, they should immediately contact the Legal Division on (03) 9637-3146 for further advice and assistance.
- In all cases:
 - Do not provide any information or documentation to the student or their representative unless it is in accordance with legislation.

Students

- Do not produce documents or give evidence in Court unless compelled

to do so by Witness Summons (see: [Subpoenas and Witness Summonses](#)).

- If the application is being made by a staff member or another student at the school:
 - the principal or member of the leadership team should take steps to try and resolve the concerns. Further advice and support can be obtained from the OHS Advisory Service on: 1300 074 715 or e-mail: safety@edumail.vic.gov.au and the Legal Division on (03) 9637-3146 or via email: legal.services@edumail.vic.gov.au
- In all cases:
 - Remind the staff member about the Employee Assistance Program (see: [Employee Safety and Support Services](#))
 - Do not provide any information or documentation to the staff member unless it is in accordance with legislation
 - Do not produce documents or give evidence in Court unless compelled to do so by Witness Summons (see: [Subpoenas and Witness Summonses](#)).

School staff

Responding to non-compliance with an order

It is a criminal offence to fail to comply with a family violence intervention order or a personal safety intervention order.

If individual staff members believe that they have witnessed a person contravene a family violence intervention order or a personal safety intervention order, the individual staff members should:

- Contact the Victoria Police and report the incident.
- Notify the Principal or a member of the school leadership team.
- Notify the Department's Security Services Unit on (03) 9589-6266.

It is the role of the Victoria Police to investigate the incident and to determine whether it is appropriate in the circumstances, to charge that person with a criminal offence.