

REVIEW PROCESSES

Immediate Orders

As soon as practicable after making an Immediate Order

Timeframe to make an internal review decision

The College will review an Immediate Order as soon as practicable and no later than the date on which the order expires. An Immediate Order is in force for the period specified in the order or for a maximum of 14 days.

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which are relevant to the decision and disregard irrelevant submissions.

The Reviewer must consider the subject's vulnerability and its impact on their behaviour when reviewing the original decision and any submissions received during the internal review process.

If a subject has a known vulnerability that has been communicated through their submission in response to the Ongoing Order being made or through other means, the Reviewer must consider whether it is appropriate to seek specialist expertise in understanding how a subject's vulnerability can impact their behaviour and take this into account when reviewing the decision. In practice this would mean that if a parent from an Aboriginal background had applied for a review of an order, the Reviewer must consider whether to seek the advice of Koorie Outcomes Division of DET (for government schools) or an Aboriginal elder or representative from an advocacy ground for the Aboriginal community (for non-government schools).

In deciding whether to allow oral submissions from the subject of the order, the Reviewer should consider whether the subject of an order is linguistically diverse (and wishes to use an interpreter to communicate), has low literacy or has a disability that poses challenges for communicating in a written format.

EXTERNAL REVIEWS OF ONGOING ORDERS

Assistance to individuals seeking external review

If a person subject to an Ongoing Order is not satisfied with the outcome of an internal review, they may seek an external review of the decision at VCAT.¹⁵

The information provided in the notice of the outcome of an internal review decision, will assist the person subject to the order to understand their external review rights, and provide information about supports available, such as interpreter services and legal services such as Victorian Legal Aid or Community Legal Centres.

The Victorian Model Litigant Guidelines set standards for how the State should behave as a party to legal proceedings.¹⁶ Where an authorised person or reviewer is a party to legal proceedings under this Scheme, they are required under these Guidelines to comply with the Victorian Model Litigant Guidelines.

RECORD KEEPING

Authorised persons must keep a record of any documents associated with:

- a) submissions received by the authorised person about the Order or proposed Order;
- b) requests for and consideration of variations to or revocations of an Order;
- c) Immediate Orders overturned on automatic review;
- d) a proposal to make an O

including documents associated with the outcome or resolution of the VCAT application; and

- g) compliance or non-compliance with an Order, including documents associated with any enforcement proceedings lodged in the Magistrates' Court in respect of non-compliance with Ongoing Orders

to be created and stored securely at or within the possession of the registered school to which the order applies.

Authorised persons must ensure