

Providing support to vulnerable children and families

An information sharing guide for registered school teachers and principals in Victoria

every child every chance

a good childhood is in everyone's best interests



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Department of Human Services

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Glossary

Teacher	A teacher is a person registered as a teacher under the <i>Victorian Institute of Teaching Act 2001</i> or who has been granted permission to teach under that Act.
Principal	A head teacher or principal of a state school within the meaning of the <i>Education Act 1958</i> or of a school registered under Part III of that Act.
Child	For the purposes of the relevant parts of the <i>Children, Youth and Families Act</i> , this is a person who is under 17 years of age or, if subject to a Protection Order, under 18 years of age.
Child in need of protection	A child who has suffered, or who is likely to suffer, significant harm from sexual abuse, physical injury, emotional or psychological harm, neglect or abandonment, and where the parents have not protected or are unlikely to protect them. This may be the result of one abusive or neglectful incident, or the cumulative result of many instances, or a general pattern of behaviour or circumstances.
Child FIRST (Family Information Referral and Support Team)	A team run by a registered community service in a local area (for example, two or three local government areas) that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to family services or other services who will then try to engage the child or family. Such other services include disability, family violence, mental health and drug or alcohol treatment services.
Child Protection	The Victorian Government agency that protects children at risk of significant harm and that is provided by the Department of Human Services from regional offices. Child Protection has statutory powers and can use these to protect a child.
Community service	A registered family service or out of home care service.
Family service	A registered community service that provides advice, support and assistance to children and their families. This may include family support services, counselling services, parent education, and practical and other assistance.
Mandatory report	A report made to Child Protection by a mandated reporter (medical practitioner, nurse, teacher, principal, police) that is based on a reasonable belief that a child is in need of protection from sexual abuse or physical injury.
Out of home care service	A registered community service that provides foster care or residential care for children away from home.
Children’s Court Protection Order	An order made by the Children’s Court when a child is found to be in need of protection. The order may specify such things as where the child lives, what services the child and family must receive and what actions they must take.
Statutory power	A power conferred by an Act of parliament. For example, the <i>Children, Youth and Families Act 2005</i> empowers Child Protection workers to take action to protect a child by placing a child in a safe place until the matter can be heard in the Children’s Court.

Summary of the guide

As a registered teacher or principal in Victoria, you must:

- make a report to Child Protection if you form a reasonable belief that a child is in need of protection from physical injury or sexual abuse (a mandatory report)
- provide information relevant to the protection or development of a child who is subject to a Children's Court Protection Order where properly directed to do so
- only share information as authorised by privacy legislation (such as the *Information Privacy Act 2000*), where you are not specifically authorised by the *Children, Youth and Families Act 2005* to share information, as described in this guide.

As a registered teacher or principal in Victoria, you should:

- give priority to children's best interests, including consideration of the need to protect children from harm, protect their rights and promote their development
- seek consent before sharing information where this is possible, and where this does not place the child or another person at risk
- exercise professional judgment - using your professional skills, knowledge and experience - when deciding what action to take in regard to a vulnerable child
- consult with your manager or principal where you are unsure what to do and, if necessary, seek the advice of your professional association or union
- make a referral to a Child FIRST team where you have a significant concern for a child's wellbeing
- make a report to Child Protection where you form a reasonable belief that a child is in need of protection from harm (other than physical injury or sexual abuse, where reporting is mandatory)
- share relevant information with Child FIRST or Child Protection workers to help them complete their assessment of a referral or report they have received
- share relevant information with Child Protection where a child is subject to Child Protection investigation, further Child Protection intervention or a Children's Court Protection Order.

As a registered teacher or principal in Victoria, you are:

- protected when you share information in good faith with Child FIRST or Child Protection as authorised. You cannot be successfully sued, or suffer formal adverse consequences in your work. Your identity will be protected unless you consent to its disclosure or if disclosure is required by law.

Please note that, except in very urgent situations, you should consult with your principal or manager before disclosing information about a child or their family without their consent.

Section 1

Providing support to vulnerable children and their families

The Children, Youth and Families Act 2005


The Victorian Government believes in a society where every child thrives, learns and grows, is respected and valued, and becomes an effective adult member of the community – a community in which the safety, stability, health, development and learning of every child is protected and promoted throughout childhood.

The *Children, Youth and Families Act 2005* came into effect in 2007 and provides the legislative basis for the system of services that provide support to vulnerable children¹ and their families and, where necessary, protect children from significant harm.

The service system includes a range of prevention and early intervention services that help to ensure vulnerable children and their families receive the assistance they need, so that children can develop in a healthy way, and so that situations do not deteriorate to the point where a child is harmed.

All children and families rely on community support – relatives, friends, neighbours and informal networks. They also rely on services such as maternal and child health services, child-care services, medical services, dental services and school education services.

Some children and families need additional services, such as foster care, family violence support, or a parenting skills service, that are specifically provided for the most vulnerable in our community. It is these children and families who you are authorised to share information about, as described in this guide.

 Further information about services available in Victoria for vulnerable children and their families can be found at:

www.dhs.vic.gov.au/everychildeverychance

Sharing information to promote children's safety and development

One feature of the *Children, Youth and Families Act 2005* is that it provides for clear and flexible information sharing arrangements between professionals and those services that support families and protect children.

As a registered school teacher or principal in Victoria, you have a key role to play in ensuring that vulnerable children are protected and supported. This involves sharing information about children's safety and development where authorised by legislation to do so.

The legislation allows you to share relevant information about a

vulnerable child in specified circumstances without needing to be concerned about legal or professional consequences, provided you do so in good faith. It is important for you to know, however, when and how you can share this information, and when you may need the consent of a child or their parents.

This guide is designed to help you make the right decisions when sharing information about a child at your school.



1. As in the relevant parts of the *Children, Youth and Families Act*, the terms 'child' or 'children' in this guide refer to children and young people under 17 or, if subject to a Children's Court Order, under 18.

Agreements between the education sector and child and family services

There are two main written agreements in place between the Department of Education and the Department of Human Services to help guide teachers when dealing with vulnerable children.

Both of these documents have useful information for teachers who have significant concerns about a student's wellbeing, or who have students who are in out of home care. Copies should be available in each school. Ask your principal if you are not sure where to get a copy.

1. Protecting Children: Protocol between Child Protection, Department of Human Services and Victorian Schools

The Protocol clarifies the roles of teachers and Child Protection in reporting and investigating children in need of protection. At the time of writing this guide, the current version of the Protocol was dated November 2001.

Much of the advice in the 2001 Protocol remains current and should be consulted in most instances. The Protocol will eventually be revised and brought up to date. Until then, the advice about reporting and information sharing in the 2001 Protocol is outdated and is replaced by the advice in this guide.

2. Partnering Agreement: School Attendance and Engagement of Children and Young People in Out Of Home Care

The Partnering Agreement is an agreement between the Department of Education and the Department of Human Services.

Its aim is to ensure that both sectors work together to improve the educational experience and outcomes of children and young people in out of home care.

The agreement explains the policies and processes in each sector and the respective roles and responsibilities of people working in each sector.



New Child FIRST teams

Prior to the *Children, Youth and Families Act 2005*, there were two ways of connecting vulnerable children and their families to services. The first was where families referred themselves to services, or agreed to someone making a referral on their behalf. The second was where a situation had deteriorated to the point that someone notified Child Protection, who could then connect a family to services as part of its intervention.

The *Children, Youth and Families Act* adds a third way. Anyone who has a significant concern about the wellbeing of a child can make a referral to one of the new Child FIRST teams, which are run by registered community services. These referrals can be made in confidence and without the consent of a child's parents, if necessary. Child FIRST teams can then refer a child and their family to the services they need.

What's new about information sharing in the *Children, Youth and Families Act 2005*?

As a school teacher or principal, there are a number of new aspects of the legislation that you should know about when considering information sharing. These new aspects of the legislation are in addition to authorisations carried over from previous legislation for you to make reports to Child Protection, and to assist Child Protection when they are undertaking an investigation.

You can now make a referral to Child FIRST

- As well as being able to make a report to Child Protection when you believe a child is in need of protection, you can now make a referral to your local Child FIRST team. You should contact Child FIRST if you have a significant concern for a child's wellbeing

but do not believe the child is in need of protection. Child FIRST can then arrange for appropriate services to be provided to the family (see pages 16-18 for more information).

You can now be consulted by Child FIRST or Child Protection

- As a school teacher or principal, you can now be consulted by either Child FIRST or Child Protection when they are deciding how best to respond to a referral or report they have received. You may share any relevant information you have about the child and their family at this time (see page 24 for more information).

You are now more clearly authorised to share information with Child Protection after a child is found to be in need of protection and also when a child is subject to a Protection Order

- As well as being allowed to share information with Child Protection during an investigation, you are now clearly authorised to share information with Child Protection when they have assessed that a child is in need of protection and are working with the child and family. You can also disclose, and can be required to disclose, information to Child Protection where a child is subject to a Children's Court Protection Order (see pages 25-27 for more information).



Section 2

Important things to know about information sharing

Why should I share information?

As a school teacher or principal in Victoria, you are encouraged to share information about a vulnerable child who needs help by making a referral or a report to Child FIRST or Child Protection, or by sharing information in other circumstances where you are authorised to do so. This is because sharing information with an agency helps to protect a child's safety and wellbeing. It also allows for an agency to provide better prevention and early intervention services to a vulnerable child and their family.

By sharing information with agencies, a comprehensive assessment of a child's situation can be developed, leading to better outcomes for the child and their family. Sharing information also enables intervention and support by several agencies working together, which is essential for families with complex needs.

In most instances, you will be able to discuss your concerns with the child and their family, and any information sharing can occur with their consent. Sometimes it will not be possible to discuss your concerns properly with the child or their family. You may then refer or report your concerns to a service that provides support or protection to children and families without the consent of a child or their parents.

The protocol between the Department of Human Services and the Department of Education reinforces the need for sharing information when appropriate.

When can I share information?

You are authorised by the *Children, Youth and Families Act 2005* to share information about a child in the circumstances described in this guide. You are also able to share information as otherwise authorised by privacy law, for example, where authorised by the *Information Privacy Act 2000* and the *Health Records Act 2001*.

In most cases, sharing information is not required by law, even though it is encouraged. For the few instances where you must share information by law about a child, see page 22.

It is important to note that where you are not authorised by the *Children, Youth and Families Act 2005* to share information, you may only disclose information in line with privacy legislation. You should seek advice from your principal, manager or professional body for further information about privacy legislation.



Should I allow my identity to be disclosed?

As a school teacher or principal in Victoria, you may wish to keep your identity confidential when you make a referral or report to Child FIRST or Child Protection, or when you share information with these agencies.

Better outcomes may be achieved, however, if you are prepared to tell the child and their family that you have shared information with Child FIRST or Child Protection. By disclosing your identity or allowing your identity to be disclosed, the family is more likely to be able to focus on solving the problems at hand, rather than questioning why the agency is unable to confirm an identity that they can, in any case, often guess.

Identifying yourself also makes it easier for you to be part of the plan that is developed to help the child.

If you are making a referral to Child FIRST and are prepared for your identity to be disclosed to the family, you may do so by simply telling the Child FIRST worker.

If you are making a report to Child Protection, and are prepared for your identity to be disclosed to the family, the Child Protection worker will need your consent in writing.

If you do not consent to disclosure, your identity cannot be disclosed by a Child Protection or Child FIRST worker.

Case study

John is the principal of a private school in Melbourne. In May, John receives a call from Child Protection about one of the students at the school, Miranda, who is 12 years old.

Child Protection tells John that a report has been made concerning Miranda. The report suggests that Miranda may be at risk of physical abuse. Child Protection asks John if he can tell them any information about Miranda that is relevant to the report.

Since John is allowed to share information in good faith about Miranda without her consent or the consent of her parents, and is protected from certain legal or professional consequences, John shares all the relevant information he is aware of with the Child Protection worker.

A few weeks later, John receives another call from Child Protection. The Child Protection worker tells John that Child Protection will be coordinating the support services being provided to Miranda and her mother for the next couple of months, and asks John to let Child Protection know if he observes any changes in Miranda during that period.

John knows that he can share information with Child Protection not only during an investigation, but also during any subsequent intervention. Although he is not required to do this by law, he believes that he has a professional responsibility to do so. Once again, John agrees to disclose the relevant information he is aware of.



When should I seek the consent of a child or their parents to disclose information to Child FIRST or Child Protection?

Generally speaking, you should seek and gain consent from a child or their parents to disclose information to Child FIRST or Child Protection wherever possible, provided that doing so does not place the child at further risk.

You should consider seeking consent when you first discuss your concerns with a child's parents if you believe that the disclosure of information may be necessary. If you have not had an initial discussion with a child's parents, you should consider raising your concerns with them first, unless you believe this would place the child

at risk of harm, or place yourself or another person at risk of harm.

Sometimes it is not necessary to seek consent. For example, consent is not necessary when you have a significant concern for a child's wellbeing or a reasonable belief that the child is in need of protection, or where you are unable to contact a parent, or where it is clear from previous contacts that consent would not be given.

There is no definite age at which the consent of children should be sought. This partly depends upon the general maturity of the child, and partly on the child's understanding of the particular issues involved.

Children over the age of 12 are generally considered increasingly able to give consent on many issues, and many younger children can at least express a view. You should therefore try to determine the views and wishes of a child where this is possible and appropriate.

You may need to explain to the child the possible consequences of different courses of action. In any case, you may report your concerns to Child FIRST or Child Protection, but you must seriously consider whether your concerns justify doing so against the child's wishes where these are known, bearing in mind the age and maturity of the child.

What sort of information can I share?

When you share information with Child FIRST or Child Protection, you are allowed to disclose any information that you believe is relevant to the safety, stability and development of a child. This may include information about the child or their family.

Types of information you may share include:

- any known history of the child suffering harm
- any periods the child has been cared for by other people
- any significant issues relating to the child's brothers or sisters
- the child's physical health, including any medical treatment needs
- any psychological and emotional difficulties the child may have
- the child's education, including any special educational needs
- any disabilities the child may have, including the care they may need as a result
- any known allergies and dietary requirements of the child
- any significant health problems of the child's parents

- whether a parent has a mental illness, substance abuse problem, disability or a history of family violence
- whether a parent is receiving treatment for any of the above issues and the outcomes of this
- information about a person in the household who may pose a risk to the child.

Depending on the nature of the concerns, there may also be other information about a child that you are authorised to share, if it is relevant.

Information is considered to be relevant if it relates directly to your concerns about the child or the concerns held by Child FIRST or Child Protection.

For example, information about a parent's mental health is only relevant if you believe that it is having an adverse impact on the child's safety, stability and development, or if that is the assessment of Child FIRST or Child Protection.

The information sharing process is therefore a two-way exchange. The Child FIRST or Child Protection worker must first explain to you the concerns about the child before you share any information, so that you can determine what information is relevant to disclose.

What if I am unsure what to do?

In all circumstances, you are expected to exercise professional judgment – that is, to use your skills and knowledge as a professional teacher – to guide your decisions. Your actions should be consistent with what a teacher might reasonably be expected to do.

If you are still unsure what to do after considering the information in this guide, you should generally consult your principal or manager. Sometimes you may need to consult with your professional association or union.



How am I protected when I make a referral or report, or share information with Child FIRST or Child Protection as authorised by legislation?

1. Your identity is protected

Information about your identity must be kept confidential unless you consent to it being disclosed.

2. You are legally protected

You are not subject to any legal liability in respect of the giving of information. For example, you cannot be successfully sued.

3. You are professionally protected

Authorised disclosure of information cannot be held to constitute unprofessional conduct or a breach of professional ethics. As a result, you cannot be disciplined by your professional body, or incur any formal adverse professional consequences at your workplace.

You are protected in these ways provided you share information as authorised and ‘in good faith’. This legal term is open to interpretation but implies that you are acting honestly and reasonably, and in the belief that your actions will achieve an appropriate outcome – in this case, the protection and support of a child and their family.



Case study

Mary is a teacher at a primary school in country Victoria. Recently, she has become concerned about a child in her class, Joshua. Mary has noticed that over the past few months, Joshua has become very quiet and withdrawn, and has often been absent from school. Although she has raised her concerns with Joshua’s mother, the situation has not improved. After discussing the situation with other teachers who know Joshua and the school principal, Mary decides that the best thing to do is to make a referral to Child FIRST, as she has a significant concern about Joshua’s wellbeing.

When Mary contacts Child FIRST to express her concerns about Joshua, she tells them that she is happy for the family to be told that she made the referral. Mary believes that by doing this, she will be able to help Joshua and have a better relationship with the family over the long term.

After Mary has made her referral, Child FIRST contacts a number of professionals who know Joshua and asks them to share information about him. This includes the principal of the school, the school nurse and Joshua’s family doctor. All of these people are allowed to share relevant information

about Joshua with Child FIRST without suffering any legal or professional consequences.

Once Child FIRST has gathered sufficient information about Joshua, they arrange for a local family service to contact the family and offer support and services. Child FIRST is allowed to tell Mary that they have dealt with the referral in this way.

Six months later, Mary says that Joshua is now a much happier child and is attending school on a regular basis. Joshua’s mother has also appreciated the assistance she and Joshua received.

Sharing information about the child of an adult client

Under the *Children, Youth and Families Act 2005*, you are allowed to share information about the child of an adult client if you have a significant concern for the wellbeing of that child, or believe that the child is in need of protection.

It is unlikely that teachers will be sharing information about an adult client, but it is possible. For example, if you were concerned about the child of an 18-year-old student in your class, you could share information about this child in the same way as you would for any child in your class.



Section 3

Referring to Child FIRST and reporting to Child Protection

Making a referral to Child FIRST or a report to Child Protection is an important part of information sharing for the purposes of protecting a child from harm and promoting their development.

As a school teacher or principal in Victoria, you can make a referral to Child FIRST if you have a significant concern for the wellbeing of a child. You can also make a report to Child Protection if you believe a child is in need of protection.

(If you believe a child is in need of protection from physical injury or sexual abuse, you must – as a mandatory reporter – make a report to Child Protection.)

Child FIRST teams are being established across Victoria and are managed by registered community services.

The following pages outline how and when you should make a referral or report.

How do I know when to call Child FIRST or Child Protection?

There may be many factors, or combinations of factors, within family life that adversely impact upon children's safety, stability and development. The following lists are intended to provide some basic guidance as to how to decide whether to refer a matter to Child FIRST or make a report to Child Protection.

A referral to Child FIRST may be the best way of connecting children, young people and their families to the services they need. You should make a referral to Child FIRST where families show any of the following that may impact upon a child's safety, stability or development:

- significant parenting problems that may be affecting the child's development
- serious family conflict, including family breakdown
- families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement

- young, isolated and/or unsupported families
- significant social or economic disadvantage that may adversely impact on a child's care or development.

A report to Child Protection should be made in any of the following circumstances:

- serious physical abuse of, or non-accidental or unexplained injury to, a child (as a mandatory reporter you must report)
- a disclosure of sexual abuse by a child or witness, or a combination of factors that suggest the likelihood of sexual abuse – the child exhibiting concerning behaviours, for example after the child's mother takes on a new partner or where a known or suspected perpetrator has had unsupervised contact with the child (as a mandatory reporter you must report)
- serious emotional abuse or ill-treatment of a child impacting on the child's development

- persistent neglect, poor care or lack of appropriate supervision, where there is a likelihood of significant harm to the child or the child's development
- serious or persistent family violence or parental substance misuse, mental illness or intellectual disability – where there is a likelihood of significant harm to the child or the child's development
- where a child's actions or behaviour may place them at risk of significant harm and the parents are unwilling or unable to protect the child.
- where a child appears to have been abandoned, or where the child's parents are dead or incapacitated, and no other person is caring properly for the child.

If – having considered all the above – you are still unsure about who to report or refer to, you may contact either Child Protection or Child FIRST for further advice.

Making a referral to Child FIRST

Child FIRST teams are run by registered community services. They aim to assess the most appropriate service to provide help to a child of concern and their family. They do not have any statutory powers to protect a child or impose services on a family.

Anyone can make a referral to Child FIRST if they have a significant concern for the wellbeing of a child.

If you have a significant concern for the wellbeing of a child, you should first try to discuss your concerns with the child's parents.

If you do not feel that you can talk to a child's parents, or that when you do, their response is inadequate, you should consider making a referral to Child FIRST. Making a referral can lead to prevention and early intervention services being offered to the child and their family to help address your concerns.

Child FIRST teams will be established across the state from 2007 to 2009. Prior to 2009, if you are not in an area that has a Child FIRST team, you can make a referral directly to a local family service, or you can make a report to Child Protection.



What happens when I make a referral to Child FIRST?

When you make a referral to Child FIRST, a decision is made as to what to do with the information you have provided. This may include Child FIRST consulting with other professionals (see lists on page 28) to find out more information about the child.

If Child FIRST decides that the child may benefit from support services, they may arrange appropriate services for the child and their family. Services may be provided to meet the needs of parents, such as parenting education or drug or alcohol treatment services, or they may be provided to meet the needs of the child, such as counselling or out-of-school activities.

If Child FIRST believes that the child is in need of protection, they must report the case to Child Protection. This is because Child FIRST does not have

any statutory powers to protect a child. When Child FIRST receives a referral and reports it to Child Protection, they will disclose the identity of the referrer to Child Protection, but Child Protection cannot then disclose the referrer's identity to anyone else without the referrer's written consent.

If Child FIRST decides that no offer of service needs to be made, the family will be informed that a referral was made, including the concerns expressed in the referral. Your identity is protected in this instance, unless you consent to it being disclosed.

Child FIRST will tell you the outcome of your referral, generally within two weeks.

Case study

Anthony is the principal of a secondary college in regional Victoria. Recently, he has become concerned about a student, 14-year-old Sarah, who has been doing poorly at school despite previously being a top student. Three of Sarah's teachers have told Anthony that they have concerns about her current performance and attitude, so he decides to meet with Sarah to discuss the problem.

During the meeting, he asks Sarah whether everything is okay at home. Sarah tells Anthony that she has not been happy at home because her uncle has recently moved in with them. When Anthony asks why that is a problem,

Sarah says that she does not like her uncle because he is not nice to her. Sarah will not say what she means by this, despite Anthony's questioning. During the meeting, Anthony also notices severe bruising around Sarah's legs.

Anthony suspects that Sarah is being physically injured, perhaps as a result of sexual abuse. As a principal, he knows that he must make a report to Child Protection if he reasonably believes a child is at risk of sexual abuse or physical injury.

Anthony makes a report to Child Protection, and arranges for Sarah to be interviewed at the school later that day.

Making a referral or report about unborn children to Child FIRST or Child Protection

The Children, Youth and Families Act 2005 focuses strongly on preventing harm to children through earlier intervention. As a result, a referral or report can now be made prior to the birth of a child.

This means that if you have a significant concern for the future wellbeing of an unborn child, you can now make a referral to Child FIRST or a report to Child Protection about this child, *providing your concern relates to the child's wellbeing after it is born.*

The purpose of this aspect of the legislation is to provide the mother of the unborn child with assistance before the baby is born and to enable appropriate planning to ensure the child's safety, stability and development after it has been born.



Making a report to Child Protection

Child Protection is the Victorian Government agency that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect a child.

As a school teacher or principal in Victoria, you must make a report to Child Protection if you believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse. This is called a mandatory report.

(For more information about making a mandatory report, see page 22).

If you believe a child is in need of protection from other forms of harm (for example, harm resulting from emotional abuse, neglect or abandonment), you are also encouraged to make a report to Child Protection by the protocol between the Department of Human Services and the Department of Education, but this is not required by law.

What happens when I make a report to Child Protection?

When you make a report to Child Protection, a decision is made as to what to do with the information you have provided. This may include Child Protection consulting with other professionals (refer to list of Information Holders on page 26), to find out more information about the child.

If Child Protection believes the child is not at risk of significant harm but that the child or their family may benefit from support services, they can either refer the case to Child FIRST, who can arrange appropriate services for the child or their family, or refer the case directly to those services. If the report is referred to Child FIRST, the identity of the reporter will also be disclosed to Child FIRST, but Child FIRST cannot disclose the reporter's identity to anyone else without the reporter's written consent.

If Child Protection believes an investigation is justified, based on the information contained in the report and other available information, then one will be conducted. This may involve the police if it appears that an offence has been committed requiring a police investigation, for example, an assault on the child. There is a protocol between the Department of Human Services and Victoria Police that deals with such situations.

If Child Protection believes that the child is in need of immediate protection, they can use their statutory powers to protect the child and make an application to the Children's Court.

It is important to know that when you make a report, Child Protection can tell you what action it will take. However, if an investigation is completed, Child Protection cannot tell you the outcome of the investigation without the family's consent, unless you have an ongoing role to play in ensuring the child's protection.

Case study

Linda is a teacher at a high school in Melbourne. One day, she is approached by 13-year-old Joel, who tells her that his mother has not been home for four days. He has not heard from his mother during this time and he does not know where she is. Joel is very upset and does not know what to do.

Linda knows that Joel's father left the family several years ago, and that Joel has no contact with him. As Joel has been abandoned, Linda feels she has a professional duty to help Joel. After discussing the situation with the school principal, she calls Child Protection to make a report about Joel. Linda is protected legally and professionally when she makes the report.

Following the report, Child Protection takes immediate steps to protect Joel by placing him in foster care. They also decide to conduct an investigation. Child Protection tells Linda that she may be asked to provide more information during this time.

The investigation finds that Joel's mother is suffering from a mental illness, for which she has now been admitted to hospital for treatment, and that she has been unable to properly care for Joel. As a result, Joel remains in foster care until his mother is able to care for him again.

Child Protection is allowed to tell Linda about this outcome only with the consent of Joel's mother, or the consent of Joel, who may choose to tell the teacher himself.

Two months later, Joel has settled into his new home. Joel's mother is receiving treatment for her illness and her progress is being monitored to assess whether Joel can return home.

Case study

Peter is a teacher at a primary school in Melbourne's outer suburbs. For the past few weeks, he has had growing concerns about one of his students, Maria, who is five years old. Since starting school, Maria has been quite erratic in her behaviour. Sometimes she will cry several times a day for no apparent reason and on other days she will get angry and aggressive. When Peter asks Maria to tell him why she is crying, she will not answer.

Peter decides to ask Maria's parents to meet with him to discuss her behaviour at school. During the meeting, Peter raises the issue of Maria's crying episodes at school and tells them she can sometimes get angry and aggressive. Maria's parents do not seem overly concerned by this and tell Peter that they think her behaviour is normal and that there is nothing wrong with her. Peter, however, believes that Maria's behaviour

is not normal, and decides to discuss this situation with some of the other staff at the school. After talking to staff, Peter has a significant concern about Maria's wellbeing and makes a referral to Child FIRST.

After Peter has made his referral, Child FIRST decides to call other professionals that know Maria, including her family doctor. The information they gather leads them to believe that the situation is more serious than previously thought, possibly involving emotional abuse and chronic neglect. Since Child FIRST believes that Maria may be in need of protection, they report the case to Child Protection.

The Child FIRST worker tells Peter that the case has been reported to Child Protection, who may consult him for further information.



Making a mandatory report to Child Protection

As a school teacher or principal in Victoria, you are a mandatory reporter under the *Children, Youth and Families Act 2005*, just as you were under previous legislation. This means that you must make a report to Child Protection if you reasonably believe that a child is in

need of protection from sexual abuse or physical injury.

When you make a mandatory report to Child Protection, you have the same protections as a person making other types of reports (see page 14).

It is important to know that if you believe a child is in need of protection

from sexual abuse or physical injury and you do not make a report to Child Protection (where a reasonable member of your profession would), you may be prosecuted unless you have a genuine belief that someone else (for example, your school principal) has reported the same belief and grounds for that belief to Child Protection.

What happens when I make a mandatory report to Child Protection?

When you make a mandatory report to Child Protection, the same processes will be applied as for any report to Child Protection (please see page 19).

Who is a mandatory reporter?

Under the *Children, Youth and Families Act 2005*, a mandatory reporter is required by law to make a report to Child Protection if they believe a child is at risk of sexual abuse or physical injury.

You are a mandatory reporter if you are a:

- registered school teacher or principal
- member of Victoria Police
- registered medical practitioner
- registered nurse.

When is it 'reasonable' to make a mandatory report to Child Protection?

The legal test for deciding whether your belief that a child is in need of protection is based on reasonable grounds is whether a reasonable person practising your profession would have formed a belief on those grounds. This means that you are expected to exercise professional judgment to guide your decisions.

So, for instance, if a child has suffered unexplained injuries, a medical practitioner might be expected to make a more accurate assessment of the cause of such injuries than a teacher.

On the other hand, because of the daily contact a teacher has with a child at school, as well as the opportunities to observe the child in interaction with other children, a teacher might be in a better position to observe behavioural changes in a child than a doctor.



Section 4

Sharing information with Child FIRST and Child Protection

Information sharing authorised by the *Children, Youth and Families Act 2005*

The *Children, Youth and Families Act* contains a number of provisions about professionals sharing information with Child FIRST and Child Protection. As a school teacher or principal in Victoria, it is important that you know **when** and **how** you can share information, and when you may need the consent of a child or their parents to do so.

Below is a short guide to possible information sharing scenarios. (These do not include reporting, which is covered in section 3.) You may also wish to consult the summary of information sharing guidelines (see pages 30-31).

All of the following scenarios allow for information sharing without the knowledge or consent of the child or their parents. However, it is preferable – where possible, and where seeking consent does not place the child or another person at risk – to share information with the knowledge and consent of the child and their family.

Case study

Eva is a teacher at a private school in Melbourne. One day, Eva receives a call from Child FIRST about a child in her class, Jenny. Child FIRST tells Eva that someone has made a referral about Jenny and that they are calling to ask for more information about her.

Eva knows that she can provide information to Child FIRST without the consent of Jenny or her parents. She also knows that it is important to provide as much relevant information as possible at this time to help Jenny. Eva shares what she knows about Jenny that is relevant with the Child FIRST worker. At the end of the call, the worker tells Eva that the case will be referred to a family service, who can arrange counselling services for Jenny and her family.

A few weeks later, Eva receives a call from the family service. They would like to know how Jenny is going since the counselling began. The family service worker tells Eva that she has gained the consent of Jenny and her parents to contact her during this time. Eva knows that if she did not have this consent, she would not be allowed to share information with the family service.

Eva tells the family service worker that she would like to ask for the consent of Jenny and her parents herself. Once this is done, Eva is able to tell the family service that Jenny's behaviour and school work have improved greatly over the past few weeks and that she thinks the counselling is having a positive effect on Jenny's wellbeing.

Being consulted by Child FIRST or Child Protection

When Child FIRST or Child Protection receives a referral or report about a child, they may decide to collect more information about the child from other professionals (see list of Information Holders on page 28) to develop a comprehensive assessment of the situation before deciding what action to

take, if any. They may also contact a Service Agency (see list of Service Agencies on page 28) to discuss a possible referral to that agency for follow-up.

If Child FIRST or Child Protection contacts you for either of these purposes, you are allowed to share relevant information without the consent of the child or their parents.

It is important that you share as much information as possible at this time. Before doing so, you may wish to take a phone number and call back, so as to confirm the identity of the person you are talking to.

By sharing information, you can help create a better outcome for a vulnerable child.

Sharing information with family services (or other Service Agencies) when they are providing services to a family

Sometimes, Child FIRST or Child Protection will refer a case to a family service (or another Service Agency such as a disability service or a drug or alcohol treatment service), who can arrange and provide appropriate support services for a child and their family.

Once a family service (or other Service Agency) makes contact with a family and begins providing services, you

may ordinarily only share information with the agency with the consent of the child's parents and, if old enough, the child. This is because service provision in these circumstances is by voluntary agreement between the family and the service provider.

Family services, however (but not other Service Agencies) are allowed to consult with Child Protection at any time, if necessary.

Sharing information with Child Protection during an investigation

When a report is made to Child Protection about a child, they may decide to conduct an investigation. As part of the investigation, Child Protection may share information with any person who they believe has relevant information about the child or their family. In order to do this, Child Protection must

authorise any person they do contact to share this information with them.

As a teacher or principal, you are authorised to share information with Child Protection during an investigation without the consent of the child or their parents, where this is relevant to the protection or development of the child.

Sharing information with Child Protection after an investigation has been completed and there is ongoing Child Protection involvement

After an investigation has been completed, the child's family may be provided with a range of services to address any parental or family issues that may cause harm to the child. The child may also be provided with services, which will sometimes include out of home care.

As a teacher or principal, you are authorised to share information with Child Protection after an investigation has been completed, and where there is ongoing Child Protection involvement, without the consent of the child or their parents, where this is relevant to the protection or development of the child.



Sharing information about a child subject to a Children's Court Protection Order

Sometimes following a Protection Application by Child Protection, a child who is in need of protection may have a Protection Order made about them by the Children's Court.

Where there is a Protection Order, Child Protection will be responsible for ensuring the child's safety, stability and

development, and will contact you to check on the child's progress at school or for information about the child.

You are authorised to share information with Child Protection about a child who is subject to a Children's Court Protection Order without the consent of the child or their parents.

Case study

Mark is a teacher at a primary school in Melbourne. One day, Mark receives a call from Child Protection about an eight-year-old boy in his class, Cameron. Child Protection tells Mark that they are currently conducting an investigation about Cameron. They ask Mark if he can tell them any information that may help their investigation.

Mark knows that he is allowed to share information with Child Protection during an investigation without the consent of Cameron or his parents. In order to help Cameron, he shares as much relevant information as he can with the Child Protection worker.

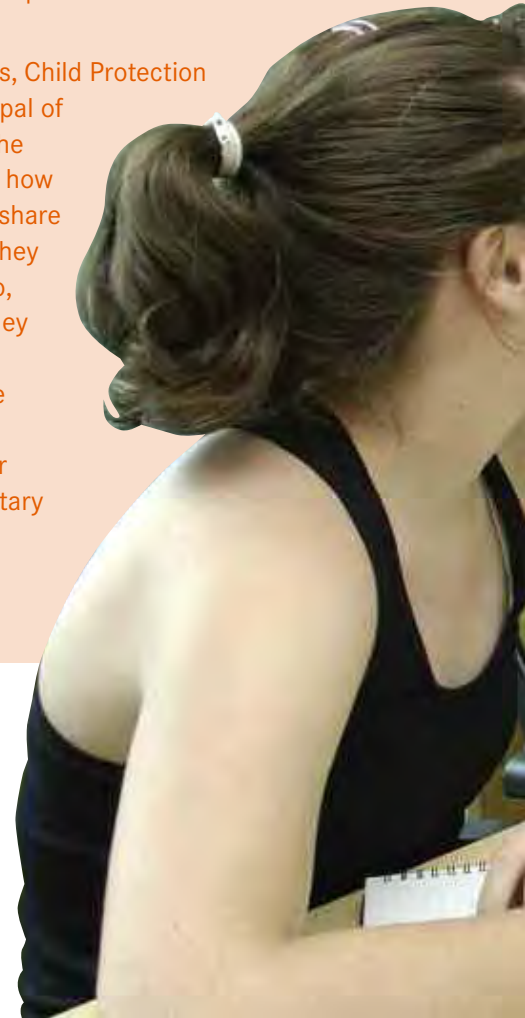
The investigation finds that Cameron has been physically abused by both his mother and his stepfather. In order to protect Cameron from further harm, Child Protection arranges to have him placed in foster care. They also make a Protection Application to the Children's Court.

A few days later, Mark receives another call from Child Protection. Although the investigation is now complete, the Child Protection worker asks Mark to provide more information about Cameron. Mark knows that he can share information with Child Protection after an investigation has been completed without the consent

of Cameron or his parents where there is ongoing Child Protection involvement. Once again, he shares relevant information with the Child Protection worker.

Two weeks later, there is a court hearing about the Protection Application for Cameron. At the end of the hearing, the magistrate imposes a Children's Court Protection Order.

Over the following weeks, Child Protection contacts both the principal of Cameron's school and the family doctor to find out how Cameron is going. They share information willingly. If they were not willing to do so, and if the information they held was sufficiently important, they could be directed to disclose the information by an officer authorised by the Secretary of the Department of Human Services.



Power to compel disclosure of information about a child subject to a Children’s Court Protection Order

If you choose not to share information with Child Protection when they contact you about a child who is subject to a Protection Order, you should know that you can be directed in writing by an officer of the Department of Human Services to provide relevant information about the child.

The officer in this instance is personally authorised by the Secretary of the Department of Human Services.

If you fail to disclose information under these circumstances and do not have a reasonable excuse, you may be prosecuted.



Authorised professionals and agencies

Any person can make a referral to Child FIRST or a report to Child Protection.

Professionals (Information Holders)

Following is the list of professionals who are authorised to share information with Child Protection and Child FIRST to help them make an initial assessment, and with Child Protection to assist in investigation and intervention.

1. Police
2. Government department employees
3. Registered school teachers and principals
4. Registered medical practitioners
5. Registered nurses
6. Registered psychologists
7. Person in charge of a relevant health service
8. Person in charge of a relevant psychiatric service
9. Person in charge of a children's service
10. Person in charge of a disability service
11. Person in charge of a drug or alcohol treatment service
12. Person in charge of a family violence service
13. Person in charge of a sexual assault support service
14. Person in charge of a parenting assessment and skills development service
15. Person in charge of a local government child and family service that is not registered as a community service with the Department of Human Services
16. Person in charge of a placement support service for children in out of home care.

Community service workers (registered family services and out of home care services) are also authorised.

Service Agencies

Following is the list of agencies which Child Protection and Child FIRST may contact to follow up on a referral or report they have received.

1. A Victorian Government department
2. A relevant health service
3. A relevant psychiatric service
4. A relevant disability service
5. A drug or alcohol treatment service
6. A family violence service
7. A sexual assault support service
8. A parenting assessment and skills development service
9. A local government child and family service that is not registered as a community service with the Department of Human Services
10. A placement support service for children in out of home care.

The precise meaning of these terms – e.g. in relation to other relevant legislation – is more clearly defined in section 3 of the *Children, Youth and Families Act 2005*.

Other sources of information:

www.dhs.vic.gov.au/everychildeverychance

This website provides information about legislation, policy and services for vulnerable children and their families.

Protecting Children – Protocol between Child Protection, Department of Human Services and Victorian Schools

This publication is a formal agreement and describes the responsibilities of schools and the Child Protection service when dealing with each other.

Partnering Agreement – School Attendance and Engagement of Children and Young People in Out of Home Care


This publication describes the responsibilities of schools, Child Protection and other services where school-aged children are placed in out of home care.

Both of these publications can be found at:

www.office-for-children.vic.gov.au (follow the link to ‘Child Protection’ and then, on the left hand side, to ‘Publications’)

Disclaimer

The information in this guide is specifically relevant to registered school teachers and principals in Victoria, and intends to provide a broad understanding of the *Children, Youth and Families Act 2005* as it applies to teachers and principals.

 To obtain guide for other professionals, please visit:

www.dhs.vic.gov.au/everychildeverychance



Summary of information sharing guidelines and how they apply to you

Action	Is this required by law? (where not required by law, it may be good practice to do so voluntarily)	Is this authorised by the <i>Children, Youth and Families Act 2005</i> ?
Making a referral to Child FIRST	NO	YES
Making a report to Child Protection	NO	YES
Making a mandatory report to Child Protection	YES	YES
Sharing information when you are consulted by Child FIRST or Child Protection	NO	YES
Sharing information with family services when they are providing services to a family	NO	NO
Sharing information with Child Protection during an investigation	NO	YES
Sharing information with Child Protection to support ongoing case planning after an investigation	NO	YES
Sharing information with Child Protection on request when a child is subject to a Children’s Court Protection Order	NO	YES
Sharing information with Child Protection when a child is subject to a Children’s Court Protection Order and when you are directed by an officer authorised by the Secretary of the Department of Human Services	YES	YES

* You are encouraged to allow your identity to be disclosed, even where it is protected by law (i.e. when making a referral or report, or assisting an investigation). Your identity will be treated in confidence, if that is your wish, except where disclosure is required by law (for example, if directed by a court).

Is my identity protected by the <i>Children, Youth and Families Act 2005</i> ?*	Am I protected from negative legal and professional consequences by the <i>Children, Youth and Families Act 2005</i> ?
YES	YES
YES	YES
YES	YES
NO, but it will be held in confidence upon request	YES
NO	NO
YES	YES
NO, but it will be held in confidence upon request	YES
NO, but it will be held in confidence upon request	YES
NO, but it will be held in confidence upon request	YES



