



SHARING RESPONSIBILITY:
A FRAMEWORK FOR SERVICE COLLABORATION
FOR THE CARE, PROTECTION AND WELL-BEING OF
CHILDREN AND YOUNG PEOPLE IN THE ACT

Vardon and Murray Reports Steering Committee
ACT Department of Disability, Housing and Community Services

November 2005

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Context

The ACT Government is committed to developing quality care and protection services for vulnerable children, young people and their families in the ACT that are culturally appropriate, child and young people centred and developed in partnership across the care and protection sector.

The best interests of the child or young person are the paramount consideration, acknowledging also that the primary responsibility for providing care and protection for a child or young person is his or her parents and other family members.

The ACT Department of Disability, Housing and Community Services

The protection of children and young people is the statutory responsibility of the Chief Executive of the ACT Department of Disability, Housing and Community Services and specifically the Office for Children, Youth and Family Support ("OCYFS").

Under section 28 and 27(1)c of the Children and Young People Act 1999, the Chief Executive may seek to obtain from Territory authorities or statutory office-holders information, advice, guidance, assistance, documents, facilities or services relevant to the physical or emotional welfare of children and young people. Territory authorities or statutory office-holders are required to promptly respond to such requests.

The Department is:

- working to establish child and young people centred and family focused policies and practices to support the provision of services for children and young people in care;
- working with community based organizations to negotiate service agreements for the provision of out-of-home care and residential services for children and young people;
- working with government departments, authorities and office-holders to develop service partnership agreements or memoranda of understanding to effectively respond to the care and protection of children and young people in the ACT; and
- working with Chief Minister's Department to develop Chief Executive performance agreements which make a commitment to the care and protection of children and young people and to the provision and implementation of Aboriginal and Torres Strait Islander services.

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Guiding Principles

The principles which underpin the framework are:

1. Promote the care, protection and well-being of children and young people as a shared responsibility;
2. The needs of children and young people are best provided by their families unless their safety and well-being are at risk;
3. Children and young people are provided with an opportunity to participate in decisions which may impact on their lives, in accordance with their age and maturity;
4. Services are responsive to the needs of children and young people, taking into account cultural and linguistical diversity and abilities;
5. Government agencies understand their service roles and legal responsibilities and develop an understanding of the roles and responsibilities of agencies responsible for the care and protection of children and young people;
6. Relevant information is shared in accordance with the law to protect children and young people from abuse and neglect;
7. Collaborative partnerships are developed with community, agencies and government and are based on agreed frameworks;
8. The development of services will aim to be supported by evidence based policy and practice, effective data collection and evaluation processes.

Outcomes

The framework is intended to achieve the following outcomes:

1. Coordinated responses that provide for the protection and safety of children and young people;
2. Departments and agencies having clearly stated roles and responsibilities in responding to the protection and safety of children and young people;
3. Departments and agencies, in maintaining the integrity of their responsibilities, are responsible for sharing information to protect children and young people;
4. Children and young people participate in decision-making that affects their lives, in accordance with their age and maturity;
5. Community-based solutions aimed at the protection and safety of children and young people are developed to assist in building the capacity and strengths of individuals, families, communities and agencies; and
6. Services and supports are coordinated in response to demand.

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ROLES AND RESPONSIBILITIES STATEMENT: A COMMITMENT FROM ACT GOVERNMENT DEPARTMENTS

ACT Government Departments will work together to support children and young people from abuse and neglect.

The Departments, which have made a commitment, are:

- ACT Department of Disability, Housing and Community Services, including the Office for Children, Youth and Family Support;
- ACT Department of Education and Training;
- ACT Health;
- ACT Department of Justice and Community Safety;
- ACT Chief Minister's Department; and
- ACT Department of Treasury.

The collective roles and responsibilities of Departments in the care and protection of children and young people in the ACT, are:

As employers

Staff are aware of their Department's commitment to work together to support the care and protection of children and young people in the ACT.

Screening processes, including police checks are undertaken for employees, contractors, volunteers and students who have work or have contact with children and young people.

Mandated reporters and relevant staff, will undertake training about their statutory responsibilities.

Mandated reporters and relevant staff, are aware of their statutory responsibility to report suspected abuse or neglect of children and young people and are aware of any agreed protocols between the Department of Disability, Housing and Community Services, including the Office for Children, Youth and Family Support and their department.

Procedures are documented by each Department to effectively respond where employees, contractors, volunteers or students of the Department are alleged to have abused or neglected children or young people and placed them at risk.

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As a service provider

Occurrences where children and young people are suspected or have been or are likely to be abused or neglected are identified and reported.

Support is provided to families who are under stress and where there are children and young people at risk of abuse or neglect;

Preventive steps are taken to reduce the likelihood of children and young people being abused or neglected when receiving services from the Department.

The commitment to work together at all levels to protect children and young people in the community is integrated into all Departmental policies, services and practice.

Quality services, which are accessible, child and young people centred and family focussed are developed.

As a funding or regulatory body

Relevant organisations funded or regulated by Departments are informed of their responsibilities to:

- work to protect children and young people from abuse and neglect by anyone; and
- report children or young people who may have been abused or neglected to the appropriate authority or agency.

As an inter-departmental partner

Work with other government departments and non-government agencies to plan and provide services to strengthen and support families.

Work with other government departments and non-government agencies to plan and provide services for the care and protection of children and young people.

Support programs that improve coordination and leadership at the operational level.

Relevant information, in accordance with the law, is exchanged to assist appraisals, assessments and case planning.

Government departments and non-government agencies provide and/or participate in cross-agency training aimed at protecting children and young people.

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ROLE AND RESPONSIBILITIES:

ACT Department Of Disability, Housing and Community Services, including the Office For Children, Youth And Family Support

ROLE

The protection of children and young people in the ACT is the statutory responsibility of the Chief Executive of the ACT Department of Disability, Housing and Community Services and the Office for Children, Youth and Family Support.

When children and young people at risk of abuse and neglect are reported to the Department, the Department may after consideration of the report act to assess the safety of those children and young people by:

- responding to allegations of abuse or neglect;
- working with families of children or young people at risk of abuse or neglect;
- working to reunite children and young people with their families when it is safe to do so;
- providing out-of-home care services, including residential services when children and young people cannot remain safely with their families; and
- informing relevant authorities of reports of abuse or neglect as required by law.

The Chief Executive is to put in place a mechanism for coordinating care and protection services in accordance with section 27 (1)(c) of the *Children and Young People Act 1999*.

RESPONSIBILITIES

The Department, including the Office for Children, Youth and Family Support is responsible for the care and protection of children and young people and to coordinate the services for a child or young person in care or at risk of abuse or neglect.

As a service provider

Respond effectively to reports about children and young people who are suspected of being at risk of abuse or neglect, or have been abused or neglected.

Respond effectively to requests for assistance by children, young people and families, where a child or young person may or has been abused or neglected.

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Plan, conduct and manage joint appraisals of child sexual abuse and serious physical abuse reports with ACT Policing.

Gather evidence and initiate protection action including proceedings in the Children's Court of ACT.

Provide and support children and young people to participate in decision-making affecting their lives, in accordance with their age and maturity.

Engage and support families, carers and others to provide for the safety and well being of children and young people.

Provide, fund and monitor the provision of quality and safe out-of-home care and support services for children and young people. .

Support the provision of available resources that strengthen the capacity of families to provide for the safety of their children and young people.

Raise community awareness about prevention of abuse and neglect of children and young people.

Develop and implement educational and preventive programs aimed to protect children and young people.

As an employer

Provide mandated reporters and all relevant staff, with access to and knowledge of the Department's policy and procedures in respect to their role and responsibility in the protection of children and young people.

Provide training to mandated reporters and developmental opportunities for staff, in the implementation of policy and procedures for the protection of children and young people.

Provide support and supervision to relevant staff in their work with children, young people, families and the community.

Act in accordance to s161 to allegations of abuse and neglect by Departmental staff, service providers or their staff, volunteers, student or carers.

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As a funding body

Provide for organisations funded by the Department to be made aware of:

- their role to protect children and young people; and
- the protocols and procedures for reporting children and young people at risk of abuse or neglect or have been abused or neglected to the Department.

As an inter-departmental partner

Develop information systems that enable the efficient exchange of information to ensure the care and protection of children and young people and support for families, in accordance with the law.

Identify and assess emerging trends in child protection and ensure the dissemination of this information to other agencies.

Develop and maintain systems that support coordination of services and information and collaborative partnerships in the delivery of services for the care and protection of children and young people.

Provide leadership in collaborative mechanisms with other agencies in areas where the Department has a statutory role.

Provide leadership in the intersectoral approach to child protection education and training (including mandatory reporting).

Support the development of preventive and educational programs for other agencies and the community to raise awareness of the need to promote the safety and well being of children and young people.

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ROLE AND RESPONSIBILITIES:

ACT Health

ROLE

ACT Health services have a vital role in supporting, caring and protecting vulnerable children and young people in the ACT at risk of abuse or neglect.

ACT Health staff have contact with children and young people for routine child health services, mental health services, services related to pregnancy and services for prevention and management of illnesses and injury.

ACT Health can assist in the early identification of abuse and neglect, including domestic violence, drugs and alcohol that affect children and young people.

Early intervention may reduce the impact that any abuse or neglect may cause, prevent further abuse and neglect and prevent escalation of abuse and neglect to severe and life-threatening levels.

The primary role of ACT Health in the protection of children and young people is to:

- Prevent, detect and provide acute health care services for incidents of possible abuse and neglect;
- Refer concerns about abuse, neglect and domestic violence for further intervention, investigation and/or protection of children and young people;
- Engage and work with families, carers and others to support them in providing for the safety and well being of children and young people; and
- Monitor and support developmental health and well-being of children and young people in care.

RESPONSIBILITIES

Care and protection of children and young people from abuse and neglect is a shared responsibility.

No single agency has the knowledge, skills or opportunities to respond effectively to children and young people who suffer abuse or neglect. Effective response requires cooperative and coordinated actions across agencies.

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As a service provider

ACT Health has a responsibility to prevent , identify and protect children and young people from abuse, and increase awareness to promote the safety, welfare and well-being of children and young people.

The responsibilities of ACT Health as a provider of services for children and young people, is to:

- Focus on the prevention of abuse and neglect of children and young people;
- Detect and identify abuse, neglect and domestic violence that affects children and young people;
- As part of an overall child protection appraisal provide assessment of children and young people who may have been abused or neglected, including medical examinations, developmental, emotional, social and family assessments;
- Provide a range of intervention services to address the needs of children and young people who have been abused or neglected, or are suspected to have been abused or neglected;
- Report children and young people suspected of being subject to abuse, neglect and witnessing domestic violence or have been abused or neglect to statutory authorities;
- Work with other agencies, within agreed arrangements to plan and provide services to protect children and young people and support families/carers; and
- Respond and refer requests for assistance by children, young people and families/carers, where a child or young person is suspected of being at risk of abuse or neglect, or has been abused or neglected.

Provide and support children and young people to participate in decision-making processes that affect their lives, in accordance with their age and maturity.

Assist in the promotion of community awareness and responsibility about the safety and well being of children and young people.

As an employer

Provide training, support and clinical supervision for ACT Health staff in the identification of children and young people who may have been abused, neglected or witnessed domestic violence.

Ensure that all ACT Health staff, including volunteers, contractors and students, are aware of, and understand, ACT Health's policies, protocols and guidelines

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about abuse, neglect and domestic violence that affects children and young people.

Promote an understanding of information sharing, confidentiality, privacy and and relevant legislation.

Ensure employees understand the issues and processes to enable proper records are kept of children and young people.

Provide individual support to employees who are subject to court proceedings.

As a funding body

Provide for organisations funded by the ACT Health to be made aware of:

- responsibilities to protect children and young people; and
- protocols for reporting children and young people at risk of abuse and neglect to the relevant authority.

As an inter-departmental partner

Put in place protocols for the appropriate exchange of information to progress investigations, assessments and case management.

Work with other agencies to plan and provide services for the care and protection of children and young people, and to strengthen and support families/carers.

Negotiate interagency links to ensure speedy and effective communication of appropriate information so that concerns about protection of children and young people can be addressed.

Assist in the efficient exchange of information to ensure the care and protection of children and young people and support for families/carers, in accordance with the law.

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ROLE AND RESPONSIBILITIES:

ACT Department of Education and Training

ROLE

The Department of Education and Training seeks to provide a safe and secure environment for children and young people while they are attending government colleges, schools, preschools or associated activities.

The Department will seek to collaborate with other agencies to meet the needs of children and young people at risk of abuse or neglect or who have been abused or neglected.

Government colleges, schools and preschools provide programs that aim to protect children and young people from abuse, assist them to effectively seek help, and support the development of skills for positive and non-violent relationships.

Staff employed in Government colleges, schools and preschools have a role in recognising suspected abuse and neglect of their students, reporting suspected abuse and neglect and supporting individual students who have been subject to abuse or neglect.

RESPONSIBILITIES

The Department recognises the right of children and young people to be protected from neglect and physical, emotional or sexual abuse whether at home, at school or in the community. Staff working in a school are responsible for the care and protection of children and young people and are also responsible for reporting concerns of neglect or emotional, physical or sexual abuse.

The care and protection of children and young people is a shared responsibility. No one agency has the knowledge, skills or opportunities to respond entirely to the needs of children and young people who suffer abuse or neglect. An effective response requires the cooperation and coordination across agencies.

As a service provider

The Department has a responsibility to provide a safe and secure environment, which protects children and young people from abuse and neglect.

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The Department's responsibilities as a provider of services for children and young people, is to:

- Protect children and young people at college, school and preschool from sexual, physical, emotional abuse and neglect;
- Ensure all college, school and preschool staff are aware of the indicators of child abuse and neglect, their obligations to report and procedures for reporting;
- Encourage life skills training in protective behaviors and opportunities to manage personal safety;
- Promote programs that raise awareness and understanding of the negative effect of bullying and harassment;
- Provide access to qualified confidential counseling and support to assist children and young people who have been abused or neglected;
- Provide support for children and young people who have been abused or neglected through alternative curriculums;
- Work with other agencies, to plan and provide services to children and young people and support families;
- Provide access to child protection workers in the Office for Children, Youth and Family Support and police officers for interviews with children and young people at pre schools, schools and colleges;
- Report or refer requests for assistance by children, young people and families, where a child or young person is suspected of being at risk of abuse or neglect, or has been abused or neglected.

Provide and support children and young people to participate in decision-making processes affecting their lives, in accordance with their age and maturity.

Assist in the development and implementation of educational and preventive programs aimed to protect children and young people and in the promotion of community awareness and responsibility about the safety and well being of children and young people.

As an employer

Provide training for staff that are mandated reporters, in the implementation of policy and procedures for the protection of children and young people.

Encourage all staff to be aware of indicators of abuse or neglect for children and young people and to report these concerns;

Ensure access to professionally trained staff to provide advice on identification of abuse and neglect.

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Promote an understanding of the legislative requirements about confidentiality and privacy.

Ensure employees understand the issues and processes to enable proper records are kept of children and young people.

Provide individual support to employees who are subject to court proceedings.

As a funding body

Provide for organisations and contractors funded by the Department to be made aware of:

- responsibilities to protect children and young people; and
- protocols for reporting children and young people at risk of abuse and neglect to the relevant authority.

As an inter-departmental partner

Put in place protocols for the appropriate exchange of information to progress investigations, assessments and case management.

Work with other agencies to plan and provide services for the care and protection of children and young people, and to strengthen and support families.

Negotiate interagency links to ensure speedy and effective communication of information so child protection concerns can be addressed.

Assist in the efficient exchange of information to ensure the care and protection of children and young people and support for families, in accordance with the law.

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ROLE AND RESPONSIBILITIES:

ACT Department of Justice and Community Safety

ROLE

The Department of Justice and Community Safety has a role in the care, protection and well-being of children and young people and by supporting services to meet the needs of children and young people at risk of abuse and neglect or who have been abused or neglected in the ACT.

RESPONSIBILITIES

The care and protection of children and young people is a shared responsibility. No one agency has the knowledge, skills or opportunities to respond effectively to vulnerable children or young people at risk. An effective response requires cooperation and coordination across agencies.

The Department recognizes:

- the right of children and young people to be protected from neglect and physical, emotional or sexual abuse whether at home, at school or in the community; and
- the right of children and young people to participate in decision-making affecting their lives, in accordance with their age and maturity.

As an employer

Departmental staff, are aware, and understand, the Government's commitment to the care, protection and well-being of children and young people in the ACT.

Promote an understanding of information sharing, confidentiality, privacy and relevant legislation for the care, protection and well-being of children and young people in the ACT.

Departmental staff that are working with children and young people in areas such as the ACT Children's Court, Correctional Services and Restorative Justice are aware of their reporting responsibilities.

As a funding body

Provide for organisations funded by the Department to be made aware of: responsibilities to protect children and young people; and protocols for reporting children and young people at risk of abuse and neglect.

As an inter-departmental partner

Work with other agencies to plan and provide services for the care and protection of children and young people, and to strengthen and support families.

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Assist in the efficient exchange of information to ensure the care and protection of children and young people and support for families, in accordance with the law.

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ROLE AND RESPONSIBILITIES:

Chief Minister's Department

ROLE

Chief Minister's Department has a role in the care, protection and well-being of children and young people, to facilitate the collaboration of services to meet the needs of vulnerable children and young people at risk in the ACT.

RESPONSIBILITIES

The care and protection of children and young people is a shared responsibility. No one agency has the knowledge, skills or opportunities to respond effectively to vulnerable children or young people at risk. An effective response requires cooperation and coordination across agencies.

The Department recognizes:

- the right of children and young people to be protected from neglect and physical, emotional or sexual abuse whether at home, at school or in the community;
- an effective response to the needs of children and young people at risk of abuse or neglect requires a cross agency collaboration and coordination of service response; and
- responses to child protection should be reviewed to ensure that services are being delivered effectively across Government.

As a central agency

Work with agencies to assess service responses and advise government on service needs priorities in the care, protection and well-being of children and young people in the ACT.

As a funding body

Provide for organisations funded by the Department or in receipt of grants funding eg (projects funded under the Community Inclusion Fund) to be made aware of:

- responsibilities to protect children and young people; and
- protocols for reporting children and young people at risk of abuse and neglect.

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ROLE AND RESPONSIBILITIES:

ACT Department of Treasury

ROLE

The ACT Department of Treasury's role in the care, protection and well-being of children and young people is to work with agencies and provide advice to Government about the availability of resources and best meeting the needs of children and young people at risk in the ACT. In the undertaking of this role, Treasury is also mindful of the Government's fiscal strategy.

RESPONSIBILITIES

Treasury recognises the right of children and young people to be protected from neglect and physical, emotional or sexual abuse whether at home, at school or in the community.

An effective response to the needs of children at risk requires cross agency collaboration and coordination of service responses.

Responses to child protection should be reviewed to ensure that services are being delivered effectively and efficiently across Government.

As an employer

Ensure that staff, are aware of, and understand the Government's commitment to the care, protection and well-being of children and young people in the ACT.

As a central agency

Work with agencies to assess service responses and advise Government on resourcing, needs and priorities in the care, protection and well-being of children and young people in the ACT.

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As at the 17 March 2006 the Collaborative Framework was signed by:

M L Harris
Chief Executive
ACT Chief Minister's Department

Dr Paul Grimes
Chief Executive
ACT Treasury

Dr Michele Bruniges
Chief Executive
ACT Department of Education and Training

Dr Tony Sherbon
Chief Executive
ACT Health

Renee Leon
Chief Executive
ACT Department of Justice and Community Safety

Sandra Lambert
Chief Executive
ACT Department of Disability, Housing and Community Services

Extract from *Children and Young People Act 1999*

27 Duties and particular powers of chief executive

- (1) The chief executive must—
 - (a) have regard to the purposes and principles of this Act in exercising a function or a power under the Act; and
 - (b) encourage the maintenance and development of family, cultural and other significant relationships of every child or young person for whom the chief executive has parental responsibility; and
 - (c) set up mechanisms for coordinating services for the care and protection of children and young people.
- (2) The chief executive may provide for any of the following for a child or young person for whom the chief executive has parental responsibility:
 - (a) accommodation with a carer (whether within or outside the ACT);
 - (b) financial support;
 - (c) counselling;
 - (d) suitable education, training and employment opportunities;
 - (e) medical, dental and similar treatment;
 - (f) recreational opportunities;
 - (g) regular care planning and review that fully involves the child or young person so that he or she can take part and considers the views of parents and anyone else who is involved with the care, welfare and development of the child or young person;
 - (h) an explanation, in language and a way the child or young person can understand, of the aim of care plans.

28 Who can the chief executive get help from?

- (1) For this Act, the chief executive may request a Territory authority or statutory office-holder to provide information, advice, guidance, assistance, documents, facilities or services relevant to the physical or emotional welfare of children and young people.
- (2) If a request is made of an authority or office-holder under this section, the authority or office-holder must promptly comply with the request.

29 Power to give and receive information

- (1) The Minister or chief executive may—
 - (a) give a defined entity information relevant to the safety, welfare and wellbeing of children and young people; and
 - (b) give a person information held by the Minister or chief executive in relation to the person; and
 - (c) in relation to the chief executive only—ask a defined entity to give the chief executive information relevant to the safety, welfare and wellbeing of children and young people.
- (2) However, if the regulations regulate the way information is to be given or requested under this section, the Minister or chief executive may only act under subsection (1) in accordance with the regulations.
- (3) If information is given in good faith and with reasonable care to or by a defined entity under subsection (1), the giving of the information is not—
 - (a) a breach of confidence, professional etiquette or ethics or a rule of professional conduct; or
 - (b) the publication of an actionable libel; or
 - (c) a ground for civil proceedings for malicious prosecution or conspiracy.
- (4) This section does not limit any other power to give information.
- (5) In this section:
defined entity means—
 - (a) for a child or young person—
 - (i) a person with parental responsibility for the child or young person;
or
 - (ii) a carer of the child or young person; or
 - (b) a Minister; or
 - (c) a Territory authority or statutory office-holder; or
 - (d) a body established under a law of a State or the Commonwealth; or
 - (e) the holder of an office established under a law of a State or the Commonwealth.

Extract from *Human Rights Act 2004*

11 Protection of the family and children

Note Family has a broad meaning (see ICCPR General Comment 19 (39th session, 1990)).

- (1) The family is the natural and basic group unit of society and is entitled to be protected by society.
- (2) Every child has the right to the protection needed by the child because of being a child, without distinction or discrimination of any kind.

Examples of distinction or discrimination

Distinction or discrimination because of race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, disability or other status.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).