

Exchange of information between Child Protection, Aboriginal Community Controlled Organisations (ACCOs) and Public Housing operational guidelines

Effective date: 5 December 2018

Revision history

Version	Amended section	Effective	Details
1.0		July 2015	Date of Issue
2.0		August 2018	Inclusion of authorised Aboriginal Community Controlled Organisations (ACCOs). This means Aboriginal Children (ACAC) in Aboriginal Care subject to section 18.

To receive this publication in an accessible format, contact Housing Practice and Complex Support on housing.practicesupport@dhhs.vic.gov.au.

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services, December 2018.

ISBN 987-1-76069-732-7

Available on the Public housing policy and practice manuals on the Services Providers website
<https://providers.dhhs.vic.gov.au/public-housing-policy-and-practice-manuals>

Contents

Revision history	2
Introduction	5
Program roles and responsibilities	6
Child Protection	6
Aboriginal Community Controlled Agencies	6
Public Housing.....	6
Principles underpinning practice within these guidelines	7
Joint clients (known to both Public Housing and Child Protection)	7
Information sharing between Public Housing and Child Protection	8
Children, Youth and families Act	9
Child Information Sharing Scheme.....	9
Family Violence Information Sharing Scheme	9
Reporting requirements – potential clients	10
Public Housing staff considerations.....	10
Child FIRST	11
The Orange Door.....	11
How to make a report to Child Protection.....	11
How to make a referral to Child FIRST or to The Orange Door	11
After-Hours Child Protection Emergency Service	11
Child Protection response to a report from Public Housing	12
Outcomes of the report.....	12
Protection for the reporter.....	12
Record keeping requirements	12
Release of information regarding potential danger	13
Dispute resolution	13
In all considerations, the best interests of the child must always be paramount.	14
Appendix 2: summary of the Information Privacy Principles and Health Privacy Principles	15
Appendix 3: Antisocial behaviour and the three strike and zero tolerance approaches	17
What is meant by zero tolerance?	17
What action will the department take?.....	17
What is meant by three strikes?	17
When will the department act?	17
What action will the department take?.....	18
What should Public Housing tenants do?.....	18
Appendix 4: Information sharing sections of the Children Youth and Families Act (CYFA)	19
Appendix 5: Aboriginal Children in Aboriginal Care	21

Authorised Aboriginal Community Controlled Organisations (ACCOs).....21

Appendix 6: Family Violence Information Sharing (FVIS) Scheme, Child Information Sharing (CIS) Scheme and MARAM.....22

Appendix 7: Further information.....23

Introduction

These state-wide guidelines outline the exchange of information sharing arrangements between staff from Public Housing and Child Protection and authorised Aboriginal Community Controlled Organisations (ACCO) where a child residing in public housing is a client, or potential client, of the Child Protection program.

This document describes how staff will work together, in accordance with the relevant legislation and policy, to facilitate appropriate and timely information exchange to ensure the safety of the child and to reduce the risk to the tenancy of the family or household being terminated. The exchange of information between the programs and their roles will be managed within the provisions of the:

- *Children, Youth and Families Act 2005 (CYFA)*
- *Child Wellbeing and Safety Act 2005*
- *Privacy and Data Protection Act 2014*
- *Health Records Act 2001*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Family Violence Protection Act 2008*
- *Residential Tenancies Act 1997*
- Australian Privacy Principles contained within the Australian Privacy Principle guidelines March 2014

As of 27 September 2018, a number of organisations were prescribed to share information. Public Housing and Child Protection are part of a number of organisations that will be required to comply with the Family Violence Information Sharing (FVIS) Scheme and the Child Information Sharing (CIS) Scheme and commence alignment with the Multi-Agency Risk Assessment and Management Framework or MARAM. Further information can be found on the <http://www.vic.gov.au/infosharing> website.

The purpose of these guidelines is to:

- ensure staff of Public Housing, Child Protection and authorised AACCOS are aware of their respective roles and responsibilities
- ensure a consistent approach to sustain tenancies within Public Housing and recognise the potential benefits for children and families
- promote a collaborative approach and integrated support to vulnerable children and families
- promote the safety and the best interests of the child (as defined in Appendix 1)
- ensure information is shared in the context of the CYFA, the *Privacy and Data Protection Act* and the *Health Records Act* (as detailed in Appendix 2).

Program roles and responsibilities

Child Protection

Child Protection has a statutory responsibility under the CYFA to provide Child Protection services for children in Victoria under the age of 17 years or, when a protection order is in place, children under the age of 18 years. Child Protection also accepts reports on unborn children who may be at risk upon birth.

The underpinning principle of the CYFA is that the best interests of the child must always be the paramount consideration in all decisions made by Child Protection.

In determining whether any decision or action is in the best interests of the child, the need to protect the child from harm, to protect the child's rights, and to promote the child's development will be considered.

Aboriginal Community Controlled Agencies

Section 18 of the CYFA enables the Secretary of the department to authorise the principal officer of an ACCO to undertake specified functions and powers under a Children's Court protection order in respect of an Aboriginal child or young person (Appendix 5).

For Aboriginal children subject to protection orders in respect of whom an ACCO has been authorised under section 18 of the CYFA, the ACCO provides Child Protection services instead of Child Protection. Public Housing may request a copy of the instrument of authorisation regarding the child from the authorised ACCO. The instrument of authorisation will demonstrate the ACCO has authority with respect to the specified child under section 18.

For ACCOs authorised under section 18 of the CYFA, information sharing provisions that exist between Child Protection and Public Housing will also operate between Public Housing and the authorised ACCO with respect to a child or young person subject to an authorisation.

Public Housing

Public Housing provides affordable housing and support for low income Victorians, targeted to those most in need.

The work of Public Housing staff primarily involves tenancy and property management as well as the provision of housing advice and assistance. This can include:

- managing and maintaining tenancies
- providing support and information on housing services
- identification and assessment of an individual's eligibility for housing and special housing needs
- allocation of rental properties to eligible applicants
- visiting and working with tenants to resolve tenancy issues
- ensuring maintenance work is carried out on tenants' homes.

Principles underpinning practice within these guidelines

Principle	Description	Practice questions
Best interests of the child	The best interests of the child are paramount in all Child Protection decision making and at all stages of service delivery. The best interests case practice model responds to a child's needs for safety, stability and development, strengthening the links between a child and their family and local community resources.	How are the child's best interests impacted by the proposed decision making or action? Does the behaviour of parents/guardians negatively impact on the child's best interests?
Collaborative practice	Collaboration is required where a child, young person or parent may be, or is, a shared client of Child Protection and Public Housing.	How will the child/children of the family benefit if we are working together?
Early identification	Early identification and effective intervention can lessen the initial and long-term effects of child abuse, and neglect and promote recovery of the child and families concerned. Early identification and effective intervention in relation to tenants or households that exhibit behaviours which may result in the termination of the tenancy can mitigate the risk of the behaviour continuing or escalating.	What indicators are there that the safety of the child is at risk? What preventative measures can be taken to lessen the risk?
Rights of the child	In line with the Charter of Human Rights and Responsibilities, families are the fundamental group unit of society and are entitled to be protected by society and the state. Every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child.	How am I working to ensure that the safety and rights of the child are considered at all times? Does the decision being made negatively impact the child or family's right to be protected?

Joint clients (known to both Public Housing and Child Protection)

A 'joint client' of Public Housing and Child Protection is:

- from a Child Protection perspective, a child residing in Public Housing about whom a report has been made or who is currently the subject of a Children's Court order, including Aboriginal children in respect of whom an ACCO has been authorised under section 18 of the CYFA
- from a Public Housing perspective, a child about whom a report has been made or who is currently the subject of a Children's Court order, who currently resides in a Public Housing property, including an Aboriginal child or young person in respect of whom an ACCO has been authorised under section 18 of the CYFA.

Child Protection or the authorised ACCO is responsible for case planning to ensure the safety and wellbeing of the child. Public Housing will be included in the case planning process in the event the sustainability of the tenancy is critical to effective intervention. This will be identified as part of a broader assessment of risk factors for the family.

A holistic, coordinated and cross programmatic response will be undertaken in the event of a joint approach to supporting a client and their family. Child Protection or the authorised ACCO will include relevant Public Housing staff in the case planning process where relevant.

Where Public Housing is invited to a case planning meeting, it will be attended by senior Public Housing staff (Team Leader or above). Public Housing staff may also be included as part of the care team where there are housing-specific issues that are impacting on the family's well-being. For joint clients, housing services officers will discuss with their line manager the requirement to make a report to Child Protection when a tenancy breach is issued under the three strikes approach (Appendix 3). They will also inform the authorised ACCO if the child is subject to authorisation under section 18.

Consideration should be given to the potential impact on the wellbeing and safety of the child and the potential impact on the sustainability of the tenancy (Child Protection may be able to intervene prior to the point of eviction where strategies to support the tenancy can be implemented as early as possible).

In the event a Notice to Vacate is issued to a tenancy, such as under the zero-tolerance approach, with a known joint client, Public Housing staff will notify Child Protection or the authorised ACCO immediately.

Not all Child Protection clients in Public Housing will require Public Housing staff involvement. However, Child Protection and authorised ACCOs can seek and disclose information to senior Public Housing staff such as the local area manager where it will assist in the investigation or case planning for a child at risk of harm.

In the event Child Protection or an authorised ACCO receives information that a child's Public Housing tenancy is at risk, the Child Protection practitioner or ACCO caseworker responding to the report will contact the local area Senior Housing Officer (HSO3), Team Leader or Tenancy and Property manager equivalent or above for verification of the information.

If it is confirmed that the tenancy is at risk, Child Protection or authorised ACCO staff can seek advice from the local area HSO3, Team Leader or Tenancy and Property manager equivalent or above regarding the available options for the family to manage the risks and assist the family to maintain their tenancy. This would include discussions on required support services to prevent the family from becoming homeless.

Information sharing between Public Housing and Child Protection

Sharing information is necessary for collaborative practice as well as to effectively identify and respond to the needs of joint clients.

Further to specific information about the child, relevant information may also include information about other members of the child's family or people living with the child whose behaviour impacts on the child or may pose a risk to the child.

Public Housing and Child Protection must share information where needed in the best interests of the child. Protecting children from harm and promoting their development is enhanced where assessments and case plans are based on adequate information.

Child protection clients may be case managed by community service organisations (CSOs) or by ACCOs. Therefore, Public Housing will need to communicate and share information with the relevant CSO or ACCO as required.

Children, Youth and families Act

The CYFA provides for information sharing in the context of child protection practice where a child protection practitioner believes on reasonable grounds that sharing the information is required to carry out delegated responsibilities under the CYFA (s. 192 'Disclosure and use of information under this Act', as amended on 27 September 2018).

Specifically, if the Secretary or a protective intervener believes on reasonable grounds that it is required to perform their duties or functions or exercise their powers under the CYFA, they may request information from, disclose information to, or receive information from:

- the Secretary
- a protective intervener
- an information holder
- a service agency
- a registered community service, or
- any other individual.

The CYFA also provides that those from whom Child Protection requests information may disclose that information to Child Protection, and that such a disclosure made in good faith does not constitute unprofessional conduct or a breach of professional ethics or expose the person to any liability.

These arrangements for the voluntary exchange of information in the course of child protection practice apply to all phases of practice under the CYFA: from intake, through investigation, protective intervention, and when administering protection orders, to closure, however specific policies apply to sharing information during the intake phase.

Where there are no specific provisions in the CYFA relevant to a specific circumstance, information sharing must then be consistent with other relevant legislation such as the CIS and FVISS or *Privacy and Data Protection Act* or the *Health Records Act* which regulates health information.

For ACCOs authorised under section 18 of the CYFA, information sharing provisions that exist between Child Protection and Public Housing will also operate between Public Housing and ACCOs with respect to a child subject to an authorisation.

Under the CYFA, Public Housing staff are included within a group of professionals regarded as information holders. Child Protection can consult with information holders during any phase of Child Protection involvement. Information holders are authorised to disclose information to Child Protection and are protected to do so (refer to *Child Protection Manual; Information sharing in child protection practice*). Additionally, when Child Protection discloses information to an information holder, information holders also become responsible for managing the confidentiality of that information.

Child Information Sharing Scheme

The Child Wellbeing and Safety Act establishes the CCIS which enables professionals in prescribed organisations and services, that is, information sharing entities (ISEs), to share information to promote the wellbeing and safety of children. Child protection practitioners and Housing staff are ISEs under the child scheme.

It is designed to enable better assessment of risks and needs, facilitate service collaboration and earlier intervention. The CIS Scheme complements the FVISS (Appendix 6).

Family Violence Information Sharing Scheme

The Family Violence Protection Act establishes the FVISS which enables prescribed ISEs to share information to assess or manage risk of family violence. Child Protection and Public Housing are

prescribed under the family violence scheme to share information for both assessment and management purposes.

Organisations and services should share information and collaborate with other services as permitted by law, whether this is via the schemes or another law listed on page 5.

Reporting requirements – potential clients

Public Housing staff considerations

In the event Public Housing staff become aware of a situation (e.g. antisocial behaviour, tenancy breach or move to eviction) in a Public Housing property where a child is present they must determine, if not already established, the impact of the situation on the child's safety and wellbeing and respond to the concerns.

Note: If there is an immediate concern for the safety of a child, Public Housing staff will contact Victoria Police on triple zero (000).

Alternatively, if Public Housing staff have significant concerns for the safety or well-being of a child they may consider making a report to Child Protection or a referral to Child FIRST or to The Orange Door.

There are many factors or a combination of factors that can adversely impact upon children's safety, development and wellbeing. The following lists are intended to provide some basic guidance on how to decide whether to refer a matter to Child Protection, Child FIRST or The Orange Door.

A report to Child Protection should be considered if, after taking into account all of the available information, the Public Housing staff member forms the view that the young person is in need of protection from significant harm or damage to their health, or development in connection with:

- physical abuse, non-accidental or unexplained injury
- family violence, parental substance misuse or psychiatric illness, or intellectual disability
- risk of harm has a significant impact on the child's immediate safety or development
- harm or risk of harm is persistent and entrenched, and is likely to have a significant impact on the child's safety or development
- child's parents cannot or will not protect the child or young person from harm.

A referral to Child FIRST or to The Orange Door should be considered if, after taking into account the available information, the Public Housing staff member forms a view that they have significant concerns for a child's or unborn child's wellbeing, but their safety is not currently compromised.

A referral to Child FIRST or to The Orange Door can connect children, young people and their families to services they need, when the following factors may affect a child's development or wellbeing in connection with:

- significant parenting problems that may be affecting the child's development
- family conflict, family violence 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.

Public Housing staff who are concerned about a child's wellbeing or think a child may be in need of protection will need to discuss and seek advice from their line manager in determining if a report to Child

Protection or a referral to Child FIRST or to The Orange Door should be made. The discussion with the line manager must occur as soon as possible. Public Housing staff will escalate the issue if their direct line manager is not available.

Child FIRST

Child FIRST teams provide a consolidated intake service to family services within catchment areas. These arrangements reflect the provisions in the CYFA that commenced in 2007. The primary purpose of Child FIRST is to ensure that children, young people and their families are linked effectively into relevant services.

Child FIRST provides practical services to families in need of support that are outside of statutory responsibilities under the CYFA.

The Orange Door

The Orange Door is a new way for women, children and young people experiencing family violence, and families who need support with the care, wellbeing and development of children and young people to access coordinated support from social, health and justice services.

The Orange Door incorporates the existing Child FIRST service in areas where The Orange Door is established. The Orange Door will be rolled out statewide by 2021 and will subsequently replace Child FIRST with operations having commenced in some areas from May 2018.

A key principle of the service is that there is no wrong door for women seeking support or advice.

Further information can be found at <https://www.vic.gov.au/familyviolence/the-orange-door.html> website.

How to make a report to Child Protection

A local area manager equivalent to a (HSO3) or Team Leader in consultation with Tenancy and Property Manager, equivalent or above will make a report to Child Protection by phoning the Intake Team (referred to as “the reporter”).

It is the responsibility of Child Protection to determine the outcome of the report and if further Child Protection intervention is required.

How to make a referral to Child FIRST or to The Orange Door

Local area management equivalent to a HSO3 or Team Leader in consultation with Tenancy and Property Manager, equivalent or above will make a referral to Child FIRST or The Orange Door. Contact numbers are available at the end of this document.

After-Hours Child Protection Emergency Service

The statewide After-Hours Child Protection Emergency Service (AHCPEs) operates outside the business hours of 5.00pm – 9.00am, on week days and on weekends and public holidays. AHCPEs is a crisis service that responds to urgent matters that are not able to be safely managed until the following working day. It is not an extension of the daytime activities that Child Protection provides for children in business hours.

Child Protection response to a report from Public Housing

In the event Public Housing staff determines it is appropriate to make a report to Child Protection, Child Protection staff will:

- record the details of the report, make further enquiries as appropriate, complete a risk assessment and determine the classification and outcome of the report
- as a professional making a report, Public Housing staff will be informed of the classification and outcome of the report
- in the case the child has been identified as Aboriginal, consultation will occur with the Aboriginal Child Specialist Advice and Support Service (ACSSAS).

Typical outcomes of a report classified as a child wellbeing report are to provide advice back to the reporter and or make a referral to Child FIRST or to The Orange Door or other support service.

Where the report is classified as a protective intervention report, the report will proceed to investigation.

Outcomes of the report

Child Protection will attempt to contact all professional reporters to inform them of the outcome of a report, unless there are exceptional circumstances, or it is considered not to be in the child's best interest. This will usually occur within two days of the classification of the report being determined.

The reporter will be advised of the outcome of the report, but not the outcome of a referral to another service provider or the outcome of an investigation unless the reporter is actively involved in the ongoing service provision, care or support relevant to the child's protection or wellbeing.

In the event Public Housing staff form a view that a child may be in need of protection due to issues that are not housing related, the housing services officer should make a report and will be advised of the outcome and classification of that report but is unlikely to be provided with any further information regarding Child Protection's possible involvement.

Should Public Housing staff form a view that a child may be in need of protection because the tenancy of the Public Housing property that the child resides in is at risk, thereby potentially placing the child at risk, Child Protection may determine it appropriate and in the best interests of the child to share information in the context of joint working and case planning (as detailed in the "joint clients" section).

Protection for the reporter

Except in limited circumstances provided for in the CYFA, it is unlawful for a person to disclose the identity of a reporter or any information likely to lead to the identification of the reporter without the reporter's written consent.

Record keeping requirements

Child Protection will continue their established record keeping processes and protocols.

Public Housing will continue to use the centralised Public Housing record keeping system, Housing integrated information Program (HiIP) which contains information on a household and tenancy that is accessible by authorised users within the department, both centrally and within divisions.

Therefore, when making a report to Child Protection, Public Housing staff will file note the report and the involvement of Child Protection on HiIP via a client alert. It is unnecessary to provide further detail. Public Housing officers will only access, use and disclose information in accordance with the best interest

principles contained in the, CYFA, CIS or FVISS, Information Privacy Principles contained in the *Privacy and Data Protection Act* or Health Privacy Principles contained in the *Health Records Act*.

Release of information regarding potential danger

When Public Housing, Child Protection or authorised ACCO staff become aware of a named person's potential to be a danger to professionals visiting the Public Housing property, then this information will be shared with senior managers from Public Housing, Child Protection, or authorised ACCO for staff to develop a risk management plan

Dispute resolution

It is essential that differences are addressed promptly. Differences may relate to roles, professional and organisation priorities, systems issues and communication difficulties. These factors have the potential to damage collaborative working relationships and negatively impact on the child.

In the event a dispute arises between the parties to these guidelines, parties must ensure that differences of opinion are addressed as soon as practicable after they arise. In the event this does not resolve the dispute, staff will notify their line manager for senior level resolution.

Should there be disagreement relating to these guidelines it will be referred to the Assistant Director, Housing Practice Support and Complex Support, Children, Families, Disability and Operations and Assistant Director, Child Protection, Children, Families, Disability and Operations and in the case of an ACCO authorised under section 18 of the CYFA, the Principal Officer of an ACCO.

The safety and wellbeing of children is to be considered paramount.

These statewide guidelines outline the information sharing arrangements between staff from Public Housing, Child Protection and authorised ACCOs in the event a child residing in Public Housing is identified as a client, or potential client, of the Child Protection program.

Appendix 1: Part 1.2: Principles, Division 2: Best Interests Principles of the Children, Youth and Families Act 2005

In all considerations, the best interests of the child must always be paramount.

Consideration of the best interests of the child always includes:

- The child's safety – the need to protect the child from harm
- The child's rights
- The child's development – the need to promote the child's development, taking into account the child's age and stage of development

and where relevant:

- Giving the widest possible professional assistance to the parent and child
- Protecting and promoting cultural identity particularly for an Aboriginal child
- Cumulative harm – the impact of cumulative harm on a child must form part of the overall assessment
- Permanency – the desirability of continuity and permanency in the child's care
- The desirability of making decisions as expeditiously as possible and the possible harmful effect of delay in making a decision or taking an action
- Maintenance of family ties
- Access appropriate services in order to ameliorate the long-term effects of abuse and or neglect.

Appendix 2: summary of the Information Privacy Principles and Health Privacy Principles

The table below provides a summary of the key privacy principles outlined in schedule 1 of the *Health Records Act 2001 (HRA)* and the *Privacy and Data Protection Act 2014 (Victoria) (IPA)*. The full privacy principles can be found in schedule 1 of the HRA and the IPA

Health Privacy Principles (HPP) summary	Information Privacy Principles (IPP) summary
<p>Collection</p> <p>Collect only personal information that is necessary for performance of functions. Advise individuals the use of the information, third parties who may have access to their information, and how they can gain access to personal information.</p>	<p>Collection</p> <p>Collect only personal information that is necessary for performance of functions. Advise individuals the use of the information, third parties who may have access to their information, and how they can gain access to personal information.</p>
<p>Use and disclosure</p> <p>Only use or disclose health information for the primary purpose for which it was collected or a directly related secondary purpose the person would reasonably expect. Otherwise, consent is generally required.</p>	<p>Use and disclosure</p> <p>Use and disclose personal information only for the primary purpose for which it was collected or a secondary purpose the person would reasonably expect. Use for secondary purposes should have the consent of the person.</p>
<p>Data quality</p> <p>Take reasonable steps to ensure health information held is accurate, complete, up-to-date and relevant to the functions performed.</p>	<p>Data quality</p> <p>Make sure personal information is accurate, complete and up-to-date.</p>
<p>Data security and retention</p> <p>Safeguard the health information held against misuse, loss, unauthorised access and modification. Only destroy or delete health information in accordance with HPP4.</p>	<p>Data security</p> <p>Take reasonable steps to protect personal information from misuse, loss, unauthorised access, modification or disclosure.</p>
<p>Openness</p> <p>Document clearly expresses policies on management of health information and provides the policies to anyone who asks.</p>	<p>Openness</p> <p>Document clearly expresses policies on management of personal information and provides the policies to anyone who asks.</p>
<p>Access and correction</p> <p>Individuals have a right to seek access to health information held about them in the private sector, and to correct it if it is inaccurate, incomplete, misleading or not up-to-date.</p>	<p>Access and correction</p> <p>Individuals have a right to seek access to their personal information and make corrections. Access and correction will be handled mostly under the <i>Victorian Freedom of Information Act 1982</i>.</p>
<p>Identifiers</p> <p>Only assign a number to identify a person if the assignment is reasonably necessary to carry out the functions efficiently.</p>	<p>Unique identifiers</p> <p>A unique identifier is usually a number assigned to an individual in order to identify the person for the purposes of the organisation's operations. Tax File Numbers and Driver's Licence Numbers are examples. IPP 7 limits the adoption and sharing of</p>

Health Privacy Principles (HPP) summary	Information Privacy Principles (IPP) summary
	unique numbers.
<p>Anonymity</p> <p>Give individuals the option of not identifying themselves when entering transactions with organisations where this is lawful and practicable.</p>	<p>Anonymity</p> <p>Where practicable, give individuals the option of not identifying themselves when entering transactions with organisations.</p>
<p>Transborder data flows</p> <p>Only transfer health information outside Victoria if the organisation receiving it is subject to laws substantially similar to the Victorian HPPs.</p>	<p>Transborder data flows</p> <p>If personal information travels, privacy protection should travel with it. Transfer of personal information outside Victoria is restricted. Personal information may be transferred only if the recipient protects privacy under standards similar to Victoria's IPPs.</p>
<p>Transfer/closure of practice health service provider</p> <p>A health service provider whose business or practice is being sold, transferred or closed down, and will no longer provide services must give notice of the transfer or closure to past service users.</p>	<p>Sensitive information</p> <p>The privacy legislation restricts collection of sensitive information such as an individual's racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record.</p>
<p>Making information available to another health service provider</p> <p>A health service provider must make health information relating to an individual available to another health service provider if requested by the individual.</p>	

Appendix 3: Antisocial behaviour and the three strike and zero tolerance approaches

Antisocial behaviour includes the following behaviour described in the *Residential Tenancies Act* under:

- s.60: Nuisance or interference (i.e. causes a nuisance or interference with the reasonable peace, comfort or privacy of a neighbour)
- s.61: Damage (i.e. causes damage to the Public Housing property or common areas)
- s.244: Danger (i.e. endangers the safety of neighbours)
- s.63: Condition of premises (i.e. fails to keep the Public Housing property in a reasonably clean condition)
- s.59: Use of premises for illegal purpose
- s.250A: Drug related conduct in Public Housing.

What is meant by zero tolerance?

The department does not tolerate serious antisocial behaviour such as malicious damage, dangerous behaviour and illegal activity.

What action will the department take?

The department will act in accordance with the *Residential Tenancies Act*. This may include giving the offending tenant an immediate or 14-day notice to vacate.

The department will then seek a possession order for the property at the Victorian Civil Administrative Tribunal (the Tribunal).

What is meant by three strikes?

The *Residential Tenancies Act* 1997 imposes specific duties on landlords and tenants.

The department uses a system of “three strikes” to make clear that repeated or non-remedied breaches of a tenant’s duties under the Act will not be tolerated.

A “strike” is recorded each time a tenant breaches a duty provision or fails to remedy a breach of a duty provision. Three breaches of the same duty provision or failure to comply with a compliance order obtained from the Tribunal relating to a breach of a duty provision within a 12-month period will result in three strikes being recorded against the tenant.

When will the department act?

The department will take immediate action against tenants who breach the following duties under the *Residential Tenancies Act*, a tenant must:

- not cause nuisance or interference
- avoid damage to premises or common areas
- keep rented premises clean
- not install fixtures etc. or make any alteration to the premises without consent.

What action will the department take?

The department will give the tenant a Breach of Duty Notice on the first breach of a duty provision. On any subsequent breach, or a failure to remedy a breach, of the same duty provision, the department will either issue a second breach of duty notice or seek a compliance order from the Tribunal. Each breach of duty or failure to remedy a breach of duty will result in a strike being recorded against the tenant.

On the third breach of the same duty provision, the department will give the tenant a three strikes notice and a notice to vacate for successive breaches, or where relevant, for non-compliance with a compliance order made by the Tribunal.

The department will then seek a possession order for the property from the Tribunal. If VCAT makes a possession order, the tenant may be evicted.

What should Public Housing tenants do?

- Understand and comply with obligations under the *Residential Tenancies Act* and tenancy agreement
- Comply with any directions or notices given by the department in relation to tenancy behaviour
- Contact the department as soon as possible to discuss any tenancy issues which arise
- Seek assistance and support early for any issues that are making it difficult to comply with tenancy obligations.

Appendix 4: Information sharing sections of the Children Youth and Families Act (CYFA)

The following sections of the *Children Youth and Families Act* prescribe when and how information sharing is authorised under the Act:

- s.28 Report to Secretary about child
- s.29 Report to Secretary about unborn child
- s.30 Response by Secretary to report
- s.33 Response by community-based child and family service to referral
- s.38 Consultation with Secretary
- s.39 Records of disclosures
- s.40 Reporters and referrers protected
- s.41 Identity of reporter or referrer confidential
- s.168 Preparation of case plan
- s.178 Responsibility of Secretary to provide information to parents
- s.179 Responsibility of Secretary or out of home care service to provide information to carers
- s.180 Confidentiality
- s.183 Report to protective intervener
- s.184 Mandatory reporting
- s.185 Report on child in need of therapeutic treatment
- s.187 Determination by Secretary about report
- s.188 Record of report
- s.189 Reporters protected
- s.190 Evidence and legal proceedings
- s.191 Confidentiality
- s.192 Disclosure and use of information under this Act
- s.193 Disclosure of information in course of consultation by a community-based child and family service
- ss.194-202 Compulsory Disclosure of Information
- s.208 Protection of givers of information
- s.209 Confidentiality
- s. 212 Protection of givers of information
- s. 213 Confidentiality
- s.234 Protection of privileges
- s.238 Report to Court by Secretary [re TAO]
- s.265 Parent entitled to know child's whereabouts
- s.534 Restriction on publication of proceedings

Regarding court reports

- s.552 Confidentiality of reports
- s.556 Access to protection report
- s.559 Access to disposition report
- s.561 Access to additional report
- s.562 Access to additional reports prepared by Secretary to Department of Justice
- s.566 Access to therapeutic treatment application report
- s.570 Access to therapeutic treatment (placement) report.

Appendix 5: Aboriginal Children in Aboriginal Care

Aboriginal Children in Aboriginal Care, is a statewide program developed in partnership with ACCOs. It is an important and vital step for Aboriginal self-determination and self-management that will have a significant impact for Aboriginal children.

Authorised Aboriginal Community Controlled Organisations (ACCOs)

The following ACCOs are authorised under section 18 of the Children, Youth and Families Act to provide Aboriginal Children in Aboriginal Care:

The Victorian Aboriginal Child Care Agency (VACCA) .

Information about VACCA can be found at <https://www.vacca.org>.

VACCA's phone number is (03) 9287 8800.

Bendigo and District Aboriginal Cooperative (BDAC)

Information about BDAC can be found at <http://www.bdac.com.au/>

BDAC's phone number is (03) 5442 0237

The Department is working with other ACCOs across Victoria towards their own timeframes for section 18 authorisation. Additional ACCOs providing Aboriginal Children in Aboriginal Care will be added to the list of authorised ACCOs located in the Child Protection Manual at xxxxx

If you would like more information about [Aboriginal Children in Aboriginal Care](#) please refer to the department's intranet <<http://www.cpmanual.vic.gov.au/advice-and-protocols/protocols/vacca>>.

Appendix 6: Family Violence Information Sharing (FVIS) Scheme, Child Information Sharing (CIS) Scheme and MARAM

The government is introducing three inter-related reforms that aim to promote the wellbeing and safety of children and reduce family violence.

The CIS, FVISS, and the Multi-Agency Risk Assessment and Management Framework (also known as MARAM) have been developed in response to the Royal Commission into Family Violence, March 2016.

The three reforms build on existing expertise and practice to encourage further collaboration across the service system and emphasise the shared responsibility to keep children and families safe and allowing them to thrive.

While the three reforms differ in their purpose for sharing information they are designed to complement each other and align in many ways, including:

- broadly consistent information sharing entities and record keeping requirements
- similar protections for professionals who share in good faith and with reasonable care
- prioritising the safety of children and victim survivors over any individual's privacy.

On 27 September 2018, all of the department's Child Protection practitioners and Public Housing Services Officers will be prescribed as information sharing entities under both Information Sharing Schemes.

In response to Recommendation 1 of the Royal Commission into Family Violence, the Common Risk Assessment Framework (the CRAF) has been updated to establish a shared understanding of family violence and risk assessment across the service system.

The updated CRAF is now the Multi-Agency Risk Assessment and Management Framework (MARAM Framework), which has been developed to more clearly outline responsibilities for coordinating and implementing safety and accountability planning.

Organisations will start aligning their policies and procedures with the MARAM from 27 September 2018.

A range of resources, including Ministerial Guidelines, are available to assist prescribed organisations and professionals to understand their new obligations under the reforms and support implementation. These can be found at: <http://www.vic.gov.au/infosharing>.

For more information, contact the Information Sharing Implementation team at: infosharing@dhhs.vic.gov.au

Appendix 7: Further information

Contact Child Protection should further information be required.

During business hours, ring the number covering the local government area (LGA) where the child lives. Child Protection business hours are 8.45am - 5.00pm (Monday - Friday)

Intake Area	Intake area location	Local government areas (LGA) cover	Contact
North Division	Child protection intake located at DHHS Preston	Banyule, Buloke, Darebin, Campaspe, Central Goldfield, Gannawarra, Greater Bendigo, Hume, Loddon, Macedon Ranges, Mildura, Moreland, Mount Alexander, Nillumbik, Swan Hill, Whittlesea, Yarra	1300 664 977
South Division	Child protection intake located at DHHS Dandenong	Bass Coast, Baw Baw, Bayside, Cardinia, Casey, East Gippsland, Frankston, Glen Eira, Greater Dandenong, Kingston, Latrobe, Mornington Peninsula, Port Phillip, South Gippsland, Stonnington, Wellington	1300 655 795
East Division	Child protection intake located at DHHS Box Hill	Alpine, Benalla, Boroondara, Greater Shepparton, Indigo, Knox, Manningham, Mansfield, Maroondah, Mitchell, Moira, Monash, Murrindindi, Strathbogie, Towong, Wangaratta, Whitehorse, Wodonga, Yarra Ranges	1300 360 391
West Division (Rural and regional only)	Child protection intake located at DHHS Geelong	Ararat, Ballarat, Colac-Otway, Corangamite, Glenelg, Golden Plains, Greater Geelong, Hepburn, Hindmarsh, Horsham, Moorabool, Moyne, Northern Grampians, Pyrenees, Queenscliffe, Southern Grampians, Surf Coast, Warrnambool, West Wimmera, Yarriambiack	1800 075 599
West Division (Metropolitan only)	Metro area reports are managed by North Division Intake located at DHHS Preston	Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Melton, Moonee Valley, Wyndham	1300 664 977

After hours Child Protection Emergency Service - 13 12 78

(5.00pm - 9.00am Monday - Friday, 24 hours on weekends and public holidays)

A state-wide after-hours emergency service that receives new reports, as well as concerns for existing Child Protection clients who are considered to be at immediate risk and require urgent after hours service.

Interstate websites and contact numbers

Website	Contact
Australian Capital Territory (ACT) < http://www.communityservices.act.gov.au/ocyfs/child-and-youth-protection-services >	1300 556 729

Website	Contact
Australian Capital Territory (ACT) <http://www.communityservices.act.gov.au/ocyfs/child-and-youth-protection-services>	1300 556 729
New South Wales (NSW) <http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/resources-for-mandatory-reporters/how-to-make-a-report>	13 21 11
Northern Territory (NT) <https://childrenandfamilies.nt.gov.au/contacts>	1800 700 250
Queensland (QLD) <https://www.communities.qld.gov.au/childsafety/about-us/contact-us>	(07) 3235 9999
South Australia (SA) <https://www.sa.gov.au/topics/education-and-learning/health-wellbeing-and-special-needs/report-child-abuse/report-child-abuse>	1800 001 219
Tasmania (TAS) <http://www.dhhs.tas.gov.au/children/child_protection_services>	1300 737 639
Western Australia (WA) <http://www.dcp.wa.gov.au/Organisation/contactUs/Pages/ContactUs.aspx>	(08) 9222 2555