



FAMILY VIOLENCE SUPPORT POLICY

Quality Area 2

PURPOSE

This policy outlines the range of supports available to children, families and staff affected by family violence and outlines Rowen Street Kindergarten's reporting requirements in relation to family violence.

POLICY STATEMENT

Values

Rowen Street Kindergarten Inc. is committed to:

- zero tolerance to family violence
- promoting collaborative, multi-agency practice and information sharing
- promoting a shared understanding of family violence across the community, including Aboriginal and diverse communities
- providing a culturally safe response, recognising victim survivor as the expert in their own experience and including and supporting them to make decisions about their own safety and wellbeing.

Scope

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children, and others attending the programs and activities of Rowen Street Kindergarten Inc.

| RESPONSIBILITIES | Approved provider and persons with management or control | Nominated supervisor and persons in day-to-day charge | Early childhood teacher, educators and all other staff | Parents/guardians | Contractors, volunteers and students |
|--|--|---|--|-------------------|--------------------------------------|
| R indicates legislation requirement, and should not be deleted | | | | | |
| Fulfilling legal obligations, including mandatory reporting and duty of care obligations | R | R | R | | R |
| Undertaking child safety reviews and developing an action plan to maintain Child Safe Standards at Rowen Street Kindergarten Inc. | R | √ | √ | | √ |
| Following processes in identifying family violence | R | R | R | | R |
| Ensuring processes for responding to and reporting are followed when there are significant concerns for the safety, health or wellbeing of a child at the service | R | R | R | | R |
| Creating a culturally safe environment for safe disclosure of family violence and respond to disclosures sensitively, with empathy and without judgement | √ | √ | √ | | |
| Collaborating with specialist services to make an informed decision and promote collaborative practice around children and families where relevant | √ | √ | √ | | |
| Staff identified by Rowen Street Kindergarten Inc. to use the Information Sharing Schemes can proactively share and request relevant information and must respond to requests from other information sharing entities under the Child Information Sharing Scheme and Family Violence Information Sharing Scheme. Both schemes are relevant where a child is involved in a family violence context. | R | R | R | | |
| Sharing relevant information under privacy law or other legislative authorisation (<i>refer to Privacy and Confidentiality policy</i>). | R | R | R | | |
| Engaging with specialist services or professionals who are appropriately qualified to support the particular needs of the child or family | √ | √ | √ | | |
| Ensuring confidential information is only shared with relevant authorities to the extent necessary to promote the wellbeing or safety of a child or group of children, consistent with the best interests of that child/ren | R | R | R | | R |
| Maintaining co-operative relationships with appropriate services and/or professionals in the best interests of children and their families | √ | √ | √ | | |
| Notifying the approved provider or person with management or control immediately on becoming aware of a concern, complaint or allegation regarding the safety, health and welfare of a child at Rowen Street Kindergarten Inc. | | R | R | R | R |
| Maintaining confidentiality at all times | R | R | R | √ | R |
| Keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy | R | √ | √ | | √ |

Background and legislation

BACKGROUND

Family violence is a widespread and serious problem in Australia, which can have serious consequences for individuals, families and the community. Family violence has profoundly negative effects on children, whether they are directly targeted, witness the violence or are aware of the violence in the family. Children can suffer from a variety of physical, spiritual, emotional, mental and developmental effects as a result of family violence. Long term effects of trauma from family violence can be carried into adulthood and result in a range of detrimental emotional, mental and behavioural problems.

Family violence differs from other forms of violence; it is generally underpinned by a pattern of coercion, control and domination by one person over another. While family violence can begin at the start of a relationship, it can also increase and change over time. There are times where there is increased risk, including pregnancy and separation (or attempted separation). Family violence is generally part of a longer-term pattern, rather than a one-off event.

The Royal Commission into Family Violence (the Commission) delivered its report in March 2016, with 227 recommendations. The Commission recommended the review and redevelopment of the Family Violence Risk Assessment and Risk Management Framework (also known as the Common Risk Assessment Framework [CRAF]), and to embed it into the Family Violence Protection Act 2008 (Vic) (FVPA). The Victorian Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM) updates and replaces the CRAF and is informed by consultations with more than 1650 practitioners, subject matter experts, and evidence-base reviews.

The MARAM Framework outlines:

- an approach to practice which is underpinned by the framework principles
- four conceptual 'pillars' for organisations to align their policies, procedures, practice guidelines and tools
- information to support a shared understanding of the experience of risk and its impact on individuals, families and communities
- expectations of practice that are underpinned by a shared understanding of the range of roles across the service system, and consistent and collaborative practice
- an expansion of the range of organisations and sectors who will have a formal role in family violence risk assessment and risk management practice.

The MARAM Framework can be used by all services that come into contact with individuals and families experiencing family violence. The MARAM Framework creates a shared responsibility between individual professionals, services and whole sectors. This allows the service to provide more options to keep victim survivors safe, and for a stronger, more collaborative approach that can keep perpetrators in view and accountable for their actions and behaviours.

The Family Violence Information Sharing Scheme (FVISS) has been established under Part 5A of the Family Violence Protection Act 2008, enabling relevant information to be shared between prescribed information sharing entities [ISEs] to assess and manage family violence risk. The Child Information Sharing Scheme [CISS], established under Part 6A of the Child Wellbeing and Safety Act 2005, enables prescribed ISEs to share information with each other in order to promote the wellbeing and safety of children, including in situations where family violence is suspected or established as being present. Guidelines issued under each of the information sharing schemes require ISEs to refer to the MARAM Framework where family violence is present.

The Information Sharing Scheme does not change child safety obligations. It complements existing privacy laws and will enhance the ability of early education and care services to meet child wellbeing and safety responsibilities under the Child Safe Standards and comply with mandatory reporting and other reporting obligations.

The Information Sharing Scheme will enable services to request and share information and collaborate earlier and more proactively to support outcomes for children and their families and streamline their experience across services. It removes barriers for ISEs to share information as they allow information to be shared before serious risk or threat occurs, allowing earlier identification of needs or issues and early support for children and families. Furthermore, while mandatory reporting is often a one-way information exchange, CISS and FVISS allow ISEs to request information back and have an ongoing dialogue to promote the wellbeing and safety of children and manage dynamic risks.

Child Link will be a web-based platform that displays information about a child to authorised key professionals who have responsibility for child wellbeing and safety. Child Link will show limited but critical information, such as a child's participation in early childhood and education services. Information displayed on Child Link will only be accessible to authorised users. Most users will be professionals who have regular contact with children and families and will be able to identify and intervene early where there is a wellbeing or safety concern. Professionals will need to be authorised by a designated senior staff member within their service to gain access to Child Link. Child Link will become operational by December 2021, with authorised professionals progressively onboarded from 2022 onward. Professionals will have to undertake mandatory training before gaining access to Child Link.

LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- Child Safe Standards (Vic)
- Child Wellbeing and Safety Act 2005
- Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic)
- Children, Youth and Families Act 2005 (Vic)
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Family Violence Protection Act 2008
- Family Violence Protection (Information Sharing and Risk Management) Regulations 2018
- National Quality Standard, Quality Area 2: Children's Health and Safety and Quality Area 6: Collaborative Partnerships with Families and Communities
- Privacy and Data Protection Act 2013 (Vic)

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au

Definitions

Child FIRST: A Victorian community-based intake and referral service linked with Family Services. Child FIRST links vulnerable children, young people and their families to support services, including where required Child Protection

Child Information Sharing Scheme (CISS): enables Information Sharing Entities (ISEs) (refer to Definitions) to share information to promote the wellbeing or safety of children.

Child Protection Service (also referred to as Child Protection): The statutory child protection service provided by the Victorian Department of Health and Human Services, to protect children and young people at risk of abuse and neglect. This service also works closely with Family Services (including Child FIRST) to support the assessment and engagement of vulnerable children and families in community-based services

Child Safe Standards: Promotes the safety of children, prevent child abuse, and ensure organisations have effective processes in place to respond to and report all allegations of child abuse.

Culturally safe: to practice in a culturally safe way means to carry out practice in collaboration with the service user, with care and insight for their culture, while being mindful of one's own. A culturally safe environment is one where people feel safe and where there is no challenge or need for the denial of their identity.

Duty of Care: a common law concept that refers to the responsibilities of organisations and staff to provide people with an adequate level of protection against harm and all reasonably foreseeable risks of injury. In the context of this policy, duty of care refers to the responsibility of education and care services and their staff to provide children with an adequate level of care and protection against foreseeable harm and injury.

Family violence: behaviour that occurs in family, domestic or intimate relationships that is physically or sexually abusive; emotionally or psychologically abusive; economically abusive; threatening or coercive; or is in any other way controlling that causes a person to live in fear for their safety or wellbeing or that of another person. In relation to children, family violence is also defined as behaviour by any person that causes a child to hear or witness or

otherwise be exposed to the effects of the above behaviour. This definition includes violence within a broader family context, such as extended families, kinship networks and communities.

Family Violence Information Sharing Scheme (FVISS): enables Information Sharing Entities (refer to Definitions) to share information to facilitate assessment and management of family violence risk to children and adults.

Information Sharing Entities (ISEs): are authorised to share and request relevant information under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme (the Schemes) and required to respond to requests from other ISEs. All ISEs are mandated to respond to all requests for information.

Mandatory reporting: The legal obligation of certain professionals and community members to report when they believe, on reasonable grounds, that a child is in need of protection from harm.

A broad range of professional groups are identified in the Children, Youth and Families Act 2005 as 'mandatory reporters', including:

- all educators with post-secondary qualifications in the care, education or minding of children and employed or engaged in an education and care service or a children's service
- all proprietors, nominees of a children's service, approved providers, and nominated supervisors of an education and care service.
- educators registered with the Victorian Institute of Teaching (VIT).

Sources and related policies

Sources

- Child protection in early childhood (PROTECT): www.education.vic.gov.au
- Family Violence Multi Agency Risk Assessment and Management Framework Practice Guides: www.vic.gov.au
- Family Violence Multi-Agency Risk Assessment and Management Framework: www.vic.gov.au
- Foundation Knowledge Guide: www.vic.gov.au
- Information Sharing and Family Violence Reforms Contextualised Guidance: www.vic.gov.au
- MARAM Framework: summary for organisational leaders: www.vic.gov.au

Service policies

- Child Safe Environment Policy
- Complaints and Grievances Policy
- Delivery and Collection of Children Policy
- Incident, Injury, Trauma and Illness Policy
- Inclusion and Equity Policy
- Interactions with Children Policy
- Participation of Volunteers and Students Policy
- Privacy and Confidentiality Policy
- Staffing Policy
- Supervision of Children Policy

Evaluation

In order to assess whether the values and purposes of the policy have been achieved, the approved provider will:

- seeking feedback from early childhood teachers, educators, staff, parents/guardians, children, management and all affected by the policy regarding its effectiveness. This can be done via surveys, questionnaires and formal or informal interviews with stakeholders
- monitoring implementation, compliance, complaints and incidents in relation to the policy and procedures
- keeping up to date with current legislation, research, policy and best practice
- observing changes to the service environment e.g. increased/decreased enrolments
- revising the policy and procedures in light of the above
- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk (Regulation 172 (2)).

Attachments

- Attachment 1: Mandatory reporting

Authorisation

This policy was adopted by the Committee of Management of Rowen Street Kindergarten Inc. on 5 September 2022

Review date: August 2024

ATTACHMENT 1. MANDATORY REPORTING

Early childhood Education and Care services are well placed to identify family violence risk, respond to disclosures, and support affected students and families.

Mandatory reporters include Victorian Institute of Teaching registered early childhood teachers, early childhood workers, other persons in licensed and approved early childhood services are also mandatory reporters. This includes:

- all educators with post-secondary qualifications in the care, education or minding of children and employed or engaged in an education and care service or a children's service
- the proprietor or primary nominee of a children's service, or the approved provider or nominated supervisor of an education and care service.

All mandatory reporters must make a report to Victoria Police and/or DHHS Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical injury and/or sexual abuse; and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

It is a criminal offence not to report in these circumstances.

Mandatory reporting requirements, duty of care and the Child Safe Standards must be followed as outlined on the [PROTECT website](#).

Refer to the *Child Safe Environment Policy* and/or the [Four Critical Actions for early childhood services](#) as a reference guide on how to report and respond to disclosures, suspicions or allegations of child abuse including family violence.

For more detailed information and guidance on responding to child abuse and family violence under PROTECT, refer to: [Identifying and Responding to All Forms of Abuse in Early Childhood Services](#).