

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT

AND

THE DEPARTMENT OF EDUCATION

OCTOBER 2013

1. PREAMBLE

Safeguarding and promoting the wellbeing of children¹ is a shared responsibility of parents, families, communities and across government and non-government sectors.

Research consistently demonstrates that collaboration between key agencies is essential to maximise the potential for good child protection outcomes.

The parties to this Memorandum of Understanding (MOU) are the:

- Department for Child Protection and Family Support (CPFS); and
- Department of Education (DOE).

This MOU affirms each party's joint approach to:

- supporting and protecting children, young people and individuals at risk or in crisis, who have come to the attention of either party due to child abuse or neglect issues;
- responding to the needs of children arising from actual or potential abuse and/or neglect, according to each agency's roles and responsibilities; and
- education planning for children in the care of the Chief Executive Officer (CEO) of CPFS (children in the CEO's care).²

2. PURPOSE

This MOU provides an overarching framework for the schedule that guides the provision of collaborative child protection and education services for children in the CEO's care and children who have been, or are, at risk of abuse and/or neglect.

3. LEGISLATIVE BASIS

This MOU and accompanying schedule is to be read in conjunction with the *Children and Community Services Act 2004 (CCS Act)* and *School Education Act 1999 (SE Act)*.

¹ "Child" means a person who is under 18 years of age, and in the absence of positive evidence as to age, means a person who is apparently under 18 years of age. *Children and Community Services Act 2004 (WA)* s 3

² *Children and Community Services Act 2004* s 30

4. PRINCIPLES

This MOU and the accompanying schedule are underpinned by the following principles:

- The safety and wellbeing of children is of paramount importance.
- Children in the CEO's care have unique vulnerabilities.
- Effective child protection practice includes children and their families in decision-making to ensure services are relevant and responsive.
- Collaborative practices between agencies improve safety and wellbeing for children and families.
- The 'best interests of the child' is the paramount consideration for all functions carried out under the *CCS Act*, including information sharing, care planning and documented education plans.
- Agreed frameworks, mutual respect, trust and open communication between agencies build effective partnerships.
- The parties will support the partnership through collaboration and ongoing joint staff learning and development where appropriate.
- Equity and access issues are a priority embedded in policy, strategy, programs and service delivery

5. KEY AREAS OF COLLABORATION

- Responding to concerns regarding a child's wellbeing and allegations of child abuse and neglect.
- Joint approach to supporting children in the CEO's care, including children with high and complex needs
- Exchange of information.
- Service provision.
- Workforce development.
- Evaluation and research.
- Education planning.

6. WHOLE OF GOVERNMENT LINKAGES

There are a number of strategic relationships, such as the Child Safety Directors' Group, that aim to ensure coordinated services and responses for vulnerable children, young people and families.

The parties to this MOU are committed to the Cabinet endorsed Rapid Response framework which prioritises services for children in the CEO's care.

7. TIMEFRAME AND REVIEW

The parties agree that this MOU and its schedule may be reviewed, amended or varied by written agreement signed by persons authorised to sign on behalf of the parties.

This MOU will continue to be effective until the parties endorse a revised MOU.

8. GRIEVANCE RESOLUTION


The parties will endeavour to resolve any grievances that may arise in relation to this MOU in a timely manner through negotiations conducted in good faith.

9. STATUS OF MOU AND SCHEDULE

The parties agree that this MOU is not intended to, and does not, create any legally binding obligations between the parties.

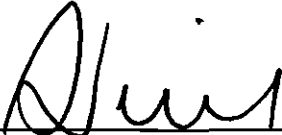
Nothing in this MOU shall make either party liable for the actions of the other or constitute any legal relationship between the parties or limit or affect the independence of the parties.

10. SIGNATURE OF RESPECTIVE DIRECTORS GENERAL



KAY BENHAM
ACTING DIRECTOR GENERAL
DEPARTMENT FOR CHILD PROTECTION
AND FAMILY SUPPORT

DATE: 21/10/13



SHARYN O'NEILL
DIRECTOR GENERAL
DEPARTMENT OF EDUCATION

DATE. 08 NOV 2013

SCHEDULE

BETWEEN

**THE DEPARTMENT FOR CHILD
PROTECTION AND FAMILY SUPPORT**

AND

THE DEPARTMENT OF EDUCATION

OCTOBER 2013

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SCHEDULE BETWEEN THE DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT AND THE DEPARTMENT OF EDUCATION

1. PURPOSE

- 1.1 The purpose of the schedule is to outline the processes between Department for Child Protection and Family Support (CPFS) and Department of Education (DOE) for:
- sharing information to support a child's wellbeing or the performance of a function under the *Children and Community Services Act 2004 (CCS Act)* or the *School Education Act 1999 (SE Act)*,
 - interviewing a child on school grounds by CPFS,
 - reporting allegations of child abuse or neglect, including mandatory reports of child sexual abuse, to CPFS;
 - education access, enrolment, support and planning for a child in the care of the Chief Executive Officer of CPFS (child in the CEO's care); and
 - actioning joint responsibilities and accountability in the best interests of the child.

2. LEGISLATIVE BASIS

- 2.1 This schedule is to be read in conjunction with
- the Memorandum of Understanding between CPFS and DOE;
 - *CCS Act*; and
 - *SE Act*.

3. DEFINITIONS AND KEY CONCEPTS

Unless otherwise indicated, terms used in this schedule should be interpreted as follows

- 3.1 **Provisional Care Plan** means the written plan prepared for a child in the CEO's care in accordance with section 39 of the CCS Act which:
- identifies the needs of the child while the child is in provisional protection and care, and
 - outlines steps or measures to be taken in order to address those needs; and
 - sets out decisions about the care of the child including:
 - decisions about placement arrangements, and
 - decisions about secure care arrangements; and
 - decisions about contact between the child and a parent, sibling or other relative of the child or any other person who is significant in the child's life.
- 3.2 **Care Plan** means the written plan prepared for a child in the CEO's care in accordance with section 89 of the CCS Act which:
- identifies the needs of the child; and
 - outlines steps or measures to be taken in order to address those needs; and
 - sets out decisions about the care of the child including:
 - decisions about placement arrangements; and
 - decisions about secure care arrangements; and
 - decisions about contact between the child and a parent, sibling or other relative of the child or any other person who is significant in the child's life.
- 3.3 **CEO** means the person exercising the powers, functions and duties of the Chief Executive Officer under the CCS Act.

- 3.4 **child** means a person who is under 18 years of age, and in the absence of positive evidence as to age, means a person who is apparently under 18 years of age.
- 3.5 **childFIRST** means the joint child protection, assessment and forensic interview service provided by CPFS and Western Australia Police Child Assessment and Interview Team in cases where there are criminal child protection concerns.
- 3.6 **child in the CEO's care** includes a child who is.
- in provisional protection and care;
 - the subject of a protection order (time-limited) or protection order (until 18);
 - the subject of a negotiated placement agreement, or
 - provided with placement services under section 32(1)(a) of the CCS Act.
- 3.7 **Documented Education Plan** means the written plan developed by the child's school in partnership with CPFS that outlines agreed strategies that will be undertaken in order to meet the education needs of the child. The Documented Education Plan informs the education component of the child's Care Plan.
- 3.8 **MRS** means the Mandatory Reporting Service of CPFS that is responsible for receiving, assessing, processing and recording all mandatory reports of child sexual abuse as well as providing general information and advice to mandatory reporters.
- 3.9 **school** means a government school established under section 55 of the *SE Act* and subject to oversight and monitoring by DOE.
- 3.10 **Signs of Safety** means the *Signs of Safety Child Protection Practice Framework* used by CPFS to undertake child protection assessment and planning. The Signs of Safety approach aims to maximise family involvement and support; sharing of information, and collaborative decision-making in planning for the safety of the child. Agencies, including DOE, may be invited to participate in a Signs of Safety child protection meeting as appropriate.
- The Signs of Safety approach is used to determine:
- what supports are needed for the family to care for their child;
 - whether there is sufficient safety for the child to stay within the family,
 - whether the situation is so dangerous that the child must be removed, and
 - if the child is in the CEO's care, whether there is enough safety for the child to return home
- 3.11 For the purposes of mandatory reporting, a **teacher** means a person listed in section 124A of the CCS Act.

4. INFORMATION SHARING TO SUPPORT A CHILD'S WELLBEING

DOE RESPONSIBILITIES

Providing Information to CPFS

- 4.1 Under sections 23 and 129 of the CCS Act, DOE staff acting in good faith may
- report information to a CPFS officer about any aspect of a child's wellbeing, and
 - disclose information in compliance with a request made by a CPFS officer.
- 4.2 DOE staff providing information to a CPFS officer have statutory protection from:
- civil or criminal liability,
 - breach of duties of confidentiality or secrecy; or
 - breach of applicable professional ethics, standards or codes of conduct

- 4.3 DOE staff may also receive and request feedback from CPFS relating to any concerns reported or information provided to CPFS in response to a request made under section 23 of the CCS Act.

Responding to CPFS Requests for Psychology Records

- 4.4 The school principal, in consultation with the lead school psychologist, may provide information in response to a request from a CPFS officer. In these circumstances, section 23 provides that the school principal and lead school psychologist have statutory protection from:
- civil or criminal liability;
 - breach of duties of confidentiality or secrecy; or
 - breach of applicable professional ethics, standards or codes of conduct.

Sharing Information with Other Authorities

- 4.5 Under section 24A of the CCS Act, the CEO of DOE or delegated officer can exchange information with the CEO of a prescribed public authority, provided the information is relevant to the wellbeing of a child or a class or group of children. These provisions facilitate effective cooperation between key state government agencies on child protection matters, including joint case planning and decision making

CPFS RESPONSIBILITIES

- 4.6 Under section 23 of the CCS Act, the CEO and authorised CPFS officers may disclose or request relevant information to support the wellbeing of a child. CPFS staff will identify themselves and explain the concerns for the child or context of the request to assist DOE staff in providing a response

JOINT RESPONSIBILITIES

- 4.7 Information can be exchanged at an individual or aggregate level between DOE and CPFS in circumstances which could include but are not limited to:
- protecting children from abuse or neglect,
 - assisting with a child protection assessment;
 - diverting a child from harming himself/herself,
 - contributing to decisions about the placement of, or planning for, a child in the CEO's care;
 - helping a prescribed public authority to provide more effective services that contribute to a child's wellbeing,
 - discussing concerns for the wellbeing of a child, including the location of a child whose whereabouts is unknown;
 - avoiding duplication of services;
 - providing feedback about a child or family;
 - improving the individual or collective educational attainment and wellbeing of children in the CEO's care; and
 - sharing of data to deliver better outcomes for children in the CEO's care
- 4.8 It is the responsibility of each party to ensure that internal policies and procedures comply with the confidentiality provisions in Part 10 of the CCS Act.

5. ACCESS TO A CHILD AT SCHOOL

DOE RESPONSIBILITIES

- 5.1 The school principal will assist CPFS officers exercising their statutory authority to access a child at school and remain at the school as long as required under section 33 of the CCS Act, during the course of a child protection investigation

- 5.2 The school principal may confirm the identity of a CPFS officer by asking to see their identity card issued under section 25 of the CCS Act.

CPFS RESPONSIBILITIES

- 5.3 CPFS child protection workers will only access a child at school without parental consent in the circumstances permitted by section 33 of the CCS Act, namely when it is believed, on reasonable grounds, that:
- it would be in the child's best interests to have access to the child before the parent/s are advised of a child protection investigation; or
 - the investigation is likely to be jeopardised by advising the child's parent/s about the proposed access.
- 5.4 Before exercising this power, the CPFS child protection worker will:
- notify the school principal that they intend to access the child;
 - provide appropriate information about the reason for the interview;
 - identify any possible actions that the school could take to support the child; and
 - present their identity card issued under section 25 of the CCS Act to the school principal

6. REFERRING CONCERNS ABOUT CHILD ABUSE OR NEGLECT AND MANDATORY REPORTING OF CHILD SEXUAL ABUSE

6.1 REFERRING CONCERNS ABOUT CHILD ABUSE OR NEGLECT

DOE RESPONSIBILITIES

- 6.1.1 Under DOE *Child Protection Policy* school principals are required to:
- contact the local CPFS district office when referring a concern of physical abuse, emotional abuse or neglect; and
 - make referrals of sexual abuse (that is believed to have occurred prior to 1 January 2009) to the local CPFS district office.

Referrals may be made verbally to the local CPFS district office, but must be followed by a written report as soon as practicable, by using the *CPFS Child Protection Concern Referral Form*.

http://www.dcp.wa.gov.au/ChildProtection/Documents/Child%20Protection%20Concern%20Referral%20Form_Form%20441.docx

Further information can be found on the CPFS website: *If you are concerned about a child webpage*.

<http://www.dcp.wa.gov.au/ChildProtection/Pages/Ifyouareconcernedaboutachild.aspx>

Contact details for all CPFS district office locations are available on the CPFS website.

<http://www.cpfs.wa.gov.au>

DOE staff should refer to the DOE *Child Protection* website for relevant DOE policies about when to report concerns for a child to CPFS:

www.det.wa.edu.au/childprotection/detcms/portal/.

- 6.1.2 When notifying CPFS of a concern of abuse and/or neglect, school principals should advise:
- if there are immediate concerns for the child's safety,
 - the reasons for the concern,
 - if there are any other children in the household,
 - if the parent/carer is considered to pose a risk to the child or others;

- of any action taken by the referrer (including consultations with colleague/s and referrals to external agencies);
- of the DOE referrer's contact details to obtain further information if required, and/or to provide feedback (where relevant or appropriate),
- if the Western Australia Police have been contacted; and
- if there are any safety concerns for DOE staff.

6.1.3 The school principal may request information relevant to a child's wellbeing. CPFS is able to provide this information under section 23 of the CCS Act, when appropriate.

CPFS RESPONSIBILITIES

6.1.4 CPFS will assess all concerns of abuse or neglect from school principals and take appropriate action to promote or safeguard the child's wellbeing, including bringing the child into care with or without warrant, providing social services to the child or the child's family, safety planning or other reasonably necessary actions, pursuant to Part 4 of the CCS Act

6.1.5 CPFS may invite DOE to the Signs of Safety child protection planning meetings when appropriate.

6.1.6 CPFS will provide feedback to the school principal and advise of actions taken

JOINT RESPONSIBILITIES

6.1.7 The identity of the reporter must not be disclosed without their written consent, except in circumstances permitted by section 240 of the CCS Act, including some legal proceedings where it is necessary for the reporter to appear in person and give evidence to the court

6.2 MANDATORY REPORTING OF CHILD SEXUAL ABUSE

DOE RESPONSIBILITIES

6.2.1 All teachers who, in the course of their work as a teacher, form a belief based on reasonable grounds that a child has been the subject of sexual abuse that occurred on or after 1 January 2009, or is the subject of ongoing sexual abuse, must make a report to the CPFS MRS as prescribed by Division 9A of the CCS Act For further information on reporting child abuse DOE staff can refer to the DOE *Child Protection Policy*: www.det.wa.edu.au/childprotection/detcms/portal/

CPFS RESPONSIBILITIES

6.2.2 After completing an initial assessment, the MRS will issue the reporter with an acknowledgement receipt number and a standardised letter The letter confirms that a copy of the report has been forwarded to the Western Australia Police, through the joint agency childFIRST Child Assessment and Interview Team, and identifies which CPFS district office the report has been sent to.

6.2.3 CPFS will assess:

- if the child has suffered significant harm, or is likely to suffer harm as a result of abuse and/or neglect;
- the parental capacity to protect the child;
- if a safety plan is required to safeguard the child, and
- if alleged concerns are likely to place the child at risk of significant harm.

JOINT RESPONSIBILITIES

- 6.2.4 The identity of the reporter must not be disclosed without their written consent, except in circumstances permitted by section 124F (2) of the CCS Act, including some legal proceedings where it is necessary for the reporter to appear in person and give evidence to the court

7. EXCHANGE OF INFORMATION ABOUT ENROLMENT AND/OR SCHOOL-AGED CHILDREN WHOSE WHEREABOUTS ARE UNKNOWN

DOE RESPONSIBILITIES

- 7.1 DOE is responsible for tracking children not attending school. DOE records the details of students who have been reported as missing from school and education programs, and generates a Students Whereabouts Unknown List (SWU List). During (mid) each school term DOE will provide the SWU to CPFS.

The SWU List will have details of the child's:

- full name;
- date of birth;
- last known school enrolment, and
- date of last attendance at that school.

If DOE has child protection concerns for a child who is on the SWU List they should refer these concerns to CPFS in accordance with section 6 of this Schedule

CPFS RESPONSIBILITIES

- 7.2 CPFS will check the SWU List for children in the CEO's care. To assist DOE to track students, CPFS will provide DOE with details of the:
- last recorded address of the child,
 - school a child in the CEO's care is enrolled at, and
 - contact details of the CPFS child protection worker involved with the child

The principal education officer of CPFS will also be advised of these details

- 7.3 After information has been exchanged between DOE and CPFS about children in the CEO's care on the SWU List, the DOE Coordinator Regional Operations or the Coordinator of Regional Services will liaise with the child protection worker to plan the best approach for re-engagement with the child and family
- 7.4 Child protection workers who require the enrolment details for children in care of the CEO or a child who may be at risk, should request this information in writing pursuant to section 23(3) of the CCS Act, from the DOE Student Tracking Coordinator using Form 586: *Request for School Enrolment Information from Department of Education*.
- 7.5 At the local level, interagency meetings are convened to provide an opportunity to exchange information regarding concern for the well-being of children and families where there is need for a joint planning and response to school attendance. CPFS and DOE should attend and exchange information as appropriate

8. SUPPORTING A CHILD IN THE CARE OF THE CEO

8.1 SCHOOL ENROLMENT

DOE RESPONSIBILITIES

- 8.1.1 A school will follow enrolment procedures as per the DOE *Enrolment Policy* with CPFS accorded the rights and obligations of the child's parent. Once an application for enrolment has been lodged, the school principal may request a meeting with the CPFS child protection worker to assist in determining the capacity of the school to provide an appropriate program for a child.
- 8.1.2 When a school principal declines an application for enrolment on the basis of the child's eligibility or the capacity of the school to provide an appropriate education program, the school principal will provide written notice to the CPFS child protection worker at the earliest opportunity. The *Request for Review of Application for Enrolment Decision Form* (section 3.6 DOE *Enrolment Policy*) will also be provided. If the decision is in dispute, the Regional Executive Director will review the application and provide prompt written advice on the decision and reasons for it and details of other public schools the child may be enrolled at, section 82 *SE Act*.
- 8.1.3 Under section 20 of the *SE Act*, an enrolment can be cancelled if:
- all relevant information is not disclosed; or
 - if there is a change of residence, or
 - if there is a change of particulars specified under section 16 (1) *SE Act*, including the provision of long-term and day to day care, welfare and development of the child and details of any condition that may call for special arrangements.
- 8.1.4 When the necessary teaching and learning requirements are not immediately available the school principal may negotiate the child's commencement date with the CPFS child protection worker.
- 8.1.5 When a child has medical issues the school will, at the time of enrolment, request any required information in order to complete the Student Health Care Summary (Form 1) available in the DOE *Student Health Care* policy.
- 8.1.6 The school principal will provide the CPFS child protection worker and foster carer with any information that would normally be provided to a parent (i.e. the child's school report, letters of concern, NAPLAN reports, booklists and requests for permission to participate in excursions and activities).
- 8.1.7 When a child changes schools, the school principal of the new school will request that the previous school transfer copies of information regarding the identified needs of the child, and forward a copy of the most recent Documented Education Plan and school reports. The original documentation must remain with the previous school.

CPFS RESPONSIBILITIES

- 8.1.8 For existing enrolments, and where a child has come into provisional protection and care, the CPFS child protection worker will send the school principal a *School notification of a child in the care of the Department for Child Protection and Family Support* (Form 587) within 30 working days.
- 8.1.9 For new enrolments, the CPFS child protection worker or carer will lodge an application for enrolment. If there are significant and complex support needs, the CPFS child protection worker will provide details to the school principal when lodging the application.

- 8.1.10 At the time of enrolment of a child in the CEO's care, the CPFS child protection worker will:
- advise the school of any medical issues in relation to the child;
 - provide confirmation of the child's legal status, placement arrangements and copies of any relevant court orders; and
 - provide the school principal with Form 587.
- 8.1.11 The CPFS child protection worker will notify the school in writing within 30 working days if
- a child has left the CEO's care or of any changes to placement arrangements;
 - a child in the CEO's care leaves the school and is enrolled in a new school;
 - if there has been a change of child protection worker, or
 - if there has been a change in place of residence or particulars of the child (section 16 SE Act).

JOINT RESPONSIBILITIES

- 8.1.12 Based on the information provided to the school principal by the CPFS child protection worker at the time of the application for enrolment, it will be jointly determined if a meeting should be convened to discuss the child's needs, transition, and the necessary teaching and learning requirements that form the basis of the Documented Education Plan.
- 8.1.13 The school principal, relevant support staff, CPFS child protection worker and others significant to the child may attend this meeting.

8.2 EDUCATION ASSESSMENT AND PLANNING

DOE RESPONSIBILITIES

- 8.2.1 When advised by the CPFS child protection worker that a child is in the CEO's care, the school will identify the child as 'being at educational risk'
- 8.2.2 A child in the CEO's care must have a Documented Education Plan which is reviewed at least twice per year.
- 8.2.3 When notified that an enrolled child is in the CEO's care, the school will convene an education planning meeting with the CPFS child protection worker, within 30 working days or as soon as practicable. Where the CPFS child protection worker and the school principal agree on strategies to support the child, a joint meeting may not be necessary (8.1.11). In this situation, the school may develop a Documented Education Plan and forward a copy to the CPFS child protection worker for comment
- 8.2.4 Based on the education planning meeting, the school will develop a Documented Education Plan as outlined in the DOE *Child Protection Policy and Guidelines for Implementing Documented Plans in Public Schools*.
- 8.2.5 A copy of the completed Documented Education Plan will be provided to the CPFS child protection worker and other relevant DOE staff, within 14 working days of the education planning meeting.
- 8.2.6 In response to a reasonable request, schools will provide evidence to support any applications to the CPFS child protection worker for education support or tuition funding

CPFS RESPONSIBILITIES

- 8.2.7 The CPFS child protection worker will notify the school in writing within 30 working days, about relevant modifications to the child's Provisional Care Plan or Care Plan

JOINT RESPONSIBILITIES

- 8.2.8 The school principal of the school, a CPFS child protection worker, and others significant to the child, as determined by the school principal and child protection worker, will attend the education planning meeting.
- 8.2.9 The school principal and the CPFS child protection worker will be responsible for implementing the strategies identified in the Documented Education Plan.

8.3 SUPPORTING A CHILD WITH HIGH NEEDS

DOE RESPONSIBILITIES

- 8.3.1 When a child has a disability, the Documented Education Plan will identify supports necessary to maximise the child's education achievement and wellbeing. If eligible, the school principal will apply for additional support to meet their needs.
- 8.3.2 The school principal will advise the CPFS child protection worker of factors which impact on a child's participation in an education program at the school including: attendance, behaviour, learning, social and/or emotional difficulties.
- 8.3.3 DOE recognises the necessity to provide appropriate support for children with mental health issues and will resource exceptional need interventions as an interim measure until a more formal psychiatric diagnosis can be provided.

CPFS RESPONSIBILITIES

- 8.3.4 The CPFS child protection worker will advise the school principal of any behaviour, disability or other condition that may affect the child's participation in an education program at the school
- 8.3.5 The CPFS child protection worker will work collaboratively with the school to facilitate and complete referrals for specialist services and support agencies, relevant to the needs of the child. Where a psychiatric assessment is necessary, the CPFS child protection worker will facilitate referrals required for this assessment to occur as soon as possible
- 8.3.6 When a child has special needs, the CPFS child protection worker will provide the school with psychological, psychiatric and/or medical information relevant to education planning if approved by the author

JOINT RESPONSIBILITIES

- 8.3.7 The school principal and the CPFS child protection worker will share information regarding the child and their circumstances relevant to the identification of their education, health, social and emotional requirements and needs, pursuant to section 23 of the CCS Act.
- 8.3.8 The school principal and the CPFS child protection worker will work collaboratively to support a child with a disability or mental health condition to access the curriculum. Individual targeted support and interventions will be developed on a case by case basis in conjunction with all stakeholders.
- 8.3.9 The school principal and the CPFS child protection worker will work collaboratively to manage the resourcing of support strategies identified in the Documented Education Plan for a child who has been assessed with high needs.

8.4 MANAGING CHILD BEHAVIOUR AND ATTENDANCE

DOE RESPONSIBILITIES

- 8.4.1 Schools will follow their *Behaviour Management, Exclusions and Student Attendance* policies.
- 8.4.2 When the school principal proposes to suspend a child for a breach of school discipline, the CPFS child protection worker will be informed of the reason for the proposed suspension and provided an opportunity to discuss the options in relation to the suspension. All formal requirements relating to suspensions will be completed, and relevant paperwork forwarded to the CPFS child protection worker.
- 8.4.3 When a child in the CEO's care has been suspended, the school principal will consult with the CPFS child protection worker, and other relevant parties to develop or review an existing behaviour management plan, plan re-entry and review support mechanisms at the school.
- 8.4.4 The school principal will monitor attendance and implement procedures when necessary in accordance with the DOE *Student Attendance Policy*. This will include informing the CPFS child protection worker of concerns involving attendance.
- 8.4.5 The school principal will develop a Documented Education Plan for Aboriginal children in care who demonstrate persistent non-attendance in accordance with DOE *Student Attendance Policy*.

CPFS RESPONSIBILITIES

- 8.4.6 The CPFS child protection worker will, where possible, provide and/or access specialist resources in order to support a child's continued participation in education. This may include: speech therapy, occupation therapy; psychological assessment and treatment, behaviour therapy; or an alternative education program.
- 8.4.7 When a child has been suspended from school prior to the end of the school day, the CPFS child protection worker will negotiate arrangements with the school principal to get the child home as soon as possible.
- 8.4.8 In cases where a child is excluded from a school, the CPFS child protection worker will collaborate with the school principal in the development of a transition plan which will support the child's relocation to a new school.
- 8.4.9 The CPFS child protection worker or carer will inform the school principal of any circumstances that will affect the child's school attendance.

JOINT RESPONSIBILITIES

- 8.4.10 In exceptional cases where a child demonstrates challenging behaviours, the school principal and the CPFS child protection worker will collaborate to facilitate access to an appropriate education program and support services to the child.
- 8.4.11 When a child has been excluded from school, the school principal and the CPFS child protection worker will collaborate to implement the exclusion order and to action a recommendation for an alternative education program.
- 8.4.12 When attendance is irregular or there is chronic non-attendance, the school principal, the CPFS child protection worker and people significant to the child will convene a meeting to

develop and document a plan to improve attendance. Consideration should be given to the views of the child.

8.5 CONSENT FOR PUBLICATIONS, PHOTOGRAPHS AND SCHOOL ACTIVITIES

DOE RESPONSIBILITIES

- 8.5.1 Permission will be sought by the school from the CPFS child protection worker, if a child in the CEO's care requests participation in a high risk school activity where a waiver of legal rights is applied (for example: horse riding, abseiling)
- 8.5.2 DOE staff will not publish information or material that is likely to identify a child as being in the CEO's care or as the subject of a child protection investigation without written authorisation from the CEO, in accordance with section 237 of the CCS Act DOE staff will seek the permission from the relevant CPFS child protection worker before publishing any information or material about a child in the CEO's care

CPFS RESPONSIBILITIES

- 8.5.3 A CPFS child protection worker may consent for a child to be photographed, video recorded, or included in other published media provided the child is not identified as being a child in the CEO's care, and their safety is not placed at risk by publication of the information.
- 8.5.4 The child's carer can give permission for the child in their care to participate in school activities and excursions provided it does not include a waiver of legal rights.

8.6 SHARING INDIVIDUAL AND AGGREGATE DATA TO IMPROVE SERVICES FOR CHILDREN IN CARE

JOINT RESPONSIBILITIES

- 8.6.1 DOE and CPFS will support the improvement of services for children in the CEO's care through the timely exchange of data and information at an individual or aggregate level, upon receipt of a formal request from the other party.

9. TIMEFRAME AND REVIEW

- 9.1 The parties agree that this schedule may be reviewed, amended or varied by written agreement signed by persons authorised to sign on behalf of the parties.
- 9.2 This schedule will continue to be effective until both parties endorse a revised schedule.

10. COSTS

- 10.1 The parties agree to bear any of their own costs (if any) arising out of this agreement

11. SUPPORTING DOCUMENTS AND POLICIES

Relevant supporting documents and policies include, but are not limited to, the following

- 11.1 Memorandum of Understanding between the Department for Child Protection and Family Support and the Department of Education, Department of Education Services, Catholic Education Office of Western Australia, Association of Independent Schools of Western Australia.

11.2 CPFS DOCUMENTS AND POLICIES

- *Signs of Safety Policy* (2011)
- Signs of Safety Child Protection Practice Framework (2011)
- Safety and Wellbeing Assessment
- *Policy on Neglect* (2012)
- *Child Sexual Abuse Policy* (2009)
- *Care Planning Policy* (2012)
- *Foster Care Partnership Policy* (2012)
- Foster Care Partnership Practice Framework (2012)
- Charter of Rights for Children and Young People in Care
- Working together for a better future for at risk children and families - A guide on information sharing for government and non-government agencies (2009)
- Documented Education Plans - Fact Sheet
- Rapid Response. Prioritising services for children and young people in care
- *Complaints Management Policy* (2008)

11.3 DOE DOCUMENTS AND POLICIES

- *Child Protection* (2009)
- *Enrolment* (2013)
- *Students at Educational Risk* (2001)
- Guidelines for Implementing Document Plans in Public Schools
- Templates for Documented Education Plans
- Documented Plans for Aboriginal Students
- *Exclusions* (2008)
- *Behaviour Management in Schools* (2008)
- *Attendance* (2011)
- Improving Attendance: A resource package for Schools
- *Visitors and Intruders on School Premises* (2009)

11.4 OTHER DOCUMENTS

- Planning for children in care: Ombudsman Western Australia (2011)

12. STATUS OF SCHEDULE

- 12.1 The parties agree that this schedule is not intended to, and does not, create any legally binding obligations between the parties.
- 12.2 Nothing in this schedule shall make either party liable for the actions of the other or constitute any legal relationship between the parties or limit or affect the independence of the parties.

13. GRIEVANCE RESOLUTION

- 13.1 The parties acknowledge that should grievances in relation to this schedule arise that both will attempt to resolve any such grievances in good faith through negotiation.
- 13.2 Grievances in relation to DOE should be made in writing to the Regional Executive Director DOE. Where a matter is unresolved it can be redirected to the Director of Statewide Services.
- 13.3 Grievances in relation to CPFS should be made in writing to the Director of the relevant CPFS district office. When unresolved, a complaint may be forwarded to the Complaints Management Unit

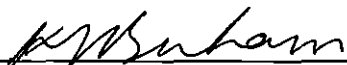
14. DISSEMINATION OF SCHEDULE

14.1 The parties will work in collaboration in disseminating information to support the schedule

This schedule replaces the following documents:

- Memorandum of Understanding between the Department of Education and Training and the Department for Child Protection - Mandatory Reporting (2008).
- Memorandum of Understanding between the Department of Education and Training and the Department for Child Protection - Educational Access and Support for Children in Care (2009)
- Memorandum of Understanding between the Department of Education and the Department for Child Protection – Exchange of Information about school-aged children whose whereabouts are unknown (2010)
- Reciprocal Child Protection Procedures (2002).
- Interagency Collaborative Framework for Protecting Children (2003)

15. SIGNATURE OF RESPECTIVE DIRECTORS GENERAL



KAY BENHAM
ACTING DIRECTOR GENERAL
DEPARTMENT FOR CHILD PROTECTION
AND FAMILY SUPPORT

DATE: 21/10/13



SHARYN O'NEILL
DIRECTOR GENERAL
DEPARTMENT OF EDUCATION

DATE: 08 NOV 2013