

**IN THE MATTER OF THE ROYAL COMMISSION
INTO FAMILY VIOLENCE**

ATTACHMENT GC-18 TO STATEMENT OF GILLIAN ANNE CALLISTER

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This is the attachment marked 'GC-18' produced and shown to **GILLIAN ANNE CALLISTER** at the time of signing her Statement on 4 August 2015.

Before me:



**An Australian legal practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)**

Attachment GC-18



Early Childhood Agreement for Children in Out-of-Home Care

A Partnering Agreement between the

Department of Human Services

Department of Education and Early Childhood
Development

Municipal Association of Victoria

Early Learning Association Australia



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Contents

Foreword	1
Endorsement.....	2
1. Introduction	3
Purpose	3
Scope and application of the Agreement	3
Parties to the Agreement	3
2. Why is an Agreement required?.....	5
Context and current situation.....	5
The benefits of participation in high-quality early childhood services	6
Overcoming barriers to participation	7
Aboriginal children and families	8
Culturally and linguistically diverse children and families.....	9
Children with a disability or developmental delay	9
3. Aspirations	11
Participation and support	11
Collaboration, accountability and capacity building.....	11
4. Roles and responsibilities	12
5. Implementation and governance	14
Shared commitment to implementation	14
Governance.....	15
Privacy and information sharing.....	15
6. Monitoring and review	17
Monitoring of participation and engagement	17
Review of progress.....	17
Appendices	18
Appendix 1 The <i>Children, Youth and Families Act 2005</i>	18
Appendix 2 The <i>Looking After Children</i> framework	19
Appendix 3 Good practice through a child's transitions	20
Appendix 4 Resolving differences and difficulties.....	21
Appendix 5 Related documents and other resources.....	22



Foreword

For young children, participation in high-quality, early childhood services can make a significant difference to their lives. Research tells us that vulnerable children stand to gain the most benefit from participation in these services. Children in out-of-home care (OoHC) are amongst the most vulnerable in our community, and yet many are not accessing early childhood services. As a result, these children are at risk of starting school more developmentally vulnerable than their peers, which evidence indicates can lead to poorer life outcomes.

OoHC is the term used in Victoria when a child or young person is placed in care away from their parents. It includes placement in kinship care, home-based care such as foster care and residential care. For these children, the State of Victoria is legally their parent, and with this comes the responsibilities of a parent to care for and protect them, and to ensure that they have access to all the services they need for their immediate and longer term benefit.

The *Protecting Victoria's Vulnerable Children Inquiry* highlighted the difficult circumstances and comparatively poor outcomes for children in Victoria's OoHC system, and the need to ensure that these children benefit from the full range of quality learning, developmental and culturally appropriate opportunities.

The scale of the problem is significant. In Victoria, over one-third of substantiated cases of child abuse involve children four years and under, and the proportion of children in this age category admitted to care and protection orders is over 40 per cent. Aboriginal children in Victoria are around ten times more likely to be the subject of a substantiation of abuse or neglect, and eleven times more likely to be in OoHC, compared with non-Aboriginal children.

In response to these issues, the Government committed through the *Victoria's Vulnerable Children – Our Shared Responsibility Directions Paper*:

'To ensure that young children in out-of-home care can thrive and learn in early childhood settings, the government will explore new mechanisms – with local government and our other service delivery partners – to deliver a focussed attention on their needs.'

Following on from this, the *2013–2022 Victoria's Vulnerable Children's Strategy* aims to improve outcomes for children in OoHC through improved collaboration between Victoria's health, education and statutory child protection systems.

The *Early Childhood Agreement for Children in Out-of-Home Care* aims to support the development and wellbeing of young children in OoHC by establishing clear roles and responsibilities within existing policy settings for different elements of the service system to support a timely, informed and collaborative approach to meeting the individual needs of children.

The Agreement complements the *Out-of-Home Care Education Commitment* that outlines roles and responsibilities for relevant agencies in supporting children and young people in the school system. A key focus of both Agreements is the successful transition of children between kindergarten and school.

Together, the Agreements acknowledge that providing the best start in life for children and young people in OoHC is a shared responsibility for all concerned.

Endorsement

We, the undersigned, on behalf of our respective departments and organisations endorse the *Early Childhood Agreement for Children in Out-of-Home Care* (the Agreement).

The Agreement reflects the shared commitment of the early childhood sector to children who live in OoHC. It outlines the requirements and responsibilities of all parties to collaborate to ensure that these children have access to high-quality early childhood education and care experiences, with a focus on Maternal and Child Health services and kindergarten programs.

We commend the Agreement to all early childhood service providers, local government coordinators and case managers who work with these vulnerable young Victorians.



Gill Callister
Secretary
Department of Human Services



**Department of
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Richard Bolt
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Department of Education and Early
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**EARLY
LEARNING
ASSOCIATION
AUSTRALIA**

1. Introduction

Purpose

This Agreement will support the development and wellbeing of young children in OoHC by:

- identifying shared aspirations for improving participation and engagement of children in OoHC in early childhood services and building capacity, collaboration and accountability across the service system
- setting out clear roles and responsibilities for the different elements of the service system to support a timely, informed and collaborative approach to meeting the individual needs of all young children entering OoHC
- outlining a process for implementation of the Agreement and for monitoring outcomes.

Scope and application of the Agreement

The Agreement seeks, specifically, to assist children subject to Child Protection and placed in OoHC.

It is recognised that there is also a need to improve access to services and coordination between agencies for other children known to Child Protection, and vulnerable children more broadly. The parties acknowledge the opportunity to learn from the successes and challenges from the implementation of the Agreement in supporting all Victoria's vulnerable children. When the Agreement is reviewed the parties will explore the possibility of broadening its application.

The Agreement has a particular focus on the key universal services of Maternal and Child Health (MCH) and Victoria's funded kindergarten program. These services are already fee free for children in OoHC and represent core early childhood supports that provide the health, developmental and learning foundations for Victorian children. All children, regardless of their circumstances, have a right of access to these services.

The Agreement also acknowledges the benefits of participation in a range of other services such as Long Day Care, Family Day Care, Supported Playgroups and other forms of early learning. The appropriate supports for children in OoHC will vary according to their particular circumstances and the services available within the area in which they are placed. The processes outlined later in this Agreement recognise that we must identify the needs of each individual child and connect them with the services that best respond to these.

The importance of addressing the particular needs of specific cohorts, including Aboriginal¹ children, newly arrived migrants and children with a disability or developmental delay, is recognised.

Parties to the Agreement

The Agreement represents a shared commitment by the Department of Human Services (DHS), the Department of Education and Early Childhood Development (DEECD), the Municipal Association of Victoria (MAV) and Early Learning Association Australia (ELAA). All parties will,

¹ Throughout this document the term Aboriginal is used to refer to both Aboriginal and Torres Strait Islander people. Use of the terms "Koori", "Koorie" and "Indigenous" are retained in the names of programs and initiatives, and are also inclusive of both Aboriginal and Torres Strait Islander peoples unless otherwise noted.

where appropriate, provide guidance and advice to community services organisations (CSOs) and individual service providers to assist in the interpretation and application of the Agreement.

Department of Human Services

DHS supports Victorians most in need to build better lives and achieve their potential. DHS works with CSOs to provide a broad range of services and programs, including Child Protection services and OoHC support services and placements.

DHS commits to the implementation and promotion of the Agreement through its Child Protection workforce, contracted CSOs and designated carers (kinship and foster) for children in OoHC. While Child Protection may contract another agency or service to undertake case management tasks and functions, Child Protection retains the ultimate responsibility for a child or young person's case planning and decision-making.

Department of Education and Early Childhood Development

DEECD provides an integrated approach to learning and development through high-quality early childhood programs and a supported transition for children entering the school system and beyond, and seeks to provide all Victorian children with the best start in life. DEECD supports the planning and provision of early childhood services, in partnership with local government and a wide range of community and private service providers.

DEECD commits to supporting its service delivery partners in identifying and engaging with children in OoHC, including through capacity building of early childhood services and professionals to assist in identifying and meeting the needs of these children.

Municipal Association of Victoria

The Municipal Association of Victoria (MAV) is the legislated peak body for Victoria's 79 local councils. The MAV consults with councils and collaborates with government on issues relating to early childhood education and care, services, funding and policies. Local government has a key role at the community level in the planning, delivery and funding of services that provide beneficial support to all children, including vulnerable cohorts such as those in OoHC. Councils directly provide a range of services, including MCH, kindergarten programs and other early childhood education and care (ECEC) and family support services, and act as a key planning and coordination point for early childhood and family services more generally.

The MAV commits to working with councils to establish local government as the central point of contact to support a designated contact manager to identify appropriate, local services for children in OoHC and facilitate access to these, including those delivered both by council and other service providers.

Early Learning Association Australia

Early Learning Association Australia (ELAA) is the peak organisation for parents and service providers working to deliver high-quality, affordable and accessible early childhood education services. ELAA represents independent kindergartens, cluster managers, long day care services, integrated services and ECEC services.

ELAA commits to promoting the aspirations and roles outlined in the Agreement to its members and supporting services, educational leaders and early years educators to build inclusive policies and practices.

2. Why is an Agreement required?

Context and current situation

The Government announced the *Protecting Victoria's Vulnerable Children Inquiry* (PVVCI) on 31 January 2011. The Inquiry was tasked with investigating systemic problems in Victoria's child protection system and making recommendations to strengthen and improve the protection and support of vulnerable young Victorians.

The *Inquiry Report*, which considered the immediate and long term needs of vulnerable children, highlights the need to do better for children in OoHC, including providing more co-ordinated, child-centred and responsive services. It also notes the importance of involving all parties in area-based planning, delivery and monitoring of OoHC services and outcomes.²

The State has taken on responsibility for the care of children in OoHC, all of whom have the right to receive high-quality education, care and developmental services. As at 30 June 2012, 6207 children were in OoHC and nearly 1400 of these children were aged 0 to 4, including around 220 children younger than one year of age.³

Each child entering OoHC brings their own unique strengths and difficulties. Evidence from various sources suggest that children in care – even at first entry to care – may present with a range of significant behavioural, emotional, medical and physical needs which reflect their histories of abuse, neglect and disadvantage. It is very likely that these children will suffer from avoidant, anxious, or some other form of disorganised attachment.

In addition, the simple fact that these children are involved with the OoHC system means that they bring to their care environment multiple layers of complexity linked to issues such as their experience of abuse, family dynamics and contact, their place within the legal system, the complexities brought by the professionals involved with the child and so on.

Levels of complexity will vary and it is recognised that some children will place a greater demand on the service system by the very nature of the level of support and specialisation required.

Most children benefit from MCH services in the first years of life, but connections to the service can be complicated by a range of factors, including placement instability once children are in protective care. While monitoring and reporting of participation of children in OoHC in MCH needs to be strengthened, anecdotal evidence suggests there are significant challenges in maintaining engagement across the 10 Key Age and Stage visits.

MCH services are free for all Victorian children and additional services are available through Enhanced MCH and other flexible delivery options. Additional supports and guidance are required to ensure that the carers of children in OoHC are able to connect and continue engagement with local MCH services. This includes improved information-sharing processes within the parameters of current legislative arrangements.

The participation of four-year-old children in OoHC in ECEC, including both kindergarten and long day care, ranges from 59.4 per cent to 93.9 per cent across Victoria, with an average of 85 per cent. Around a third of the children in OoHC who attend ECEC are not enrolled in a kindergarten program.⁴ This means significantly fewer four-year-old children in OoHC attend

² 2012, *Protecting Victoria's Vulnerable Children Inquiry*, p. 254

³ 2013, *Child protection Australia 2011–12*, p. 79

⁴ DHS, 2011, *Out of Home Care Education Census*

kindergarten than the state average, which currently stands at approximately 98 per cent. This highlights that children in OoHC, who have the most to gain from high-quality early learning, are the most likely to miss out.

The Best Interests Principles set out in the *Children, Youth and Families Act 2005* (see Appendix 1) establish a clear basis for all elements of the service system to work together to ensure the best possible outcomes for children in OoHC. This Agreement provides more specific guidance and agreed roles and responsibilities to put this into practice and help overcome the numerous barriers that prevent young children in OoHC accessing and benefiting from high-quality early childhood services.

The benefits of participation in high-quality early childhood services

There is growing recognition of the impact of early learning and development, as a continuum from birth, on future outcomes. In particular, strong evidence demonstrates that intensive and sustained participation in high-quality early childhood services makes a significant difference for the most disadvantaged children. High-quality services are considered those where qualified educators deliver the programs, which research shows has a significant impact on learning outcomes for children. Typically, vulnerable children such as those entering OoHC do not have a nurturing and rich home environment to support their development and so have the most to gain from high-quality education and care services.

Multiple studies show significant gaps can develop in the learning and development of children by three years of age. These are resistant to later change and remediation, making it critical that opportunities to participate in high-quality early learning are maximised. Participation in high-quality services benefits vulnerable children by improving their cognitive, social, emotional and behavioural development.⁵

The Lifetime Effects: The HighScope Perry Preschool Study Through Age 40, a landmark longitudinal US study focused on children from impoverished backgrounds, found that adults aged 40 who accessed preschool had higher earnings and improved job and education prospects compared to adults from comparable circumstances who did not access a preschool program.⁶

The benefits of high-quality early learning are equally apparent in the shorter term, with participation in early childhood education supporting a successful transition to school. Children from a disadvantaged background who attend preschool, demonstrate much better levels of attainment when beginning school compared to those with similar backgrounds who do not attend preschool.⁷ Coping well and adjusting to changes during the transition to school is associated with future academic achievement, stable peer relationships and better school attendance and completion.

A comparison of NAPLAN results at Year 3 and kindergarten attendance, controlled for other factors, demonstrates a strong beneficial impact from attendance at a kindergarten program

5 Research Brief, 2003, [The Effective Provision of Pre-School Education \(EPPE\) Project: Finding from the Pre-School Period](#), Brief No. RBX15-03, p. 1

6 High Scope, 2005, [The HighScope Perry Preschool Study](#)

7 Sylva, S., Melhuish, E., Sammons, P., Siraj-Blatchford, I. & Taggart, B. 2004, [The Effective Provision of Pre-School Education \(EPPE\) Project: Findings from Pre-School to end of Key Stage 1](#)

where the teacher had a degree or diploma in early childhood. This highlights the critical importance of the quality of the ECEC educator in maximising the benefits for children.⁸

All children should participate in a kindergarten program in the year before school, and there is clear evidence of the benefits of participating in high-quality early learning programs from three years of age. While decisions about younger children in OoHC need to be made in the context of their individual circumstances, there is also evidence that children from disadvantaged backgrounds benefit from participation in an appropriate early learning setting from two years of age.

Overcoming barriers to participation

In recognition of these benefits, DEECD provides funding and programs to support the participation of children known to Child Protection, as well as other vulnerable cohorts, in high-quality early learning.

Early Start Kindergarten (ESK) at three years of age and kindergarten fee subsidies at four years of age are available to improve kindergarten access and participation of children known to Child Protection or Child FIRST and Aboriginal children.⁹ Funding can also be made available to repeat participation in kindergarten in the year before starting school.

The **Access to Early Learning (AEL)** Program, delivered with lead agencies across four sites in Victoria, was developed to enable early years services in local communities to bring together elements that have been shown to improve the lives of vulnerable children and their families. The AEL model focuses on direct engagement with three-year-old children known to Child Protection or referred to Child FIRST in recognition that financial support alone cannot always overcome barriers to participation. The *2013–14 Victorian State Budget* provided funding to expand to additional sites in 2014, enabling increased access for up to 120 children.

The **Preschool Field Officer (PSFO)** Program supports the access and participation of children with additional needs in kindergarten. Preschool field officers support kindergartens by providing consultation, resources and advice to teachers and families. Any family with a child attending a state-funded kindergarten program with additional needs or in OoHC can access this service. A referral can be made by a parent or kindergarten teacher.

The **Koorie Preschool Assistants (KPSA)** Program supports Aboriginal children and their families to access and participate in kindergarten with the support of community-based organisations. KPSAs provide advice and practical support to kindergartens to assist them to deliver programs which are respectful to the cultural beliefs and practices relevant for Koorie children, as well as working with Aboriginal families to encourage and assist with enrolment, participation in kindergarten and transition to school.

Koorie Engagement Support Officers (KESOs) work with families and services to increase the engagement of Aboriginal children and families in early childhood education and care. For Aboriginal children in OoHC, this involves supporting carers and service providers to deliver better co-ordinated and more culturally appropriate services through local arrangements and decision-making processes. Specifically, KESOs support local government to develop and deliver MCH services through culturally-inclusive practices, and support increased MCH nurse awareness of traditional Aboriginal customs and cultural practices related to child-rearing.

Koorie Education Co-ordinators also play a key role in co-ordinating the work of the KESOs and

⁸ Department of Education and Early Childhood Development, 2013, *Early Bird Catches the Work: The Causal Impact of Pre-school Participation and Teacher Qualifications on Year 3 NAPLAN Outcomes*

⁹ Department of Education and Early Childhood Development, 2013, *Kindergarten Guide*, p. 10

facilitating linkages to other key workers to support increased participation of Aboriginal children in OoHC in early years services.

The **In-home Support Program** assists Aboriginal families to strengthen their parenting capacity and engagement with MCH and kindergarten services as a means to improve outcomes for Aboriginal children 0 to 3 years of age. This support is provided in a way that is respectful of Aboriginal cultural identity and promotes wellbeing. There are currently six Aboriginal organisations delivering the In-home Support Program in Bairnsdale, Fitzroy, Geelong, Mildura, Shepparton and Swan Hill.

The **Home Based Learning Program** is an extension of the In-home Support Program and assists Aboriginal families with children 3 to 5 years of age to provide improved home learning environments and empowers parents as the primary educators of their children in the home in order to maximise the chances of successful kindergarten and early school experiences. There are currently three Home Based Learning Programs based in Mildura, Swan Hill and Bairnsdale.

Notwithstanding these supports, the parties recognise that carers of children in OoHC face numerous barriers to accessing services, including universal and subsidised services that are fee free. These barriers include availability of local, appropriate services, transport, balancing work commitments and the needs of other children, and having the confidence and knowledge to negotiate enrolment processes and other requirements for accessing services. Planning arrangements for each child should actively identify and address these barriers to support ongoing participation and engagement.

Aboriginal children and families

In Victoria, Aboriginal children are over eleven times more likely to be in OoHC than non-Aboriginal children.¹⁰ At the same time, Aboriginal children under-participate in the universal services which promote healthy development, learning and wellbeing.¹¹

The *Aboriginal Child Placement Principle* is a nationally agreed standard to guide the placement of Aboriginal children in OoHC. The Principle aims to enhance and preserve Aboriginal children's sense of identity by ensuring that they maintain strong connections with their family, community and culture.¹²

The Principle sets out the steps to be followed when placing Aboriginal children in care. The principle alone does not ensure that Aboriginal children will remain connected to their culture. Promoting a child's connectedness also requires plans and specific strategies to connect and strengthen the child's ties to extended family and the community they belong to, as each community is different.

Upon the report of an Aboriginal child to Child Protection the relevant **Aboriginal Child Specialist Advice and Support Service (ACSASS)** must be consulted. A key role of the ACSASS worker is to participate in the decision making and, should placement be required, assist in identifying members of the child's kinship or community network who may be suitable to provide a placement. Services are operated by the Victorian Aboriginal Child Care Agency (Lakidjeka), and the Mallee District Aboriginal Services (MDAS/ACSASS).

A **Cultural Support Plan** must be completed for each Aboriginal child in OoHC setting out how the Aboriginal child is to remain connected to their Aboriginal community and culture.

10 Department of Human Services, 2012, *Victoria's Vulnerable Children: Our Shared Responsibility*, Directions Paper, p. 1

11 2013, *Victoria's Vulnerable Children Strategy 2013–2022*, p. 6

12 Department of Human Services, 2012, *Aboriginal Child Placement Principle*, Advice 1432

At the state level, the *Commission for Children and Young People* was established in 2013 with a specific Commissioner for Aboriginal Children and Young People, recognising the over-representation and particular vulnerabilities of Aboriginal children in the Child Protection system.

The implementation of the *Victorian Aboriginal Inclusion Framework* across departments aims to make services culturally inclusive and improve access to, and inclusion in, mainstream services.

In line with this, the parties to the Agreement will work in close consultation with families and communities to ensure that young Aboriginal children in OoHC are connected with culturally appropriate services and early learning experiences. Culturally appropriate care is a core element of high-quality service provision for Aboriginal children and families.

Culturally and linguistically diverse children and families

Culturally and linguistically diverse (CALD)¹³ children in OoHC, including refugee children, have important linguistic, cultural and religious needs. These include access to interpreters, information in an appropriate language and cultural supports to ensure that children retain their cultural identity.¹⁴ The capacity of services to provide these supports should be of primary consideration in the decision-making process.

Services should have the capacity to deliver trauma-informed practice where relevant. This is important in the context of research that shows that refugee parents can experience stresses associated with the experience of torture and trauma, changes to family roles, separation or death of family members, language difficulties and different cultural expectations about behaviour, and that these are prevalent issues where notifications of abuse have been substantiated.¹⁵

Children with a disability or developmental delay

Children with a disability or developmental delay are over-represented in OoHC. The prevalence of disability among children entering OoHC for the first time is 15.4 per cent, more than double the rate of disability within the overall population as a whole.¹⁶ The compounding impacts on a child of abuse or neglect and a disability or developmental delay are profound.

Early Childhood Intervention Services (ECIS) support children with a disability or developmental delay from birth to school entry. These services provide special education, therapy, counselling, service planning and coordination, assistance and support to access early childhood services. Services are tailored to meet the individual needs of the child and focused

13 CALD is used here in preference to 'Language Background other than English (LBOTE)' or 'New Arrival'. CALD refers broadly to children born overseas, or Australia-born with one/both parents born overseas, who speak a language other than English at home. The term includes new arrivals, migrants, refugees and asylum seekers.

14 2012, *Protecting Victoria's Vulnerable Children Inquiry*, p317

15 Australian Centre for Child Protection, 2009, *Working with Refugee Families*

16 *Victorian Child and Adolescent Monitoring System (VCAMS) at 16 March 2011, 20.3 Children in OoHC*

on supporting the child in their natural environment and in their everyday experiences and activities.

Children in OoHC are given prioritised access to ECIS support. When a child in OoHC is assessed as being eligible for ECIS support they are prioritised for service provision, along with other higher risk children, as places become available within the area. If services are not already in place, this should be an immediate priority when children with a disability or developmental delay enter OoHC. If services are in place, the ECIS service provider should be part of the decision-making process. Where a child in receipt of ECIS support is moved to a different location upon entering OoHC, DEECD should be notified immediately to ensure continued support.

Kindergarten Inclusion Support (KIS) packages are designed to build the capacity of funded kindergarten programs to support the access and participation of children with disabilities and ongoing high-support needs and/or complex medical needs. KIS packages may provide:

- training and consultancy for kindergarten staff to support adjustments, adaptations and modifications of the kindergarten program
- specialist training for kindergarten staff to meet the individual needs of a particular child with a disability and ongoing high-support needs and/or complex medical needs
- minor building modifications (such as ramps and grip rails) to support a particular child's attendance in the kindergarten program and participation in the activities
- staffing support in the form of an additional assistant who works as a member of the team delivering a program developed by a kindergarten teacher that is inclusive of all children.

3. Aspirations

The aspirations below describe the outcomes to be sought by all parties through the collective and ongoing implementation of the Agreement, in the areas of participation and support, and collaboration, accountability and capacity building.

Participation and support

- All young children in OoHC participate and maintain engagement in key universal early childhood services, including MCH and high-quality early education and care.
- All young children in OoHC are provided with timely, flexible and responsive MCH care through the Key Age and Stage visits and additional consultations as required.
- All young children in OoHC participate in high-quality, age-appropriate early learning and other formal and informal programs and activities that offer inclusive and culturally appropriate practice, in accordance with their individual needs.
- All young children in OoHC are given timely and appropriate referrals and access to specialist services as required.
- All children in OoHC are supported to ensure successful transitions across early childhood services and to school, including ensuring that all appropriate transition information is provided to parents/carers, case managers and early childhood teachers and that timely applications for school-based support are made (where relevant).

Collaboration, accountability and capacity building

- All parts of the service system that support young children in OoHC, including DHS and CSO case workers, DEECD, local government, and early childhood service providers, along with families and carers, understand one another's roles and responsibilities and work in a collaborative and proactive way.
- The capacity of services to meet the needs of children in OoHC is improved, including:
 - the capacity of the DHS service system to identify, refer and support sustained engagement of children in OoHC in early childhood services
 - the capacity of early childhood service providers to prioritise and engage with children in OoHC, including communication and referrals across service providers.
- A shared accountability is established for ensuring that young children in OoHC participate in and remain engaged with universal early childhood services, which are supported by improved data collection and use, reporting and monitoring.
- Increased knowledge and skills in providing effective and inclusive practice in working with young children in OoHC, and vulnerable children more generally is documented and disseminated across the early childhood service system.

4. Roles and responsibilities

Figure 1 sets out the agreed roles and responsibilities to enable a coordinated approach to supporting young children in OoHC to access and participate in appropriate early childhood services within existing policy settings.

To support this approach, the agencies and services involved need to identify their designated contact/s and share this information across organisations, enable access to information to fulfil the roles and responsibilities as outlined, and actively contribute to a high-quality and supportive system for children in OoHC. Communication is critical to the process, commencing with a Child Protection case worker making contact with the relevant local government contact as soon as practical when a child enters (or re-enters) OoHC or moves locality.

These roles and responsibilities are focused on supporting participation and engagement; they are not prescriptive in terms of what constitutes an appropriate set of services and who makes this decision. They are intended to promote a timely, informed and collaborative decision-making process that will take account of such issues as the:

- value of sustaining the child's participation in existing services, and thereby maintaining continuity of relationship with practitioners, peers and place, where this is practical and beneficial
- child's age and developmental status
- culturally specific needs of Aboriginal children and newly arrived migrants
- length of time the child is likely to be in OoHC (noting that this may be undefined at the time a child enters care)
- nature and extent of trauma experienced by the child, and the resultant level of expertise required in trauma-informed practice by services and practitioners
- range of services available in the area in which a child is placed and the capacity of these to meet the particular needs of the child
- possibility of flexible service provision, for example, outreach by MCH or support from an early learning provider for a child to have high-quality learning experiences in a home environment
- availability of integrated children's centres within the local area with the capacity to provide a range of coordinated services at a single location
- capacity of OoHC carers (whether kinship or foster) to provide an enriching home environment and bring children to services
- situation of carers in relation to their employment arrangements and respite needs.

Appendices to this document provide further guidance including Appendix 1: *The Children, Youth and Families Act 2005*; Appendix 2: *The Looking After Children Framework*; Appendix 3: *Good practice through a child's transitions*; Appendix 4: *Resolving differences and difficulties*; and Appendix 5: *Related documents and other resources*.

Figure 1: Roles and responsibilities to support access and participation in early childhood services for children in OoHC

	DHS / contracted Community Service Organisations	Local Government	Kindergarten / ECEC services	DEECD
	Identify, share and update designated contacts			
Identification of services and enrolment	Case manager to notify designated local government contact in placement local government area (LGA) as soon as practical when child enters care. <i>Note: This applies whether the child remains in existing LGA or is placed in a different LGA.</i>	Local government contact to identify appropriate local MCH/ECEC services (kindergarten, long day care, family day care, occasional care and playgroups) and assist in enrolment.	Service providers to take all reasonable steps to make an ECEC place available (including where usual enrolment processes cannot be followed).	Regional contact to support local government in gaining access to local ECEC and other services when problems arise.
	Case manager to provide relevant information about child entering OoHC to assist local government contact to identify appropriate MCH/ECEC services.	Local government contact to facilitate transfer of MCH enrolment data as appropriate (e.g. change in status/location of child).	Service providers to take reasonable steps to make a place available at the same ECEC service if a child later returns to care in the same area.	Regional contact to proactively work with case manager to assist access to targeted supports and subsidies (for example, Early Start Kindergarten, Kindergarten Fee Subsidy, KIS and ECIS).
	Case manager to include in case plan for child that they are presented to, enrolled in, and attending MCH/ECEC services as appropriate; arranged in partnership with local government contact.	Local government contact to facilitate access to Enhanced MCH as default option if child is less than one year of age.		Regional contact to ensure follow-up so a child who leaves OoHC before the age of three is offered Early Start Kindergarten.
Ongoing participation and transition support	Case manager to work with local government contact to ensure ongoing participation in services.	Local government contact to ensure attendance at all MCH key age and stage visits, including flexibility in timing, delivery (for example, outreach) and intensity as required.	Service providers to provide inclusive and culturally appropriate environment and practices, responsive to each individual child's needs.	Regional contact to provide advice/resources to ECEC services, local councils and DHS (at appropriate senior level) to support participation of children, including trauma-informed practice.
	Case manager to maintain case plan with details of MCH/ECEC enrolments and attendance in partnership with local government contact.	Local government contact to work with case manager to ensure that carers have access to information on local MCH/ECEC services.	Service providers to work with carers to support ongoing participation and engagement in ECEC service and to promote a stimulating home learning environment.	DEECD to coordinate a Central Implementation Group to oversee statewide implementation and promotion of the Agreement.
Collaboration	<p>Active collaboration across DHS, Local Government, DEECD and with service providers and carers to:</p> <ul style="list-style-type: none"> • facilitate enrolment in appropriate services when difficulties arise (for example, both centralised enrolment systems and local management) • proactively raise issues regarding participation, learning, attendance, development with designated contacts and seek solutions • ensure all appropriate referrals are made and followed up • update designated contacts with new information (for example, change of status – in/out of care, child moving location) • facilitate information sharing that contributes to assessment and planning for effective service provision and outcomes • support transition across early childhood services and to school (as per Out-of-Home Care Education Commitment), including Transition Learning and Development Statement, Koorie Education Plan (where relevant) and timely application for relevant support services • establish regional/local governance, implementation, monitoring and communication arrangements • attend care team or care plan meetings as appropriate and agreed. 			

5. Implementation and governance

Shared commitment to implementation

Improving educational and development outcomes for children in OoHC will require a shared commitment by DHS, DEECD, the MAV, ELAA and their contracted service providers/members to the implementation and continuous monitoring of the Agreement.

While the implementation will be supported by statewide strategies led by the Central Implementation Group, as outlined below, the efforts of local and regional staff across the service system will be critical for the Agreement's success.

DHS Divisional Executive Directors and DEECD Regional Directors should each nominate and maintain a designated contact to oversee the implementation process at the regional level and help respond to any issues that arise.

Nominated contacts are likely to be:

- DHS – Manager, Service Implementation and Sector Partnerships/Manager Client Support Services
- DEECD – Manager, Access, Participation and Performance.

As outlined in roles and responsibilities, each local government will nominate a contact, for example, a Manager of Children and Family Services to coordinate the process at the LGA level.

These contacts from across organisations should be proactive in supporting and facilitating the implementation of the Agreement, establish local and regional arrangements for feedback and reporting, and promote the Agreement to case managers, contracted CSOs and early childhood service providers.

Key areas of focus are:

- strengthening relationships between local councils, CSOs providing OoHC services and early childhood service providers
- coordinating and promoting formal and informal learning and training opportunities
- setting up mechanisms that can promote information sharing to occur
- ensuring that Aboriginal cultural inclusiveness and competence professional development is ongoing for service providers.

The MAV and ELAA will promote the Agreement amongst their respective members, provide support and guidance as required, and provide a means by which local councils and early learning providers can provide feedback and raise any issues regarding the operation of the Agreement.

Governance

A Central Implementation Group, with representation from all parties, will be established to oversee the statewide implementation and promotion of the Agreement. Consideration will be given to including other key stakeholders in this group, including representatives from the CSO sector.

This Group will:

- ensure that all regional/local contacts are nominated and kept up to date, and that regional/local contact lists are maintained and readily accessible to all parties
- identify and develop arrangements for the collection, reporting and monitoring of detailed, accurate and timely data regarding participation by children in OoHC in early childhood services
- develop statewide implementation strategies to support work at regional and local levels, including the identification and documentation of 'best practice' sites
- support the development of regional governance arrangements, in accordance with the processes outlined above
- gather and review feedback about the implementation and operation of the Agreement
- identify policy/design issues that are impacting on the operation of the Agreement and develop and communicate solutions for these issues
- report progress on the implementation of the Agreement and improvements in participation and outcomes to senior departmental executives and governance committees, including the Children's Services Coordination Board
- promote the relationship with the Out-of-Home Care Education Commitment.

The *2013–2022 Victoria's Vulnerable Children – Our Shared Responsibility Strategy* proposes the development of 'local networks' that will 'build upon existing place-based approaches to problem solving, leadership, and performance improvement' and 'ensure local information sharing and coordination of service provision and planning relevant to vulnerable children'. Once established, these networks should provide a focus for monitoring, oversight and accountability for outcomes in relation to the implementation of the Agreement at a local/regional level.

Privacy and information sharing

In the best interests of young children in OoHC, the parties recognise that sharing information relating to individual children must form part of a collaborative approach to supporting their participation in and engagement with OoHC services. Information about individual children must be considered on a case-by-case basis and be treated sensitively and confidentially. Professionals across the service system must comply with relevant legislation.

In addition, the sharing of more general information and data (for example, the numbers, location and age of children in OoHC and rates of participation in early childhood services at a local or regional level) will be critical for the ongoing implementation, monitoring and further development of the Agreement.

The *Information Privacy Act 2000* and the *Health Records Act 2001* govern the collection, storage, transmittal, sharing, use and disclosure of personal information. The *Children, Youth and Families Act (CYFA) 2005* includes provisions that complement these Acts and provide for clear and flexible information-sharing arrangements between professionals and those services that support families and protect children.

The CYFA allows identified service providers and professionals to share relevant information about a vulnerable child in specified circumstances without legal or professional consequences, provided it is done so in good faith. It is important to know, however, when this information can be shared, and when the consent of a child or their parents is required.



6. Monitoring and review

Monitoring of participation and engagement

Detailed and accurate data will be critical for effective monitoring and review. DEECD is exploring methods for collecting such data, and will work closely with the other parties through the Central Implementation Group to develop data sources and monitoring arrangements that enable accurate measurement of the Agreement's effectiveness. It will be important to measure and report the extent of participation (for example, ongoing attendance and engagement), not just enrolment in early childhood services.

Existing data collected by DHS, including participation in ECEC at four years of age, will continue to form part of the suite of data sources. As well, links will be fostered with the monitoring arrangements for the Out-of-Home Care Education Commitment to measure and better understand how participation in early childhood services influences school readiness and success for this cohort.

Qualitative sources of data, for example reporting and case studies from local areas regarding the application of the Agreement and coordination between the parties, will also be sought as a complementary part of the monitoring and review process.

Review of progress

The parties to the Agreement commit to conduct a detailed review of the implementation and effectiveness of the Agreement no later than two years from the date of its commencement. This review will be led by the Central Implementation Group and focus on:

- a comprehensive review of all data collected during the operation of the Agreement, including comparison with benchmark data
- consideration of feedback from all parties, including 'on the ground' feedback provided by Child Protection workers, CSOs, local councils, early childhood services and practitioners and carers, gathered during the operation of the Agreement and for the purposes of this review
- consideration of the degree to which local service availability hinders improved participation by children in OoHC
- case studies that can shed light on particular successes and challenges of the implementation of the Agreement
- the identification of key policy/design issues that need to be addressed to improve the continued application of the Agreement, including strategies for overcoming barriers to participation in early childhood services
- the potential for broadening the application of the Agreement to include other cohorts of vulnerable young children.

Appendices

Appendix 1 *The Children, Youth and Families Act 2005*

Every child has the right to live a full and productive life in an environment that builds confidence, friendship, security and happiness irrespective of their family circumstances or background. The *Children, Youth and Families Act 2005* (CYFA) is a key building block to promote children's safety, wellbeing and development. The CYFA has a unifying set of Best Interests Principles that community services, Child Protection and the Children's Court must consider when taking any action or making any decision. These principles require Child and Family Services to keep children from harm, protect their rights and promote their development in culturally, age and gender appropriate ways.

The principles guide the case-planning process that aims to address the circumstances in which the child or young person came into OoHC, determine the long-term care goals for the child or young person and identify strategies to achieve these goals. Child Protection is responsible for case planning for children and young people in OoHC; however, day-to-day case management may be contracted to a community service organisation.

For more information, see: [*A framework to promote children's safety, wellbeing and development.*](#)



Appendix 2 The *Looking After Children* framework

Looking After Children (LAC) provides a practice framework for considering how each child or young person's needs will be met while they are in OoHC. When a child is placed in OoHC, a group of people referred to as the child's care team, share responsibility for ensuring that the child's needs and outcomes are met. This team may include a placement agency case worker, carers, Child Protection workers, the child's parents and other adult family members.

In OoHC, this group of people is referred to as the care team. The LAC framework, processes and tools assist a care team to work together effectively to support the child or young person's safety, stability and developmental needs in seven life areas:

- health
- emotional and behavioural development
- education
- family and social relationships
- identity
- social presentation
- self-care skills.

LAC includes a set of tools that prompt good practice and which also comprise the main client records kept by the community service organisation providing the OoHC placement. Consistent with the Best Interests Case Practice Model, LAC processes support an ongoing cycle of information gathering, assessment, planning, implementation and review.

The following key LAC tools are designed to support care teams:

1. Essential Information Record
2. Care and Placement Plan (which is an essential component of the overall statutory Best Interests Case Plan)
3. Assessment and Progress Record, which has six different age-related formats: less than 12 months, 1 to 2 years, 3 to 4 years, 5 to 9 years, 10 to 14 years and 15+
4. Review of the Care and Placement Plan.

For more information on LAC, see the DHS website regarding [Placement and Support](#).

Appendix 3 Good practice through a child's transitions

Starting school is a major life transition for children and their experiences during this transition can have longer-term impacts on their ability to cope with change. A successful start to school is linked to future positive school outcomes, both academically and socially. Children in OoHC may face additional challenges during their transition to school due to their life circumstances.

When a child is entering Prep, case managers should work with relevant ECEC services and professionals to complete a *Transition Learning and Development Statement*. See DEECD's [Transition Guide](#).

These statements assist Prep teachers to get to know the children before they start school and plan for each child's learning and development needs. Additional information should be provided, as required on a case-by-case basis, to ensure that a child's school and teachers are as prepared as possible to provide optimal learning, developmental and emotional support.

If a child in OoHC has not attended an early childhood education or care service, the case manager should contact the enrolling school as early as possible to work with the school in developing a transition plan that is tailored to the needs of the child.

If transition to school occurs while a child is in OoHC, the child's care team should work closely with the school and the child's carers to ensure that all practical arrangements are in place for the commencement of the school year. This includes all enrolment processes, purchase of uniforms and stationary, and timely applications for any additional supports the child may require and be eligible to receive.

Well planned and supported transitions between early childhood services are also critical. This could involve a transition from one ECEC service to another, or from a less formal service (for example, a supported playgroup) into a more formal early learning setting. In each case, planning should be put in place to ensure that the child and carers understand and are prepared for the new arrangements, including session times and transport requirements. A member of the child's care team should make initial contact with the service and educator/carer and arrange for the provision of relevant information about the child, in accordance with information sharing protocols outlined above.

Some Aboriginal children come with a cultural story and some without. The integration of cultural support plans and transitions statements is vital for the transition into school and sharing of information between professionals, and for the development of Koorie Education Plans.

Appendix 4 Resolving differences and difficulties

Differences of opinion and disagreements may occur when supporting a child in OoHC. These issues should be raised with individual early childhood service staff, case managers or other professionals who are involved. Where possible, a local resolution should be sought in accordance with the best interests of the child and the Aspirations set out in Section 3 of the Agreement.

In circumstances that require a decision to be reviewed or more senior expertise/authority, the matter should be raised within the regional governance structure to achieve a local resolution.

If a case manager experiences difficulties enrolling or transferring a child to either an early childhood service or school, the designated contact in the relevant DEECD regional office should be contacted for local assistance.

A log of differences should be maintained and recurring areas of concern should be addressed collaboratively, at a regional level. These should also, in turn, be reported to the Central Implementation Group so that they can be addressed at the policy/design level.



Appendix 5 Related documents and other resources

Legislation

- *The Child Wellbeing and Safety Act 2005* is the overarching framework for promoting positive outcomes for all children.
- *Children, Youth and Families Act 2005* is based on best interests principles that require all decision-making to consider the need to protect a child or young person from harm, safeguard their rights and promote their development, building on the *Child Wellbeing and Safety Act*. See DHS: *Child Protection Manual – Placement roles and responsibilities*.

Guides and manuals

- DHS: *Child Protection Practice Manual (2012)* brings together the current research, knowledge and practice requirements for statutory child protection in Victoria. It provides up-to-date advice regarding essential practice requirements, procedures and information on contemporary directions in child protection. The manual reflects legislative requirements of the *Children, Youth and Families Act 2005* and is designed to complement regular professional supervision and professional development.
- DHS: *Best Interest Case Practice Model – Summary Guide (2012)* provides a foundation for working with children, young people and families. It aims to reflect the new case practice directions arising from the *Children, Youth and Families Act 2005* (CYFA) and the *Child Wellbeing and Safety Act 2005*.
- *Every Child Every Chance: Charter for Children in Out-of-Home Care (2007)* provides a clear and simple set of statements of the rights that children and young people can expect to be upheld throughout their time in care.

Protocols, frameworks and data

- *Protecting the safety and wellbeing of children and young people (2010)* is a joint protocol, involving DHS Child Protection, DEECD, licensed children's services and Victorian schools, ensuring a unified and consistent approach that defines roles and responsibilities to protect the safety and wellbeing of all Victorian children and young people.
- DHS: *Providing support to vulnerable children and families (2007)* explains the protocols of sharing information for service agencies in Victoria according to the *Children, Youth and Families Act 2005*, and providing support to vulnerable children and their families.
- DEECD: *Resources for Professionals - The Victorian Early Years Learning and Development Framework* provides early childhood professionals with a common language for describing outcomes for children, and describes practice principles to guide early childhood professionals to work together with children and families to achieve the best outcomes for every child.
- The Commonwealth Department of Health: *National Clinical Assessment Framework for Children and Young People in Out-of-Home Care (2011)* is one of the initiatives being aligned under the *National Framework for Protecting Australia's Children 2009–2020*. This framework assists health professionals to identify health issues in this cohort, identify their role and navigate options to provide a continuum of care for children in OoHC.
- *Australian Early Development Index (AEDI)* is a population measure of children's development as they enter school. The results provide a snapshot across five key areas of early childhood development and can be used to support policy and planning, and action for health, education and community support.

Information and privacy

- *The Children, Youth and Families Act 2005: A guide to information sharing for Child Protection, Child FIRST and Family Service workers* shows the roles and responsibilities of Child Protection, Child FIRST and Family Service workers in regard to information sharing.
- *Providing support to vulnerable children and families* is an information-sharing guide for registered medical practitioners and nurses and people in charge of relevant health services in Victoria.
- *Providing support to vulnerable children and families* is an information-sharing guide for registered community services (family services and OoHC services) in Victoria.
- *Providing support to vulnerable children and families* is an information-sharing guide for authorised information holders or professionals employed by service agencies in Victoria according to the *Children, Youth and Families Act 2005*

Practical resources

- DHS: *Child development and trauma* is a specialist practice resource (2007) developed to assist practitioners to understand typical developmental pathways of children and recognise indicators of trauma at different ages and stages.
- DHS: *Children and their families: Best interests case practice model; Specialist practice resources* is designed as a guide to help practitioners deal with sensitive issues and situations when working with vulnerable children and families. This does not replace the *Child Protection Practice Manual*, a step-by-step operational tool to help with day-to-day procedures.

- Child Safety Commissioner: *Calmer classrooms: A guide to working with traumatised children* (2007) assists teachers in understanding the needs of children affected by trauma.

Specific cohort resources

- DHS: *Aboriginal Child Placement Principle* provides Child Protection practitioners with an overview of the Aboriginal Child Placement Principle, which must be followed when placing an Aboriginal child in OoHC.
- DHS: *Program requirements for the Cultural Support Plan Program* must be completed for each Aboriginal child in OoHC setting out how the Aboriginal child is to remain connected to their Aboriginal community and culture.
- *Cultural Diversity and Child Protection* is a practice guide for practitioners working with Culturally and Linguistically Diverse (CALD) and refugee families. See Appendix A of the practice guide: p.35.
- Association for Children with a Disability: *Through the Maze, 7th Edition 2012-2013* – includes information about services and supports for children with a disability and their families living in Victoria (available in different languages).

Services

- DEECD: *Early Childhood Intervention Services* support children with a disability or developmental delay from birth to school entry and their families. Information is available in ten languages (see 'Translations' on left hand menu).
- DHS: *OoHC support services* are provided to families and children who are placed in OoHC. Help is also available to resolve issues preventing children from returning home.
- DEECD: *Early Start Kindergarten* enables children known to Child Protection (including children referred from Child Protection to Child FIRST) and Aboriginal children to access kindergarten. Subsidies are also available for children four years of age.
- Commonwealth Department of Education: *Priority for allocating places* contains guidelines for allocating places in Child Care Benefit approved child care. It should be used when there is a waiting list for a child care service or when a number of parents are applying for a limited number of vacant places. The first priority is a child at risk of serious abuse or neglect.

Transition to school

- DEECD: *Transition Guide* provides a guide to helping children to have a positive start to school in Victoria.
- *Out-of-Home Care Education Commitment* is a Partnering Agreement between DHS, DEECD, the Catholic Education Commission of Victoria and Independent Schools Victoria that aims to improve collaboration between service providers to support children in OoHC attending Victorian schools. The Commitment is the companion document to the Early Childhood Agreement for Children in Out-of-Home Care.
- *Interface between the Department of Education and Training and the Department of Human Services' Partnering Agreement and the Looking After Children Framework* is a useful reference for teachers when planning an Individual Education Plan. The *Looking After Children Framework* is a best-practice guide for parents and carers responsible for children in OoHC.
- DEECD: *Koorie Education Learning Plans (KELP)* is a tool for parents, teachers and students to work together to improve outcomes for Aboriginal students.

