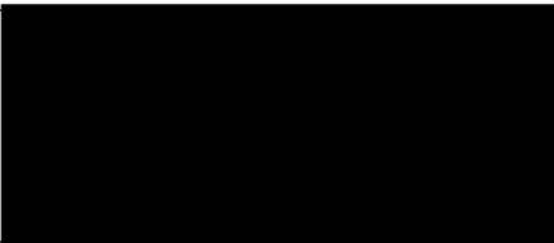


**IN THE MATTER OF THE ROYAL COMMISSION
INTO FAMILY VIOLENCE**

ATTACHMENT SW-34 TO STATEMENT OF SCOTT JAMES WIDMER

Date of document: 31 July 2015
Filed on behalf of: State of Victoria
Prepared by:
Victorian Government Solicitor's Office
Level 33
80 Collins Street
Melbourne VIC 3000



This is the attachment marked '**SW-34**' produced and shown to **SCOTT JAMES WIDMER** at the time of signing his Statement on 31 July 2015.

Before me:



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

SW-34

every child every chance

a good childhood is in everyone's best interests

Children, Youth and Families Act 2005: A guide to information sharing for Child Protection, Child FIRST and Family Service workers

Child FIRST and Family Services

Receiving referrals

When a person refers a significant concern for a child's wellbeing to Child FIRST (s31 and 32), a Child FIRST worker can collect, and must record, information about the child (or unborn child) and family. The referrer's identity is protected unless they give consent to disclose it (written or verbal).

Intake assessment of referrals

When Child FIRST receives a Child Wellbeing Referral (s31) or Unborn Child Referral (s32), a Child FIRST worker can consult with the following agencies for the purpose of assessing risk or to determine the most appropriate service response and discuss possible referral:

- Child Protection (s36.2.a)
- another Community Service¹ (s36.2.b)
- a Service Agency² (s36.2.c)
- an Information Holder³ (s36.2.d) (only for the purpose of assessing risk).

A record of all such consultations must be made. If a Child FIRST worker comes to believe a child is in need of protection, however, a report **must** be made to Child Protection.

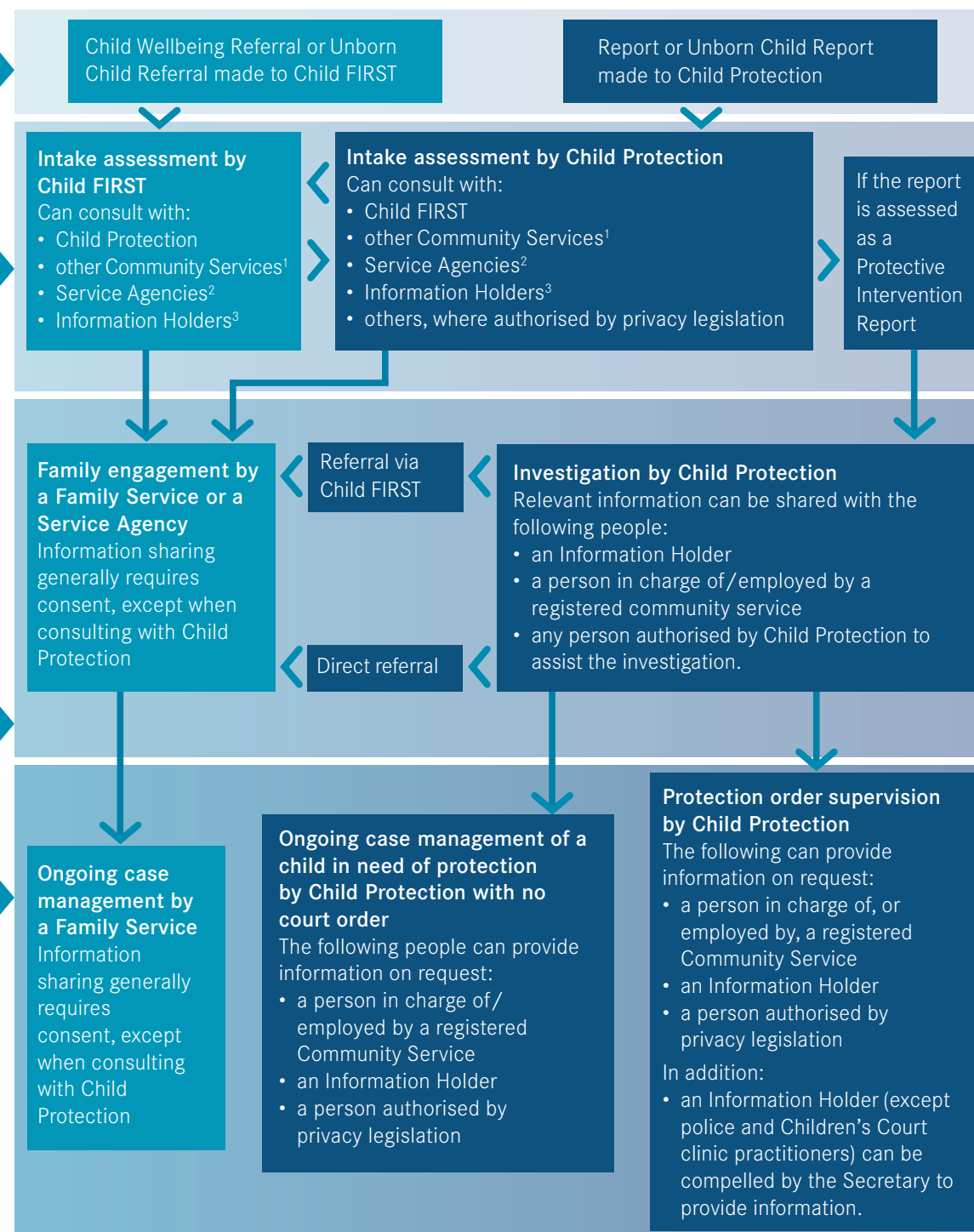
Family engagement and other intake outcomes

Following intake, further responses to a Child FIRST referral begin with Child FIRST, or a Family Service or a Service Agency contacting the family. Information sharing then requires consent.

Service provision

Information sharing (and service provision itself) following a referral to a family service or Service Agency will generally require consent, except where a family service needs to consult with Child Protection (s38).

While all the authorisations described on this sheet allow for information sharing without consent, it is better practice to involve the family and gain consent where this is possible and where this does not place a child or another person at greater risk



Child Protection

Receiving reports

When a person makes a report to Child Protection (sections 28, 29, 183 and 184), a Child Protection worker can collect, and must record, information about the child and the family. The reporter's identity is protected unless they give written consent to disclosure.

Intake assessment of reports

When Child Protection receives a report, a Child Protection worker can, for the purposes of assessing risk or determining the most appropriate service response, consult:

- Child FIRST or other Community Services¹ (s35.1.a)
- a Service Agency² (s35.1.a)
- an Information Holder³ (s35.1.a)
- any other person, as authorised by privacy legislation.

A record of all such consultations must be made.

Investigation and other intake outcomes

Following intake, Child Protection may refer a matter to Child FIRST, a Family Service or a Service Agency. Once the family has been contacted by a Family Service or a Service Agency, information sharing will generally require consent, except where a Family Service consults with Child Protection (s38).

Where a report is classified as a Protective Intervention Report (s30.1.d or s187.1.b), a Child Protection worker must investigate the report. The Child Protection worker can request information from an Information Holder or a person in charge of, or employed in, a registered Community Service (s192). Child Protection can also share information with people authorised by Child Protection to assist an investigation (s205, 206). Information identifying the reporter cannot be disclosed without written consent (s191.1)

Any authorised person can disclose information to Child Protection during an investigation without negative consequence (s208), and do so confidentially (s209).

Further intervention

Where Child Protection has investigated a Protective Intervention Report and has case management responsibility when a child is in need of protection (with or without a Protection Order), a Child Protection worker may request and receive information from:

- an Information Holder
- a person in charge of, or employed in, a registered Community Service (s192)
- any other person, where authorised by privacy legislation.

Where the child is subject to a Children's Court Protection Order, the Secretary may authorise a direction (s195) requiring an Information Holder to disclose information. (Except a police officer (s195) or a Children's Court clinic practitioner (s196.4)).

Except where explicitly authorised in the Children, Youth and Families Act (as described above), information sharing is primarily governed by the principles in the Information Privacy Act 2000 and the Health Records Act 2001.

1. A **registered community service** is a family service or an out of home care service registered under the *Children, Youth and Families Act 2005* to meet the needs of children requiring care, support, protection or accommodation, or families requiring support.
2. **Service Agencies** are defined in the *Children, Youth and Families Act 2005*, section 3, and associated regulations, and include: Victorian Government Departments, disability services, relevant health and psychiatric services, drug and alcohol treatment services, family violence services, placement support services for children in out of home care, sexual assault support services, local government family services, and parenting assessment and skills development services.
3. **Information Holders** are defined in the *Children, Youth and Families Act 2005*, section 3, and associated regulations, and include: police, government department employees, registered school teachers and principals, registered medical practitioners (doctors and psychiatrists), registered nurses, registered psychologists, people in charge of: a relevant health service, a relevant psychiatric service, a children's service, a disability service, a drug or alcohol treatment service, a family violence service, a sexual assault support service, a parenting assessment and skills development service, a local government child and family service that is not registered as a community service with the Department of Human Services, a placement support service for children in out of home care.

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