



MEMORANDUM OF UNDERSTANDING
BETWEEN THE
DEPARTMENT OF COMMUNITIES
AND
DEPARTMENT OF EDUCATION
2021

Acknowledgement of country and peoples

We proudly acknowledge and respect the traditional custodians of the lands and waters throughout Western Australia and recognise their continuing connection to their lands, families and communities. We pay our respects to Aboriginal and Torres Strait Islander people and cultures, and to their Elders both past, present and emerging.

We acknowledge and understand that Elders, parents, families and communities are the first educators of their children and we recognise and value the cultures and strengths that Aboriginal children bring to the classroom. Aboriginal people have a long tradition of teaching and learning through sharing their connections with country, community, language and culture, and through their oral histories, stories and lived experiences that are passed from generation to generation. We recognise and value the learning that Aboriginal children bring with them from their homes and communities into the classroom.

1. BACKGROUND

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

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

- Department of Communities; and
- Department of Education.

The Department of Communities and the Department of Education share a common commitment to the children of Western Australia, that no matter where they live and no matter what their abilities, we will support them to maximise their potential as an individual and as valuable members of society.

2. AGREEMENT

- The Department of Communities and Department of Education have entered into this MOU for their mutual benefit and will work together to ensure the ongoing success of this arrangement.
- The Parties acknowledge that this MOU does not create any legally binding obligations.
- This MOU includes any attached Schedules which will be updated as required by agreement of both parties.

This MOU replaces the Memorandum of Understanding between the Department for Child Protection and Family Support and the Department of Education (October 2013).

3. PURPOSE

This MOU provides an overarching framework that guides the provision of collaborative work between agencies to support and protect vulnerable children:

- at risk, in crisis and/or who have come to the attention of either party due to child abuse or neglect issues (including harmful sexual behaviours, risk of homelessness); and/or

¹ For the purpose of this MOU the term 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 (Section 3, *Children and Community Services Act 2004*).

- in the care of the Department of Communities Chief Executive Officer (CEO)²; and/or
- with disability; and/or
- when there is concern regarding their safety or a risk of suicide.

4. LEGISLATIVE BASIS

This MOU is to be read in conjunction with the [Children and Community Services Act 2004](#) (CCS Act) and [School Education Act 1999](#).

Relevant legislation and regulations include (but are not limited to):

- *Equal Opportunity Act 1984*
- *Disability Discrimination Act 1992*
- *Disability Services Act 1993*
- *Teacher Registration Act 2012*
- *School Education Regulations 2000*
- *Children and Community Services Regulations 2006*
- *Teacher Registration (General) Regulations 2012*

5. GUIDING PRINCIPLES

The parties agree to the following principles when working with children described in Section 3:

- The need to protect children from harm and promote their education, wellbeing and development.
- Intervene early to identify and respond to the educational needs of children.
- Recognition that for Aboriginal children, their cultural identity is central to their wellbeing and safety.
- The views and perspectives of parents and carers, and children, are valued and respected.
- The child's social, historical, cultural, linguistic, family and community connection inform decision making and intervention.
- Shared understandings, processes and protocols build mutually respectful relationships with children, their caregivers and the local community.
- Children have the right to access and participate in meaningful education.

² A child is 'in the CEO's care' if the child is – (a) in provisional protection and care; or (b) the subject of a protection order (time-limited) or protection order (until 18); or (c) the subject of a negotiated placement agreement; or (d) provided with placement services under section 32(1)(a). *Children and Community Services Act 2004*, section 30.

- Children are at the centre of decision-making and planning about their safety, education and wellbeing.
- Children have access to high quality, supportive and inclusive educational environments that recognise and maximise their personal, social and cultural strengths and abilities.
- The unique characteristics of children who are Aboriginal, from culturally and linguistically diverse backgrounds, with a disability, and/or involved with the child protection system are central to planning and decision making.
- Practices are trauma informed.
- Staff take deliberate, ongoing steps to develop understandings to interact and communicate effectively and sensitively with people from a cultural background different to their own.
- When working with Aboriginal children, staff will elicit knowledge and be informed by an Aboriginal perspective from families, local community members, school staff and other appropriate persons.

6. WAYS OF WORKING

Formal procedures and a clear understanding of the roles and responsibilities of each party support a positive working relationship. Parties agree to:

- Establish and maintain mechanisms for effective interagency cooperation, consultation and collaboration at policy and operational levels.
- Consult when developing and reviewing policy or processes that may impact on the other party in relation to children in the care of the CEO and children at risk and/or with disability enrolled in government schools.
- Consult early with relevant stakeholders to ensure appropriate decisions are made to enable effective management and/or investigation and assessment.
- Communicate regularly in an open, honest and timely way, including responding promptly to requests by the other party.
- Adopt a collaborative approach to developing solutions for individual children in consultation with the child's family and/or carers.
- Collaborate in the development of Western Australia's contribution and response to national agendas and inquiries for children in the care of the CEO and children at risk and/or with disability.
- Support the work of each agency at the local level including the sharing of resources and expertise.
- Ensure approaches and decision-making are applicable to the local context and informed by local Aboriginal staff and family and community members.

7. SHARING INFORMATION

The parties recognise that the exchange of information is a two-way process to promote the safety and wellbeing of children and families. Both parties commit to sharing information in a timely manner.

To the extent permissible by law and subject to Schedule 1, the parties agree to share relevant information:

- for children who may be at risk, including those awaiting a formal assessment, to enable them to receive appropriate support and those whose whereabouts are unknown;
- for children in the care of the CEO;
- for supporting children with disability;
- for identifying the cultural needs of Aboriginal children;
- in relation to a critical incident such as a suspected student suicide or self-harm incident;
- about new directions and initiatives, policy development, operational procedures, workforce development and other matters of mutual interest;
- about current issues, practice and research in the area of suicide prevention, with support to schools to be provided by agencies in a coordinated, integrated and effective way; and
- for the purposes of identifying the needs of children.

8. AREAS OF COLLABORATION

The parties agree to collaborate in the following areas pursuant to this MOU to provide a unified approach to protect and maximise the potential of children.

Workforce development

Both parties are committed to regularly informing and training their staff about the operation of this MOU. Opportunities for joint training and learning will be identified and delivered where appropriate.

Integration and coordination

Partnerships, collaborative case management and planning between agencies results in integrated services and enhanced service coordination. Where appropriate, this includes Commonwealth Government, State Government and non-Government agencies.

Joint approach to children with high needs

Both parties are committed to providing coordinated responses to children and their families when jointly working with children who have complex and high needs.

Priority service response

The parties to this MOU are committed to implementing a policy framework to prioritise services to the following:

- a child in the CEO's care;
- a young person³ who under section 96 of the CCS Act qualifies for assistance under Part 4, Division 6 (i.e. a care leaver); and
- a child under a protection order (special guardianship).

Implementation and support

District Leadership Groups will support the implementation of the MOU and work collaboratively to develop and share resources in the local context to support children.

9. TIMEFRAME AND REVIEW

The parties agree that this MOU may be reviewed and amended by agreement in writing by both parties.

This MOU will remain in place until superseded.

10. DISPUTE RESOLUTION

Both parties have a responsibility to collaborate or resolve matters of operational and/or policy difference, complaint or dispute.

The parties will endeavour to resolve any disputes that may arise in relation to the MOU in a timely manner and at the lowest possible level through negotiations conducted in good faith.

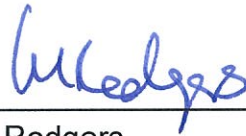
Where disputes arise, children are to receive adequate and appropriate supports while issues are being resolved.

³ For the purposes of this MOU, this refers to a young person of compulsory school age.

Signature of respective Directors General



Michelle Andrews
Director General
Department of Communities



Lisa Rodgers
Director General
Department of Education

Date: 3/12/20

Date: 12 JAN 2021

SCHEDULE 1

This Schedule is to be read in conjunction with the Memorandum of Understanding between the Department of Communities and the Department of Education 2021.

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SCHEDULE BETWEEN

<p style="text-align: center;">THE DEPARTMENT OF COMMUNITIES AND THE DEPARTMENT OF EDUCATION</p>

1. PURPOSE

- 1.1 The purpose of the schedule is to outline the processes between the Department of Communities and government schools in the Department of Education for:
- the performance of a function under the *Children and Community Services Act 2004 (CCS Act)* and the *School Education Act 1999 (SE Act)*;
 - when performing functions under the schedule, early intervention, working cooperatively and expediently in relation to the safeguarding, protection, cultural safety and care of all children is paramount;
 - the mutual sharing of information to support the safety and wellbeing of a child;
 - reporting child abuse or neglect to the Department of Communities, including mandatory reports of child sexual abuse;
 - education access, enrolment, support and planning for a child in the care of the Chief Executive Officer of the Department of Communities (child in the CEO's care); and
 - access to a child on school grounds (by the Department of Communities).

2. LEGISLATIVE BASIS

- 2.1 This schedule is to be read in conjunction with:
- the Memorandum of Understanding between the Department of Communities and the Department of Education (2021);
 - *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 **Assistance** includes the provision of advice, facilities and services.
- 3.2 **Provisional Care Plan** means the written plan prepared for a child in the CEO's care in accordance with section 39(1) of the *CCS Act* which:
- identifies the needs of the child while the child is in provisional protection and care;
 - 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;
 - 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 **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;
 - outlines the 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;
 - 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.
- 3.4 **CEO** means the Chief Executive Officer of Communities who exercises the powers, functions and duties under the *CCS Act*.
- 3.5 **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.
- 3.6 **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;
 - provided with placement services under section 32(1)(a) of the *CCS Act*; or
 - an unaccompanied humanitarian minor whose care has been delegated to the CEO pursuant to an Australian Government delegation under the *Immigration (Guardianship of Children) Act 1946*.
- 3.7 **Disability** in accordance with the *Disability Services Act* (1993) and the *SE Act* means a condition or a disability as defined:
- (a) which is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of those impairments; and
 - (b) which is permanent or likely to be permanent; and
 - (c) which may or may not be of a chronic or episodic nature; and
 - (d) which results in —
 - (i) a substantially reduced capacity of a person for communication, social interaction, learning or mobility; and
 - (ii) the need for continuing support services.
- 3.8 **Documented Plan** is an umbrella term used to describe a range of ways of catering for the educational needs of individual or smaller groups of students with identified needs. It is primarily a teaching and learning planning document and it identifies short to medium term education outcomes. Documented Plans take a variety of forms, including:
- Individual education plans (IEPs);
 - Individual behaviour management plans (IBMPs);
 - Individual transition plans (ITP) and Risk management plans (RMP); and
 - Documented education plans (DEP).
- The Documented Plan informs the education component of the child's Care Plan.
- 3.9 **Harm**, in relation to a child includes harm to the child's physical, emotional or psychological development as defined in section 3 of the *CCS Act*.

- 3.10 **MRS** means the Mandatory Reporting Service of the Department of Communities 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.
- 3.11 **Relevant Information** as defined in section 23 of the *CCS Act* means information that is or is likely to be relevant to the wellbeing of a child or a class or group of children; or the wellbeing of a person who under section 96 of the *CCS Act* qualifies for assistance for the purposes of Part 4 Division 6; or the safety of a person who has been subjected to, or exposed to, family violence; or the performance of a function under this Act; or other information of a kind prescribed by the *CCS Act* regulations for the purposes of this paragraph.
- 3.12 **Students at Educational Risk**
Students whose academic, social and/or emotional attributes are a barrier to engagement with the content and standards defined in the Western Australian Curriculum.
- 3.13 **School** means a government school established under section 55 of the *SE Act* and subject to oversight and monitoring by the Department of Education.
- 3.14 **Signs of Safety** means the Signs of Safety Child Protection Practice Framework used by the Department of Communities 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 the Department of Education, may be invited to participate in a Signs of Safety child protection meeting as appropriate.

The Signs of Safety approach is used to structure information gathering and decision making on:

- 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 taken into care; and
- if the child is in the CEO's care, whether there is enough safety for the child to return home.

- 3.15 **Teacher** for the purposes of mandatory reporting, means a person listed in section 124A of the *CCS Act*.
- 3.16 **Safeguarding** is the action taken to promote the wellbeing of child/ren and protect them from harm. Wellbeing and harm are defined in section 3 of the *CCS Act*.
- 3.17 **Wellbeing** of a child, as defined in section 3 of the *CCS Act*, includes the following:
a) the care of the child;
b) the physical, emotional, psychological and educational development of the child;
c) the physical, emotional, and psychological health of the child; and
d) the safety of the child.

4. INFORMATION SHARING TO SUPPORT A CHILD'S WELLBEING

DEPARTMENT OF EDUCATION RESPONSIBILITIES

Providing Relevant Information to the Department of Communities

- 4.1 Under section 23 of the *CCS Act*, Department of Education staff may disclose relevant information in compliance with a request made by a Department of Communities officer.

Department of Education staff should note that there are delegated staff (authorised officers) who are permitted to exchange information with the Department of Communities and consultation with these officers should occur.

<https://ikon.education.wa.edu.au/-/share-confidential-child-protection-information#toc1> (Authorised officers list)

- 4.2 Department of Education staff disclosing relevant information in compliance with a request, in good faith, to a Department of Communities officer have protection under sections 23 and 129 of the *CCS Act*. This means:
- no civil or criminal liability is incurred in respect of the disclosure;
 - the disclosure is not to be regarded as a breach of any duty of confidentiality or secrecy imposed by law; and
 - the disclosure is not to be regarded as a breach of professional ethics or standards or any principles of conduct applicable to the person's employment or as unprofessional conduct.
- 4.3 Department of Education staff may also receive and request feedback from the Department of Communities relevant to any concerns reported or information provided to the Department of Communities in response to a request made under section 23 of the *CCS Act*.

Providing Information About a Child's Wellbeing to the Department of Communities

- 4.4 Department of Education staff may report information to the Department of Communities about any aspect of the wellbeing of a child. Where that information is provided in good faith, section 129 of the *CCS Act* provides the person:
- does not incur any civil or criminal liability;
 - is not taken to have breached any duty of confidentiality or secrecy imposed by law; and
 - is not taken to have breached any professional ethics or standards or any principles of conduct applicable to the person's employment or to have engaged in unprofessional conduct.

Responding to Department of Communities Requests for Psychology Records

- 4.5 The principal and lead school psychologist are authorised officers under the *CCS Act*. The principal, in consultation with the lead school psychologist, may provide relevant information in response to a request from a Department of Communities officer. In these circumstances, section 23 and 129 of the *CCS Act* provide that the principal and lead school psychologist have statutory protection when acting in good faith as described in Section 4.2 of this Schedule.

Sharing Information with Other Authorities

- 4.6 Under sections 28A, 28B and 28C of the *CCS Act*, the CEO of the Department of Education, or a delegated officer, can exchange information with the CEO of a prescribed public authority, provided it is information that is or is likely to be relevant to the wellbeing of a child or a class or group of children or the safety of a person who has been subjected to, or exposed to, family violence. These provisions facilitate effective cooperation between key state government agencies on child protection matters, including joint case planning and decision making.

DEPARTMENT OF COMMUNITIES RESPONSIBILITIES

- 4.7 Under section 23 of the *CCS Act*, the CEO and authorised officers in the Department of Communities may disclose or request relevant information from the Department of Education. Department of Communities staff will identify themselves and explain the concerns for the child and/or context of the request to assist Department of Education staff in providing a response.
- 4.8 Authorised officers in the Department of Communities may also provide feedback relevant to any concerns reported or information provided to authorised officers in the Department of Education in response to a request made under section 23 of the *CCS Act*.

JOINT RESPONSIBILITIES

- 4.9 Information can be exchanged at an individual or aggregate level between the Department of Education and the Department of Communities in circumstances which include but are not limited to:
- protecting children from abuse or neglect and exposure to family violence (identifying, responding and reporting);
 - assisting with a child protection assessment;
 - diverting a child from harming himself/herself or others;
 - contributing information to inform 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;
 - improving the individual or collective educational engagement, attainment and wellbeing of children in the CEO's care; and
 - sharing of data to deliver better outcomes for children and families, including, but not limited to, children in the CEO's care.
- 4.10 It is the responsibility of each party to ensure that internal policies and procedures ensure compliance with the confidentiality provisions in Part 10 of the *CCS Act* in relation to information exchanged.

5. ACCESS TO A CHILD AT SCHOOL

DEPARTMENT OF EDUCATION RESPONSIBILITIES

- 5.1 The principal will assist Department of Communities authorised officers exercising their statutory authority to access a child at school and permit them to 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 principal must confirm the identity of Department of Communities authorised officers by asking to see their Authorised Officer identity card issued under section 26 of the *CCS Act*.

DEPARTMENT OF COMMUNITIES RESPONSIBILITIES

- 5.3 Department of Communities authorised officers 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 is in the best interests of the child for the officer to have access to the child before the parent/s are advised of a child protection investigation; or
 - the proper and effective conduct of the investigation would be likely to be jeopardised if the child's parents were to know in advance of the proposed access.
- 5.4 Before exercising this power, the Department of Communities child protection worker will:
- notify the principal that they intend to access (see and talk with) the child;
 - provide relevant 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 26 of the *CCS Act* to the principal.

6. REPORTING CHILD ABUSE OR NEGLECT

DEPARTMENT OF EDUCATION RESPONSIBILITIES

- 6.1 Department of Education staff should refer to the *Child Protection in Department of Education Sites Policy* for policies and procedures relevant to their role about when to report concerns about child abuse or neglect.
- 6.2 In the metropolitan area principals must:
- report to the Department of Communities, Central Intake Team any concern of physical abuse, sexual abuse (non-mandatory reporters), emotional abuse, family violence or neglect; and
 - make a verbal report when there are immediate safety concerns for the child.

Contact the Central Intake Team on 1800 273 889 or email cpduty@cpfs.wa.gov.au

In country areas principals must:

- report all child protection concerns that relate to physical abuse, sexual abuse, emotional abuse, family violence or neglect of a child to the relevant Department of Communities District Office. Contact details for all Department of Communities office locations are available on the Department of Communities website.

All verbal reports made to the Department of Communities must be followed by a written report as soon as practicable, by using the *Department of Communities Child Protection Concern Referral Form*.

- 6.3 Reports of child sexual abuse that occurred prior to 1 January 2009 are referred to the Department of Communities following the process above, dependant on your location.

- 6.4 The principal may request relevant information about the wellbeing of a child referred by the school to the Department of Communities. The Department of Communities can provide this information under section 23 of the *CCS Act*.

DEPARTMENT OF COMMUNITIES RESPONSIBILITIES

- 6.5 The Department of Communities will assess notifications of abuse or neglect concerns from Department of Education staff and take action to support the child's wellbeing. This may include bringing the child into care with or without a 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*.
- 6.6 The Department of Communities should invite relevant staff from the Department of Education to the strategy meetings and/or Signs of Safety planning meetings when appropriate.
- 6.7 The Department of Communities will provide relevant feedback to the principal and advise of actions taken.

JOINT RESPONSIBILITIES

- 6.8 The identity of the reporter must not be disclosed without their written consent, except in circumstances permitted by section 240 of the *CCS Act*.

7. MANDATORY REPORTING OF CHILD SEXUAL ABUSE

DEPARTMENT OF EDUCATION RESPONSIBILITIES

- 7.1 It is a legal requirement for doctors, nurses, midwives, teachers, police officers and boarding supervisors to report all reasonable beliefs of child sexual abuse to the Department of Communities.

Section 124B of the *CCS Act* provides:

- (1) A person who —
- (a) is a doctor, nurse, midwife, police officer, teacher, boarding supervisor and
 - (b) believes on reasonable grounds that a child —
 - (i) has been the subject of sexual abuse that occurred on or after commencement day; or
 - (ii) is the subject of ongoing sexual abuse; and
 - (c) forms the belief —
 - (i) in the course of the person's work (whether paid or unpaid) as a doctor, nurse, midwife, police officer, teacher, boarding supervisor;
 - (ii) on or after commencement day,
- must report the belief as soon as practicable after forming the belief.

- 7.2 A mandatory report may be written or verbal, but if verbal the reporter must make a written report as soon as is practicable after the verbal report is made, preferably within 24 hours.
- 7.3 Department of Education staff must comply with the *Child Protection in Department of Education Sites Policy* and procedures relevant to the work role.

DEPARTMENT OF COMMUNITIES RESPONSIBILITIES

- 7.4 After completing an initial assessment, the Mandatory Reporting Service (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 Force and identifies which Department of Communities District Office the report has been sent to.
- 7.5 The Department of Communities will assess:
- whether or not the child has experienced harm or is likely to experience harm as a result of the abuse and/or neglect;
 - whether the parents have capacity to protect the child from harm; and
 - whether the child is in need of protection.

JOINT RESPONSIBILITIES

- 7.6 Identifying information in relation to a reporter must not be disclosed without their written consent, except in circumstances permitted by section 124F(2) of the *CCS Act*.

Identifying information in relation to a reporter means information:

- that identifies the reporter; or
- that is likely to lead to the identification of the reporter; or
- from which the identity of the reporter could be deduced.

8. PLANNING FOR SCHOOL-AGED CHILDREN WHOSE WHEREABOUTS ARE UNKNOWN

DEPARTMENT OF EDUCATION RESPONSIBILITIES

- 8.1 The Department of Education is responsible for tracking children not attending school. The Department of Education 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 each school term, the Department of Education will provide the SWU List to the Department of Communities.

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 the Department of Education has concerns about child abuse or neglect for a child who is on the SWU List, they should refer these concerns to the Department of Communities in accordance with section 6 of this Schedule.

DEPARTMENT OF COMMUNITIES RESPONSIBILITIES

- 8.2 The Department of Communities will check the SWU List for children in the CEO's care¹. To assist the Department of Education to track students, the Department of Communities will provide the Department of Education with details of the:
- last recorded address of the child;

¹ Note: this includes unaccompanied humanitarian minors.

- school a child in the CEO's care is enrolled at; and
- contact details of the Department of Communities child protection worker involved with the child.

- 8.3 The Department of Communities will check the SWU List for children who have come to the attention of the Department in the circumstances of reported child safety and wellbeing concerns and if the CEO is of the opinion that the disclosure of information about the whereabouts of the child is, or is likely to be relevant to the wellbeing of the child in compliance with section 23 of the *CCS Act*, provide that information to the Department of Education.
- 8.4 After information has been exchanged between the Department of Education and the Department of Communities about children in the CEO's care on the SWU List, the Department of Education Coordinator Regional Operation or the Coordinator of Regional Services of the relevant Department of Education region, will liaise with the child protection worker to plan the best approach for re-engagement with the child and family.
- 8.5 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 Department of Education Student Tracking Coordinator using Form 586: *Request for School Enrolment Information from Department of Education*.

JOINT RESPONSIBILITIES

- 8.6 At the local level, interagency meetings are convened to provide an opportunity to exchange information regarding concerns for the well-being of students where there is need for joint planning and response to school attendance or a change to enrolment. Relevant staff from the Department of Communities and the Department of Education should attend and exchange information as appropriate.

9. EDUCATION ACCESS, ENROLMENT, SUPPORT AND PLANNING FOR A CHILD IN THE CARE OF THE CEO²

9.1 SCHOOL ENROLMENT

DEPARTMENT OF EDUCATION RESPONSIBILITIES

- 9.1.1 A school will follow enrolment procedures in the Department of Education's *Enrolment in Public Schools Policy* if the CEO has the responsibility for the long term care or day to day care, welfare and development of the child within the definition of 'parent' in the *SE Act*. Once an application for enrolment has been lodged by the Department of Communities child protection worker or carer, the principal may request a meeting with the Department of Communities child protection worker to assist in planning to provide an appropriate program for a child and the supports that may be necessary.

Principals can organise an alternative attendance arrangement under section 24 of the *SE Act* for students to temporarily attend another school or off-site educational program.

² Note: this includes unaccompanied humanitarian minors.

9.1.2 Under section 82 of the *SE Act* when a principal declines an application for enrolment based on the child living outside the school's local intake area the principal will provide written notice to the Department of Communities' child protection worker at the earliest opportunity. The *Request for Review of Application for Enrolment Decision Form* (refer to section 3.6 Department of Education *Enrolment in Public Schools Policy*) will also be provided.

If the decision is in dispute, the relevant Director of Education, Department of Education will review the application and provide prompt written advice on the decision and reasons for it and assist to broker a new enrolment at an out of area school.

9.1.3 Under section 20 of the *SE Act*, an enrolment may be cancelled if:

- the enrolment was obtained by the giving of false or misleading information; or
- the principal is not advised of a change of particulars specified under section 16 (1)(b)(c) or (g) or section 16(3) of the *SE Act*, including the provision of a child's long-term and day to day care or emergency contacts and arrangements.

9.1.4 When the necessary teaching and learning adjustments are not immediately available, the principal may negotiate the child's commencement date with the Department of Communities child protection worker within a reasonable time frame.

9.1.5 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 Department of Education *Student Health Care Policy*.

9.1.6 The principal will provide the Department of Communities child protection worker with any information that would normally be provided to a parent (e.g. the child's school report(s), letters of concern, NAPLAN reports, booklists and requests for permission to participate in excursions and activities).

9.1.7 If a child changes schools, the principal of the new school will advise the previous school of the new enrolment within five school days. The new principal will request that the previous school provide information regarding the identified needs of the child, and the most recent Documented Plan and school reports. Student files can be transferred to a new government school by a previous government school. If the new enrolment is at a non-government school, copies of information can be provided by a government school. The original documentation must remain with the previous school.

DEPARTMENT OF COMMUNITIES RESPONSIBILITIES

9.1.8 At the time of enrolment of a child in the CEO's care³, the Department of Communities child protection worker will:

- provide the principal, via email, a completed *School notification and education planning for a child in the care of the Department of Communities* (Form 587);
- advise the principal of any medical issues and significant and complex support needs in relation to the child; and
- provide confirmation of the child's legal status, including copies of any relevant court orders.

³ Note: this includes unaccompanied humanitarian minors.

- 9.1.9 The Department of Communities child protection worker will notify the principal, via email, and include a completed Form 585 *School Notification of a change in arrangements for a Child in the Care of the Department of Communities*, within 15 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; or
 - there has been a change in place of residence or particulars of the child (section 16 SE Act).

JOINT RESPONSIBILITIES

- 9.1.10 Based on the information provided to the principal by the Department of Communities 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 Plan.
- 9.1.11 If a meeting is deemed necessary, the principal, relevant support staff, Department of Communities child protection worker and others significant to the child, such as a carer or the child's parent, may attend. Consideration should also be given to the views of the child.

9.2 EDUCATION ASSESSMENT AND PLANNING

DEPARTMENT OF EDUCATION RESPONSIBILITIES

- 9.2.1 The principal will identify the child as 'being at educational risk' upon receipt of *School notification and education planning for a child in the care of the Department of Communities* (Form 587) from the Department of Communities child protection worker, and the relevant policy should be followed.
- 9.2.2 The principal will verify that a Documented Plan is developed within 30 working days of receiving the *School notification and education planning for a child in the care of the Department of Communities* (Form 587) from the Department of Communities child protection worker. During this period a planning meeting could be held. However, the arranging of this meeting should not delay the development of a plan within the timeline. Consideration should be given to the views of the child.
- 9.2.3 The principal will review the Documented Plan at least twice per year, where appropriate and email a copy to the child's Department of Communities child protection worker. [Refer to Child Protection in the Department of Education Sites Policy](#).
- 9.2.4 In response to a reasonable request, schools will provide evidence to support any applications to the Department of Communities child protection worker to support access to tutoring.

DEPARTMENT OF COMMUNITIES RESPONSIBILITIES

- 9.2.5 The Department of Communities child protection worker **must** complete a *School notification and education planning for a child in the care of the Department of Communities* (Form 587) and send this to the school principal:

1) at the beginning of each academic year; and

2) every time a child is enrolled in a new school; and

3) where a child has entered care.

9.2.6 The Department of Communities child protection worker will notify the principal or nominated staff member in writing within 15 working days about relevant modifications to the child's Provisional Care Plan or Care Plan.

9.2.7 The Department of Communities child protection worker will email the principal or nominated staff member to acknowledge receipt of the Documented Plan.

JOINT RESPONSIBILITIES

9.2.8 The principal of the school, the child's Department of Communities child protection worker, and others significant to the child, as determined by the principal or nominated staff member, and child protection worker will attend education planning meetings.

9.2.9 The principal and the child's Department of Communities child protection worker will be responsible for implementing the strategies agreed in the Documented Plan.

9.3 SUPPORTING A CHILD WITH HIGH NEEDS

DEPARTMENT OF EDUCATION RESPONSIBILITIES

9.3.1 When a child has a disability, the Documented Plan will identify supports necessary to maximise the child's education achievement (assisting the student to strive for personal best) and wellbeing. If eligible, the principal will apply for additional support to meet their needs.

9.3.2 The principal or nominated staff member will advise the Department of Communities child protection worker of factors that impact on a child's participation in an education program at the school including attendance, behaviour, learning, and social and/or emotional difficulties.

DEPARTMENT OF COMMUNITIES RESPONSIBILITIES

9.3.3 The Department of Communities child protection worker will, on enrolment and as applicable, advise the principal of any behaviour, disability or other condition that may impact the child's participation in an education program at the school.

9.3.4 The Department of Communities 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 Department of Communities child protection worker will facilitate referrals, via consultation with Department of Communities Psychology Services (or relevant providers) required for this assessment to occur as soon as possible.

9.3.5 When a child has high needs/special needs, the Department of Communities child protection worker will provide the principal with psychological, psychiatric and/or medical information relevant to education planning if approved by the author.

JOINT RESPONSIBILITIES

- 9.3.6 The principal and the Department of Communities 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*.
- 9.3.7 Collaboratively, the principal or nominated staff member and the Department of Communities child protection worker will work together to support a child with a disability or mental health condition to access the curriculum. Individual targeted support and strategies will be developed on a case by case basis in conjunction with all stakeholders.
- 9.3.8 The principal or nominated staff member and the Department of Communities child protection worker will work collaboratively to manage the resourcing of support strategies identified in the Documented Plan for a child who has been assessed with high needs.

9.4 MANAGING CHILD BEHAVIOUR AND ATTENDANCE

DEPARTMENT OF EDUCATION RESPONSIBILITIES

- 9.4.1 Schools will follow their whole school approach to attendance and engagement policies and strategies, including support mechanisms within the school.
- 9.4.2 When the principal proposes to suspend a child for a breach of school discipline, the principal will inform the Department of Communities child protection worker as soon as practicable 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 Department of Communities child protection worker.
- 9.4.3 When a child in the CEO's care has been suspended, the principal will consult with the Department of Communities child protection worker, carer and other relevant parties to develop or review an existing behaviour management plan, plan re-entry prior to the child's return and review support mechanisms at the school.
- 9.4.4 The principal will monitor attendance and implement procedures when necessary in accordance with the Department of Education *Student Attendance Policy*. This will include informing the Department of Communities child protection worker of concerns involving attendance.
- 9.4.5 The principal will develop a Documented Plan for students who demonstrate persistent non-attendance in accordance with Department of Education *Student Attendance Policy*.
- 9.4.6 The principal will maintain enrolment and will not remove a student unless Section 21 of the *SE Act* has been satisfied.

DEPARTMENT OF COMMUNITIES RESPONSIBILITIES

- 9.4.7 The Department of Communities child protection worker, where possible, will 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 in collaboration with the school.
- 9.4.8 When a child has been suspended from school prior to the end of the school day, the Department of Communities child protection worker will negotiate arrangements with the principal to get the child home as soon as possible.
- 9.4.9 In cases where a child is excluded from a school, the Department of Communities child protection worker will collaborate with the principal and the relevant Department of Education Regional office, case manager in the development of a transition plan to support the child's relocation to a new school or education arrangement.
- 9.4.10 The Department of Communities child protection worker or carer will inform the principal of any circumstances that will affect the child's school attendance.

JOINT RESPONSIBILITIES

- 9.4.11 In exceptional cases where a child demonstrates complex and challenging behaviours, the principal, Department of Communities child protection worker and the Lead School Psychologist (and carer where possible) will collaborate to facilitate access to an appropriate education program (including access to the Department of Education's School of Special Educational Needs: Behaviour and Engagement where appropriate), and support services for the child.
- 9.4.12 When a child has been excluded from school, the principal and the Department of Communities child protection worker will collaborate to implement the exclusion order and to action a recommendation for an alternative education program.
- 9.4.13 When attendance is irregular or there is chronic non-attendance, the principal, Department of Communities 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.

10. CONSENT FOR PUBLICATIONS, PHOTOGRAPHS AND SCHOOL ACTIVITIES

DEPARTMENT OF EDUCATION RESPONSIBILITIES

- 10.1 The principal will seek permission from the Department of Communities 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).
- 10.2 The principal or other Department of Education 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*. The principal will seek permission from the relevant Department of Communities child protection worker before publishing any information or material about a child in the CEO's care.

DEPARTMENT OF COMMUNITIES RESPONSIBILITIES

- 10.3 A Department of Communities 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.
- 10.4 The carer can give permission for the child in their care to participate in school activities and excursions excluding high risk activities where a waiver of legal rights is applied (for example, horse riding).

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

JOINT RESPONSIBILITIES

- 11.1 The Department of Education and Department of Communities will support the improvement of services for children in the CEO's care⁴ through the timely exchange of data and information at an individual or aggregate level, upon receipt of a formal request from the other party where the data and information is relevant information within the meaning of section 23 of the *CCS Act*.
- 11.2 It is the responsibility of each party to ensure that internal policies and procedures ensure compliance with the confidentiality provisions in Part 10 of the *CCS Act* in relation to data and information being exchanged.

12. TIMEFRAME AND REVIEW

- 12.1 The parties agree that this schedule may be reviewed and amended by agreement in writing by both parties.
- 12.2 This schedule will continue to be effective until any amendments are agreed in writing by both parties.

13. COSTS

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

14. SUPPORTING DOCUMENTS AND POLICIES

- 14.1 Department of Communities DOCUMENTS AND POLICIES
- Signs of Safety Policy;
 - Signs of Safety Child Protection Practice Framework;
 - Child Safety Investigation;
 - Policy on Neglect;
 - Child Sexual Abuse Policy;
 - Care Planning Policy;
 - Care Team Approach Practice Framework;
 - Casework Practice Manual;
 - Charter of Rights for Children and Young People in Care;
 - Culturally and Linguistically Diverse Services Framework;

⁴ Note: this includes unaccompanied humanitarian minors.

- Better Care Better Services: Standards for Children and Young People in Protection and Care;
- Working together for a better future for at risk children and families - A guide on information sharing for government and non-government agencies;
- Documented Education Plans - Fact Sheet;
- Rapid Response: Prioritising services for children and young people in care⁵; and
- Complaints Management Policy.

14.3 Department of Education POLICIES AND INFORMATION

- Child Protection in Department of Education Sites Policy and Procedures 2019;
- Enrolment in Public Schools Policy and Procedures (2013). Updated 2018;
- Students at Educational Risk in Public Schools Policy and Procedures 2015;
- Student Behaviour in Public Schools Policy (2016);
- Student Attendance in Public Schools Policy and Procedures (2015);
- Visitors and Intruders on School Premises (2009); and
- Aboriginal Cultural Standards Framework.

14.4 SHARED DOCUMENTS

- Planning for children in care: Ombudsman Western Australia (2011); and
- Multi-Agency Protocol for Education Options for Young People Charged with Harmful Sexual Behaviours.

Signature of respective Directors General

Michelle Andrews
DIRECTOR GENERAL
DEPARTMENT OF COMMUNITIES

DATE:

3/12/20

Lisa Rodgers
DIRECTOR GENERAL
DEPARTMENT OF EDUCATION

DATE:

12 JAN 2021

⁵ Note: a new framework is currently under development and will replace Rapid Response.