

Annex to the Formal Protocol between Department of Human Services (DHS) and Victoria Police - Family Violence Referral Pathways 2006-2008

Referral Pathways between Victoria Police, Child Protection and Child FIRST/ Family Services in relation to family violence

The current protocol governing the relationship between the above agencies has been revised as a consequence of the introduction of the new *Children Youth and Families Act* 2005 and Child FIRST.

This has led to a review of existing referral protocols between Victoria Police and DHS Child Protection and Family Services, in particular for when police are required to make:

- A mandatory report to DHS Child Protection (if they believe that a child or children are in need of protection); or
- A referral to Child FIRST¹/ Family Services (where they have significant concerns for the wellbeing of a child or children.)

A high number of substantiated cases of child abuse include family violence as a major factor. In line with extensive State-wide reforms across government and community, in recent years Victoria Police has re-engineered its response to family violence. Key tools have included the implementation of a Code of Practice for the Investigation of Family Violence, incorporating a risk assessment and management process. This is completed at every family violence incident police attend. Where a child(ren) are present or witness the incident(s) police must independently assess the level of risk for each child.

The Code of Practice articulates that in managing the level of risk and likelihood of future violence, police must select from a combination of three options, namely criminal, civil and referral. No matter what combination is chosen, police must always make referral(s) for each incident.

If taking a criminal and/or civil option and/or where they have concerns for the physical, mental or psychological health or welfare of the victim, police must also make a formal (facilitated) referral for the victim. In addition, where police believe the child(ren) is in need of protection, they must make a report to DHS Child Protection. In all other cases police make an informal (unfacilitated) referral by providing the victim and perpetrator with written information on the nearest family violence support services.

Children are present or witness approximately half of the thirty thousand family violence incidents police attend annually. Given these numbers, a critical consideration is how best to manage an additional referral to Child FIRST/Family Services. Additionally, existing resources have been unnecessarily stretched by multiple referrals being made to the same agency for the same incident by different service providers, including police. Consequently, within the context of these integrated reforms, Victoria Police and DHS have agreed to the following protocol for referrals by police.

After conducting a family violence risk assessment police will:

- Make a formal referral to appropriate Family Violence services for the victim and perpetrator of family violence.
- Where a child is assessed on reasonable grounds as being in need of protection, police must make a report to Child Protection.

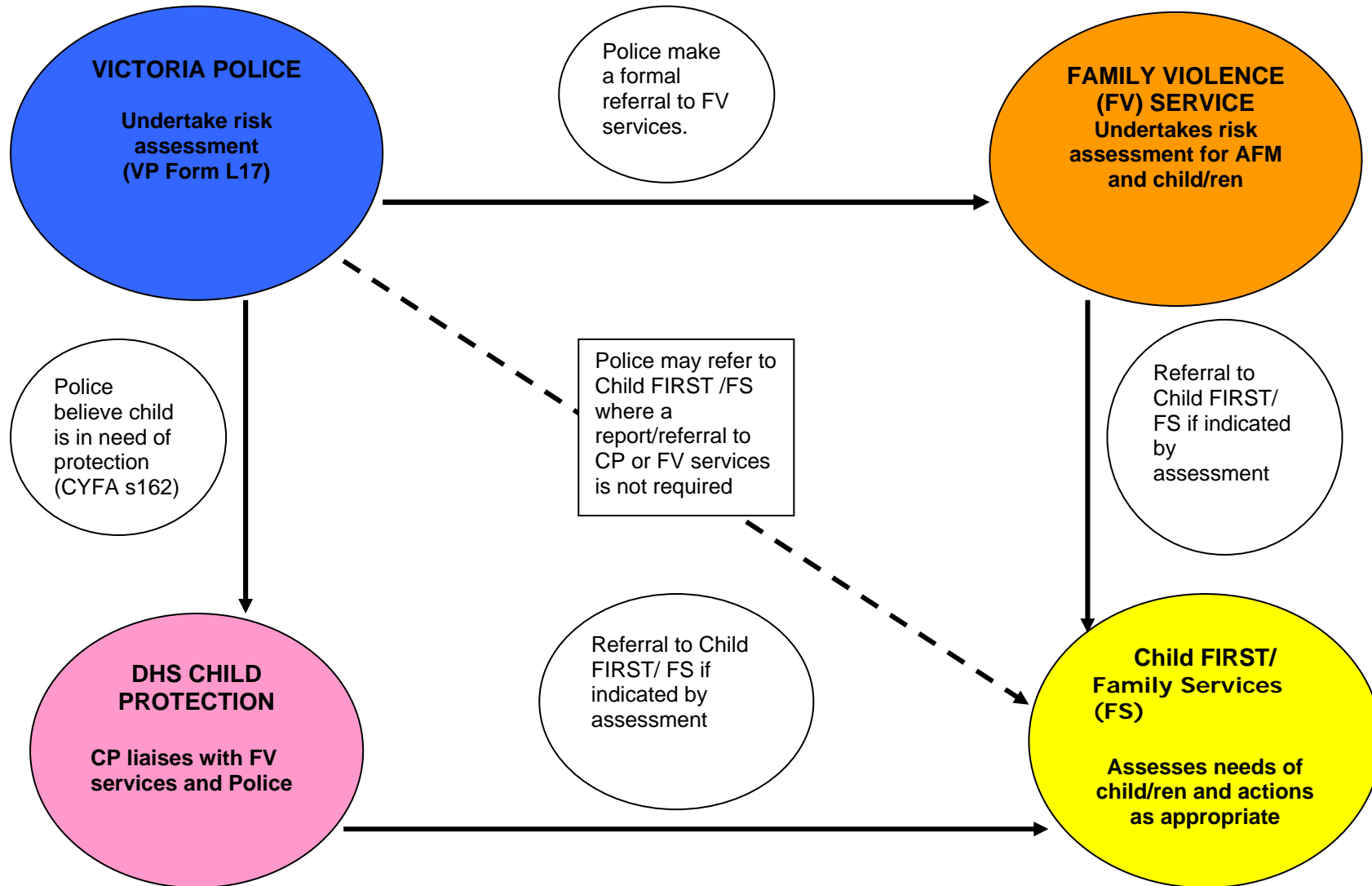
If it is assessed that a referral or report to Child Protection or Family Violence is not required, but significant concerns for the wellbeing of any child remain, then police may make a referral to Child FIRST/Family Services.

Accordingly, in all cases where a formal referral to a family violence service is made where a child(ren) is present, **it will be the responsibility of the family violence service supporting the victim** to undertake a comprehensive risk assessment of the child to identify and address their needs. Where it is appropriate, this will include a referral to Child FIRST/Family Services.

The attached diagram demonstrates how this will occur. These changes will be reflected in the new protocol currently being negotiated between DHS Child Protection and Victoria Police.

¹ Child FIRST (Child & Family Information, Referral & Support Team) is a community based referral point into Family Services that is being established in a staged process across Victoria. For more information, see the Child FIRST fact sheet at www.dhs.vic.gov.au/everychildeverychance

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Police Formal Referral Process (Victoria Police Code of Practice for the Investigation of Family Violence)		
<p>Police members must undertake a risk assessment to help determine the appropriate response required for adult family members through use of the <i>Family Violence Risk Assessment and Management Report</i> (VP Form L17). Police members must make an independent assessment of the level of risk for any child who has witnessed or was present. Based on this risk assessment, police will take action in accordance with the <i>Victoria Police Code of Practice for the Investigation of Family Violence, the Children Youth and Families Act 2005, and any other prescribed legislation.</i> This action may include a combination of making an application for an intervention order, laying criminal charges and/or mandatory/compulsory reports to Child Protection or formal referrals to other service providers as specified in the following columns.</p>		
Criteria for Reports or Referrals	Police Response	Service Response
<p>Mandatory and/or Compulsory reporting to Child Protection</p> <p>(CYFA S162 (1) (a) to (f) and S184)</p> <p>Police must make a report to Child Protection where the assessment indicates that a child is in need of protection due to:</p> <ul style="list-style-type: none"> • sexual or physical abuse; or • concerns of harm or neglect including emotional and/or intellectual development 	<p>Reporting method:</p> <p>Depending on the seriousness of the case, as soon as possible. For non-urgent cases, always before end of shift.</p> <p><u>Urgent</u>: telephone <u>then</u> fax VP Form L17 and L8. (If crime involved also L1)</p> <ul style="list-style-type: none"> • Business hours – to local DHS Child Protection Unit • After hours – to DHS Afters hours Child Protection <p><u>Non-urgent</u>: fax VP Form L17 and L8. (If crime involved also L1)</p> <ul style="list-style-type: none"> • Anytime to local DHS Child Protection Unit (<u>not</u> After hours Child Protection) <p>(NB) Criteria for urgent reports are not prescribed. However, members are advised to make them when they determine <u>immediate intervention</u> is required by Child Protection.</p> <p>Child Protection may contact police to consult or gain background information to assist in the assessment of risk of a child</p> <p>(Attending police must still notify the relevant SOCAU for CYFA S162 (1) (c) and (d) sexual or physical abuse cases)</p>	<p>Action by Child Protection:</p> <p>After a report has been made, Child Protection may contact the Family Violence service or Police to consult or gain background information.</p> <p>When contacted Police should provide relevant information as requested.</p> <p>(A discloser of information acting in good faith is protected by S37 CYFA)</p>

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<p>Formal Referral to a Family Violence Service provider for victim and/or perpetrator, when a child was present/witness</p>	<p>Reporting method:</p> <p><u>Fax VP Form L17:</u></p> <ul style="list-style-type: none"> • Business hours – Telephone or fax referral to local Family Violence service provider (as per local arrangements) • After hours – if immediate accommodation or other assistance is : <ul style="list-style-type: none"> ▪ required - telephone Women’s Domestic Violence Crisis Service or, (where local arrangements exist), the local after hours provider; ▪ not required – fax referral forms to local Family Violence service provider (as per local arrangements.) <p>At the time of making the referral, Police will advise when making a referral to a family violence service (Outreach or After Hours or Men’s Behaviour Change Program), about any children and whether a referral to Child Protection has or will be made.</p>	<p>Action by Family Violence Service:</p> <ul style="list-style-type: none"> • Undertake a risk and needs assessment • Develop and implement a safety plan • If a woman has not engaged and the FV service believes that a child is ‘in need of protection’, make a report Child Protection. • FV service may also make a referral to Child FIRST/Family Services if it is assessed that there are significant concerns for the wellbeing of a child.
<p>Referral to Child FIRST/ Family Services (CYFA S31)</p> <p>A person who has a significant concern for the wellbeing of a child may refer the matter to a community based child and family service (Child FIRST/Family Services)</p>	<p>Reporting method:</p> <p><u>Fax VP Form 1302 (Child FIRST Referral Form)</u> to the relevant dedicated Child FIRST fax number.</p> <p>NO CONSENT IS REQUIRED FOR POLICE TO MAKE ANY OF THESE REFERRALS</p> <p>(A discloser of information acting in good faith is protected by S37 and S40 CYFA)</p>	<p>Action by Child FIRST/Family Services:</p> <p>Where a referral has been made to Child FIRST/ Family Services, they may contact a Family Violence service or Police to consult or gain background information to assist in the assessment of risk to a child. If contacted for this purpose the Family Violence service or Police should provide relevant information as requested.</p>