



Government of **Western Australia**
Department of **Housing**



Government of **Western Australia**
Department for **Child Protection**
and **Family Support**

**BILATERAL SCHEDULE
BETWEEN
THE DEPARTMENT FOR CHILD PROTECTION AND FAMILY
SUPPORT
AND
THE DEPARTMENT OF HOUSING**

DECEMBER 2013

1. BACKGROUND

The State Government is committed to protecting and caring for Western Australia's most vulnerable children, young people and their families. Responding to child abuse and neglect is a whole of government responsibility which requires significant contribution by agencies, communities, families and individuals.

The Department for Child Protection and Family Support (CPFS) is the Western Australian government agency with legislative responsibility for the protection of, and care for, vulnerable children, young people and their families. CPFS recognises that other agencies, including the Department for Housing (Housing), provide an important role in supporting CPFS to ensure the safety and wellbeing of vulnerable children, young people and their families in Western Australia. Homelessness and the risk of homelessness are key contributors to family crisis and have the potential to impact on the safety and wellbeing of a child or young person.

Through both the joint Commonwealth and State National Affordable Housing Agreement (NAHA) and the National Partnership Agreement on Homelessness (NPAH), specialist homelessness services provide early intervention and prevention programs, advocacy and support services and a range of accommodation services.

A Strategic Bilateral Memorandum of Understanding (MOU) was signed off between both agencies in June 2010 and provides the broad principles and key areas of collaboration. This Bilateral Schedule (Schedule) provides additional detail as to how the agencies will collaborate at a local level.

2. PURPOSE

The key purpose of this Schedule is to support liaison, communication and consultation between child protection and housing services to best support vulnerable children, young people and their families. The outcomes of this Schedule include:

- improved pathways for people to be referred between the agencies;
- clarifying the roles and responsibilities of both agencies to prevent and reduce homelessness; and
- improved information sharing and strengthened relationships between both agencies at a local level

3. ROLE OF EACH AGENCY

The Department for Child Protection and Family Support:

This Schedule outlines CPFS's responsibilities in promoting the safety and wellbeing of children, young people and their families experiencing, or at risk of, homelessness. While CPFS is not a social housing provider, it may provide targeted support to address homelessness through:

Direct Service Provision

- assessing the safety and wellbeing of children who are homeless, or at risk of homelessness, and responding accordingly, including referral or offering support services;
- responses to children, young people, individuals and family members experiencing, or at risk of, family and domestic violence;

- ensuring children leaving the CEO's care are provided support to obtain accommodation, as identified in their care plan; and
- maintaining the bed count of vacancies in specialist homelessness services.

Other Services

- funding, policy direction and referral to the specialist homelessness services system;
- leading the implementation of the *National Partnership Agreement on Homeless (NPAH)* in Western Australia;
- leading coordination and funding of the *National Affordable Housing Agreement (NAHA)*;
- working collaboratively with specialist homelessness services to promote better outcomes for referred and shared clients; and
- coordinating and working collaboratively with government and community services to address the complex needs of families referred to the *Strong Families Program*.

The Department of Housing:

Housing is responsible for providing housing and accommodation to Western Australians in need by:

- addressing homelessness through provision of affordable and social housing;
- increasing the availability and improving the quality of social housing;
- addressing housing affordability;
- providing Aboriginal housing and infrastructure;
- land development and affordable land supply;
- redeveloping and refurbishing public housing estates;
- encouraging and enabling home ownership through low deposit, affordable home ownership schemes;
- tenant support via the Support and Tenant Education Program (STEP);
- partnerships with community housing providers;
- policy development and reform; and
- providing telephone assistance by operating the Homeless Advisory Service.

Support and Tenant Education Program (STEP)

STEP is a free intervention program funded by the Department of Housing to assist tenants who require support to sustain their tenancy. The service is provided by non-government agencies and the aims of the program are:

- to provide tenants who are at risk of losing their tenancy with appropriate support to maintain their public housing tenancy;
- to assist families and individuals to develop links to community resources and other services;
- to assist families and individuals to increase their knowledge and skills to maintain stable accommodation; and
- to ensure tenants meet their overall obligation and responsibilities in accordance with their tenancy agreement;

Public Tenancy Support Services (PTSS) are funded by CPFS under the National Partnership Agreement on Homelessness.

4. PRACTICE PRINCIPLES

Best interests of the child

CPFS and Housing have a role in protecting children from abuse and neglect and promoting and safeguarding their wellbeing. The best interests of the child are the paramount consideration when responding to concerns about the safety and wellbeing of a child.

Working collaboratively

Collaboration between CPFS and Housing is achieved through a coordinated approach to working which includes joint participation, exchange of information between agencies, local leadership, workforce development and joint planning.

Local consultation

Each agency agrees to use the principle of consultation to respond early to suspected concerns about the safety and wellbeing of a child and to draw on the expertise and knowledge of each department.

Open and transparent practice

The *Signs of Safety Child Protection Practice Framework* is CPFS's evidence based practice led child protection framework. It aims to develop cooperative inter-agency relationships and deliver better outcomes for children.

5. INFORMATION SHARING

Information might be shared between the two departments when there are concerns for a child's safety and wellbeing, and to present an opportunity for CPFS to provide referral or services in response to a threatened eviction.

The *Children and Community Services Act 2004* (the Act) is the legislative basis for child protection responses in Western Australia. Section 23 of the Act provides for the exchange of relevant information relating to the wellbeing of a child or group of children between CPFS and a corresponding authority, service provider or an interested person.

Section 23 of the Act allows the Chief Executive Officer of CPFS to request and disclose relevant information which relates to the wellbeing of a class or group of children. Section 23(3) allows for the CEO or an authorised officer to request Housing, as a public authority who holds relevant information, to disclose the information to the CEO or an authorised officer of CPFS, as the case requires. In line with the Act, CPFS considers children and young people in threatened evictions as a group of children at risk, and this forms relevant information held by Housing to be shared with CPFS.

Under section 31 of the Act, the CEO may make inquiries that are reasonably necessary for the purpose of determining whether action should be taken to safeguard or promote the child's wellbeing.

Informed Consent

Where possible, informed consent prior to sharing the individual's information should be obtained, unless there are good reasons not to such as:

- it is not in the best interests of the child, such as where the child may be placed at further risk of harm;
- a timely referral to CPFS is required as there is a significant concern for a child's wellbeing;
- reasonable efforts to obtain consent have failed; or
- the child poses a risk to themselves or is a risk to others.

Protection when sharing information with CPFS

Housing employees are protected under section 23 and 129 of the Act when sharing information or making a report or notification. Employees do not incur any civil or criminal liability providing the information is provided in good faith. The disclosure is not regarded as a breach of professional ethics, standards or any principles of conduct applicable to the person's employment or as unprofessional conduct.

Signs of Safety Child Protection framework

Information provided to CPFS is assessed on a case by case basis using the *Signs of Safety* Framework. Generally, homelessness alone will not require a safety and wellbeing assessment unless the children are considered to be at risk.

6. OPERATIONAL PROTOCOLS

6.1 Supporting vulnerable tenancies where children reside

General vulnerable tenancies and Disruptive Behaviour Management Strategy

The Department of Housing's Disruptive Behaviour Management Strategy (DBMS) provides a public housing tenancy management strategy targeted toward dangerous, serious and disruptive behaviour. The DBMS implements early intervention and provision of support(s) to address the causes of tenancy dysfunction, and stronger sanctions to hold seriously disruptive tenants accountable for their behaviour.

Housing will generally support vulnerable tenancies in social housing where children reside by:

- ensuring that public housing tenants are provided with the opportunity to address behaviours that are impacting on the community;
- making referrals to supporting agencies such as Hardship Utilities Grant Scheme, STEP, and voluntary Income Management, at the earliest possible stage where there are concerns or risks to the tenancy; and
- providing information to families and making referrals and participating in Parent Support and Strong Families programs to assist families access skills and resources to retain their tenancy; and
- in the case of a family with children who have received a strike under the DBMS, the Housing worker will share information, on the agreed form and including any additional information about rental arrears, with the local CPFS duty officer at the earliest stage possible. This will occur after each and every strike (first, second and third) as well as at the commencement of eviction procedures

NOTE: Information is provided by Housing to enable CPFS to assess the need for assistance to avert the crisis of homelessness. CPFS will not be able to take responsibility for the accommodation needs of families and children facing eviction.

In the case of a family with children facing an eviction under the DBMS or for other reasons, CPFS will assess the information provided with a view to:

- ascertain whether CPFS has an ongoing role in relation to the child's safety, wellbeing and/or protection; and if so
- provide time-limited targeted support to address homelessness, through:
 - support or referral to specialist homelessness services; and/or
 - advice regarding other family and or housing support services.

Where assessed as appropriate, CPFS and Housing will work in partnership to provide tenancy support in cases of vulnerable families with children at risk of eviction under DBMS or for other reasons. This may be in the form of referrals to family support programs such as Parent Support, Strong Families or Best Beginnings, or referrals to accommodation and homelessness services.

For those families not facing immediate eviction CPFS expects that Housing will, where possible, continue to case manage the client and contribute towards improving the circumstances that threaten the tenancy.

CPFS will refer to Housing in circumstances where:

- a family or individual is assessed as homeless and require long term accommodation; or
- concerns exist about visitors and/or the number of visitors to the property.

The collaborative response to families with children facing eviction under DBMS should be underpinned by local meetings between corresponding Housing and CPFS district offices to address any issues that arise.

Eviction

Housing will provide information to tenants evicted from social housing where children reside by providing information on the Homeless Advisory Service and other accommodation services.

Homeless families with children do not by definition require child protection services, unless this has been assessed as impacting on the wellbeing of the child or children. Where this has been identified, CPFS may provide a range of targeted support services to eligible homeless families. This may include referral to specialist homeless services, advice or support.

Where homeless families with children present requesting assistance to access overnight accommodation CPFS will respond:

- during office hours (Monday-Friday 8:30am-4:00pm), by CPFS district duty officer assessing whether the children are at significant risk of harm, and if so, offer services accordingly;
- after office hours, a CPFS Crisis Care officer assessing whether the children are at significant risk of harm, and if so, offer services accordingly;
- by a referral to a homelessness accommodation and support service made as a first option; and
- where family and or domestic violence is assessed as of concern, through assistance to obtain safety and protection, in the form of referrals to support services, refuges, or in cases of child protection concerns, ongoing CPFS involvement.

6.2 Working together around safety and wellbeing

Housing will respond to safety and wellbeing concerns of vulnerable children and young people by providing information to CPFS either verbally or in writing at the earliest possible stage, including:

- concerns about physical abuse or unexplained injury to a child;
- a disclosure of sexual abuse by a child;

- concerns about emotional abuse impacting on wellbeing of a child;
- neglect or lack of appropriate supervision;
- where a child's behaviours may place them at risk of significant harm and the parent/s are unwilling or unable to support or protect the child; and
- where a child appears to have been abandoned and the child has no appropriate caregiver.

Where there is uncertainty around reporting child protection concerns, Housing workers can contact a CPFS duty officer and discuss the situation.

NOTE: Housing workers are not responsible for conducting assessments or investigations of abuse or neglect. This agreement places no additional liability on Housing workers with regard to the identification of child abuse or neglect.

In accordance with these principles CPFS and Housing workers will undertake the following process when requesting or exchanging information about the safety and wellbeing of a child:

- the Housing worker can provide the information to CPFS either verbally or in writing, however in some circumstances, in accordance with the Act, Housing will be asked to provide the information in writing;
- wherever possible and appropriate, CPFS will provide feedback on planned action to a Housing worker who has provided information; and
- where a Housing worker seeks information or would like to discuss a specific family or child, and the case is open, the Housing worker will be referred to the appropriate CPFS case worker. If the case is closed then the Housing worker will be referred to the CPFS duty officer.

CPFS will refer to Housing in the following circumstances:

- requests for priority housing or priority transfers as a result of family and domestic violence;
- where changes in living arrangements, for example family size, require a suitable change in housing;
- sharing of information regarding Safety Plans for open cases which may impact on a tenancy, for example temporary changes to people living in the tenancy; and
- concerns about the safety and wellbeing of children and young people as a result of housing conditions.

6.3 Providing Feedback

Housing and CPFS will exchange relevant information in compliance with section 23 of the Act which may include:

- the outcome of a referral;
- informing of a mutual client's significant events, including discharge from or termination of service;
- liaison regarding the development and review of case plan.

If CPFS receives a notification from Housing a strike has been issued under the DBMS and that family is an open case to CPFS, or CPFS takes action in response to the strike notification, then CPFS must provide this information to Housing as feedback

6.4 Rapid Response

Rapid Response is a Cabinet endorsed across-government framework to address the specific and complex health, housing, psychological, educational and employment needs of children and young people in the care of the CEO.

An important element of the framework is to ensure young people do not exit care into homelessness. Planning for leaving care begins when the young person reaches 15 years of age. To ensure priority access to services, Housing and CPFS will work together to:

- place young people aged 15 years and above in the care of the CEO on the priority housing waitlist to ensure that the young person can access social housing as a last resort when they turn 18 years of age;
- participate in leaving care planning processes and annual reviews to determine appropriate accommodation needs and comprehensive support plans for a young person; and
- Facilitate planning in accordance with the young person's needs and capacity. Where more appropriate options become available, the young person will be taken off the priority housing waitlist and supported in other accommodation.

7. TERMINATION AND REVIEW

The CPFS and Housing will review this Schedule 12 months from the date of signing, unless requested earlier in writing by either agency. This agreement will continue to be effective until both parties endorse a revised Schedule. Agencies will be consulted and agreement sought for any variations.

8. DISPUTE RESOLUTION

As the purpose of this Schedule is to establish cooperative working arrangements, any issues which arise will be negotiated and where possible, resolved at a local level. If this is unsuccessful, a brief will be prepared for the relevant service delivery Executive Director CPFS and relevant Housing service delivery Executive Director to resolve the matter.

9. SUPPORTING DOCUMENTS AND POLICIES

This document is to be read in conjunction with the following documents:

- *Children and Community Services Act 2004*
- *Residential Tenancies Act 1987*
- Strategic Bilateral Memorandum of Understanding between the Department for Child Protection and Department of Housing 2010

Department of Housing

- Social Housing Taskforce Final Report (2009)
- Housing 2020: Future Directions for Affordable Housing (2009)
- Disruptive Behaviour Management Strategy (2009)
- Rental Policy Manual – Disruptive Behaviour Management Policy

Department for Child Protection (accessed via the Casework Practice Manual)

- Signs of Safety Child Protection Practice Framework
- Aboriginal Services Framework
- Rapid Response Framework

- Care Planning Policy
- Homeless Assistance Policy
- Family and Domestic Violence Policy

Key National Policies and Agreements

- Council of Australian Governments: National Affordable Housing Agreement
- National Partnership Agreement on Homelessness

10. COSTS

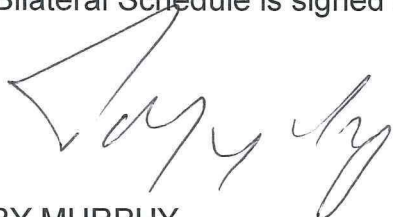
The parties agree to bear their own costs (if any) arising out of this Schedule.

11. STATUS OF SCHEDULE

The Department of Housing and the Department for Child Protection and Family Support agree it is not intended to, and does not create any legally binding obligations between the parties.

12. SIGNATURE OF RESPECTIVE CEO's


This Bilateral Schedule is signed by



TERRY MURPHY
DIRECTOR GENERAL

DEPARTMENT FOR CHILD
PROTECTION AND FAMILY
SUPPORT

DATE: 20/11/13



GRAHAME SEARLE
DIRECTOR GENERAL

DEPARTMENT OF HOUSING

DATE: 18/12/2013