

## Commission comments (April 2022) on Government response (November 2021) to *Out of sight: Systemic inquiry into children and young people who are absent or missing from residential care*

### Summary

*Out of sight* (report tabled in June 2021) made 18 recommendations relating to 34 related government action areas. Of the 34 action areas, the government has accepted 15 in full and 19 in principle. The Commission has made the following assessments of the action areas:

- 11 actions (green) – demonstrate acceptance of the recommendation, and requesting update on progress
- 13 actions (orange) – require further information to assess the department’s acceptance/acceptance in principle
- 2 actions (grey): recommend a reclassification of position
- 8 actions (red) don’t demonstrate acceptance

### Discussion

- To seek input on the department’s proposed response to recommendations directed at the Victorian government involving Victoria Police in some capacity (14 recommendations)
  - **Recommendation 1:** Lead cultural change
  - **Recommendation 4:** Develop and implement an integrated trauma-informed approach for frontline workers
  - **Recommendation 5:** Commit to and maintain a joint, targeted, state-wide response to child sexual exploitation
  - **Recommendation 6:** Commit to and maintain a joint, targeted, state-wide response to child criminal exploitation
  - **Recommendation 8.1:** Ensure consistent, concise, and current information collection and sharing
  - **Recommendation 8.2:** Implement an information sharing checklist
  - **Recommendation 9:** Develop a risk-based assessment framework when CYP absent or missing from care
  - **Recommendation 11.1:** Integrate risk-based response planning for police intervention into a relationship-based strategy
  - **Recommendation 11.2:** Ensure availability of alternative options to police intervention, including rover services
  - **Recommendation 11.3:** Incorporate access to alternative options into the action plan to reduce criminalisation of yp in residential care
  - **Recommendation 12:** Replace the term 'warrant'
  - **Recommendation 13:** Streamline processes, and clarify definitions and roles concerning missing person reports and warrants
  - **Recommendation 14.1:** Review the impact and effectiveness of media alerts
  - **Recommendation 14.2:** Use positive photos and disable or moderate social media commentary
- Note the CCYP will be publishing the response in its annual report (along with updates on a number of other CCYP reports).

#	Part	Recommendation	Government response	Original Government or department actions	Commission response	(DRAFT) Dept's response (Accept, AIP, accept in part, not accept)	(DRAFT) Department's actions (update or revised actions).
1		<p><b>Recommendation 1: Lead cultural change</b></p> <p>That the department lead cultural change to challenge the continuing perception among some stakeholders, including departmental staff, residential care staff and police, that children and young people who are absent or missing from residential care are less at risk or less deserving of a timely, care-based response than other children and young people, by:</p> <ul style="list-style-type: none"> <li>removing all references to the term 'absconding' in all relevant policies, procedures, guidelines and training modules</li> <li>including further guidance in policy, procedures and training on:</li> </ul> <p>the reasons why children and young people leave residential care:</p>	Accept	<p>Work is already underway to update relevant care services and child protection policy and procedures as part of the Department of Families, Fairness and Housing's (the department) commitment to previous recommendations made by the Commission for Children and Young People (the Commission).</p> <p>Updates will ensure the term 'absconding' is no longer used and promote an understanding of why children and young people leave residential care the risks they face, and the harm they may suffer, where relevant.</p> <p>In July 2020, the department updated the Child Protection Manual and Beginning Practice resources regarding Missing Children and Young People to ensure the use of appropriate</p>	<p>The Commission agrees that these actions respond to, and demonstrate acceptance of, the recommendation.</p> <p>The Commission requests an update on progress since June 2021 in respect of:</p> <ul style="list-style-type: none"> <li>Removing references to 'absconding' from remaining policies, guidelines, etc.</li> <li>Updating the Program Requirements for Residential Care as relevant to this recommendation</li> <li>Implementation of the Framework to reduce criminalisation for young people in residential care.</li> </ul>	No change	<p><b>Govt or department action – minor update (yellow)</b></p> <p><b>Update as of 30 May 2022</b></p> <p>The draft 18-month action plan to support implementation of the <i>Framework to reduce criminalisation of young people in residential care</i> has been updated. Finalisation of the action plan has been delayed due to a redirection of department resources to support responding to the COVID-19 pandemic. The work has recently recommenced with a meeting of the working group planned for June 2022.</p> <p>Work to review and update relevant Care Services policy and practice guidance was paused due to a redirection of resources to respond to the COVID-19 pandemic. This work will recommence in the second half of 2022.</p> <p>A review of relevant training for residential care staff through the Residential Care Learning and Development Strategy (RCLDS) was</p>

		<ul style="list-style-type: none"> <li>- the risks they face and the harm they may suffer</li> <li>- the language used to describe this behaviour</li> <li>- supporting improved understanding across other agencies, including Victoria Police, of the reasons children and young people leave care, the risks they face and the harm they may suffer.</li> </ul>	<p>language.</p> <p>An update of the Program Requirements for Residential Care is scheduled for completion in 2022.</p> <p>In addition, the department will work closely with the Centre for Excellence in Child and Family Welfare, to ensure the training provided through the Residential Care Learning and Development Strategy Program does not use the term 'absconding' and promote an understanding of why children and young people leave residential care, the risks they face, and the harm they may suffer.</p> <p>In February 2020, the department released the Framework to reduce criminalisation for young people in residential care. The department will further progress this recommendation through the State-wide Governance Group that supports developing an action plan</p>			<p>agreed at a working group meeting in May 2022. This work will ensure removal of the term absconding from training offered through RCLDS and update training to provide guidance on the reasons children and young people leave residential care, the harm they may suffer and the use of appropriate language.</p>
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				<p>to embed the Framework into practice. This includes promoting consistency in language by removing references to the term 'absconding' and an understanding of the reasons children and young people leave residential care and the risks they face and the harm they may suffer. The governance group includes senior representatives from the Department of Families, Fairness and Housing, the Department of Justice and Community Safety, Victoria Police, the Centre for Excellence in Child and Family Welfare and Victorian Aboriginal Child Care Agency.</p>			
4	<p><b>Recommendation 4: Develop and implement an integrated trauma-informed approach</b></p> <p>that the Victorian Government ensure and support all agencies, including Victoria Police, to develop and implement trauma informed training, tools and guidance</p>	Accept-in-principle	<p>Work is occurring to develop a Framework for Trauma Informed Practice for the child and family services sector and is due to be completed by the end of 2021.</p> <p>Implementation of the Framework will align with other reforms such as</p>	<p>The Commission seeks further information. Will the action plan include compulsory training, and will this be supported by ongoing professional development?</p> <p>The Framework to reduce criminalisation for young people in residential care</p>	No change	<p><b>Govt or department actions – updated</b></p> <p>Work is occurring to develop a <i>Framework for Trauma Informed Practice</i> for the child and family services sector and is due to be completed by mid-2022 with guidance to support its use by the sector.</p>	

		<p>for frontline workers who are likely to interact with children and young people when they are absent or missing from residential care. The Community Around the Child initiative provides a good model for the development of training, tools and guidance. All services, including Victoria Police, should implement trauma-informed training as a compulsory core module for all frontline staff, supported by ongoing professional development</p>		<p>MARAM and SAFER and be delivered through modalities such as training, tools and guidance.</p> <p>The promotion of trauma-informed practice, including development of relevant training, tools and resources, will be progressed through work underway to develop a cross-agency action plan to embed implementation of the <i>Framework to reduce criminalisation for young people in residential care</i>. A State-wide Governance Group, chaired by the department, provides oversight of this work, and includes the Department of Families, Fairness and Housing, the Department of Justice and Community Safety, Victoria Police, the Centre for Excellence in Child and Family Welfare and Victorian Aboriginal Child Care Agency.</p>	<p>focusses on limiting the need to call police in relation to incidents that occur in residential care. The recommendation includes interactions with children and young people when they are absent or missing. The Commission is keen to understand what will be done to support a different approach from agencies outside residential settings.</p>		<p>Although the primary focus is on the child and family services workforce, the TIP Framework will be made publicly available and can be applied more broadly across government agencies.</p> <p>Support to develop and implement trauma informed training and resources across agencies, including Victoria Police, will be progressed through a cross-agency action plan for implementation of the <i>Framework to reduce criminalisation for young people in residential care</i>. This includes new training, to align with the TIP Framework, to support workers across agencies to provide trauma informed responses in their engagements with vulnerable young people, including those who may be absent or missing from care.</p> <p>Implementation of training as a compulsory module for frontline workers will be considered by each agency and will require additional investment.</p> <p>Training in trauma informed care is mandatory for residential care workers through the minimum qualification requirements and for</p>
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							Child Protection workers through Beginning Practice training. Beginning Practice training also includes a training module for responding to children and young people who are missing from care.
5		<p><b>Recommendation 5: Commit to and maintain a joint, targeted, statewide response to child sexual exploitation</b></p> <p>That the Victorian Government fund, reinstate and expand the Child Sexual Exploitation Enhanced Response Model across the state, including the provision of additional resources if needed. The expansion should be supported by clear leadership and governance mechanisms.</p>	Accept	<p>The Victoria Police and the department's Vulnerable Children Committee (VCC) commenced in 2019. The subcommittee forms part of a broader bi-lateral governance structure between the department and Victoria Police to promote the safety of vulnerable children and young people in care and/or who are known to child protection, which is identified as a common function of both the department and Victoria Police. Areas of mutual interest in scope include but is not limited to:</p> <p>Child sexual exploitation: joint enhanced approaches to responding to children at risk of sexual exploitation</p> <p>Missing from care (including warrants):</p>	<p>The Commission considers that these actions do not demonstrate acceptance of this recommendation.</p> <p>The VCS alone, even if operating optimally, does not translate to operational, on the ground collaboration, coordination and a shared approach between Child Protection, residential care workers and Victoria Police to better identify and disrupt sexual exploitation.</p> <p>The DICE project, while welcome, is a long-term research project led by Melbourne University and cannot be said to obviate the need for government and Victoria Police to meaningfully and urgently tackle sexual exploitation of children in care.</p>	Change to Accept in part	<p><b>Government action (updated)</b></p> <p>The department continues to support ERM practices in twelve SOCIT locations, including the 5 pilot locations. Activities key to the model include:</p> <ul style="list-style-type: none"> <li>• Increased contact and governance between Victoria Police and DFFH child protection</li> <li>• changes to Victoria Police investigation management processes</li> <li>• improvements in information sharing between DFFH and Victoria Police</li> <li>• disruption of CSE offenders and;</li> <li>• improved DFFH practices for early identification and response for children at risk of Child Sexual Exploitation, including responses to children who go missing.</li> </ul> <p>Although resourcing pressures have impacted on elements of the approach across locations,</p>

				<p>recommendations from the Improving responses when children and young people in out of home care go missing review (the Missing Review) that require input from Victoria Police</p> <p>The department's notification processes: Notification processes between the department and Victoria Police.</p> <p>Children in contact with violent or registered sex offenders: joint responses to children in contact with registered sex offenders.</p> <p>Reducing the criminalisation of children in care, particularly those in residential care and Aboriginal children: communication and implementation of trauma informed responses.</p> <p>Intelligence approach: data analytics, identification of thresholds and interventions to strengthen joint responses to events that impact children who are missing and at risk of</p>		<p>information sharing, disruption of offenders and improved responses for children at risk of CSE has remained a priority.</p> <p>Eleven Sexual Exploitation Practice Leader (SEPLs) are employed in DFFH operational divisions. SEPLs support implementing and maintaining collaborative and multidisciplinary responses to CSE, and all ERM and non-ERM practice functions for CSE identification and response. This includes:</p> <ul style="list-style-type: none"> <li>• practitioner consultation and support</li> <li>• facilitation of multiagency information sharing and engagement</li> <li>• oversight of collaborative disruption activities, and;</li> <li>• stakeholder engagement and maintenance, particularly with Victoria Police.</li> </ul> <p>The refreshed VCC will work to maintain and further promote the joint collaboration to address CSE, including the active coordination of responses and regular information sharing between agencies.</p> <p>In addition, a three-year University of Melbourne-led action research project Disrupting Child Sexual</p>
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				<p>sexual exploitation.</p> <p>to young people at risk of sexual exploitation. An action set by the committee to address this key deliverable is to develop 'shell' terms of reference to support the development of collaborative local practice with area-based child protection and Victoria Police Sexual Offences and Child Abuse Investigation Team</p> <p>(SOCIT)'s when identifying and responding to Child Sexual Exploitation, which align with the key principles that underpinned the Enhanced Response Model.</p> <p>Another action is governance and oversight arrangements for the 'Disrupting Child Sexual Exploitation (DICE) project' research initiative developed by the University of Melbourne. The proposed initiative is an action research project that works with key stakeholders including</p>		<p>Exploitation (DICE) commenced in December 2021 and will involve, for Victoria, a co-designed and piloted approach to CSE disruption in Bayside Peninsula and Southern Melbourne Areas. DICE will also involve stakeholders in NSW and QLD.</p> <p>The Department regularly monitors the number of children at risk of CSE and actions undertaken and has committed to further monitoring and reporting (through rec 17) to ensure efforts are working to protect children and assist in keeping them safe.</p>
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				Victoria Police, who are involved in preventing and intervening in child sexual exploitation matters, to improve communication and disruption efforts. DFFH are currently waiting on the outcome of an Australian Research Council grant submission made by the University of Melbourne to commence work on the project.			
6	<p><b>Recommendation 6: Commit to and maintain a joint, targeted, state-wide response to child criminal exploitation</b></p> <p>That the department and key stakeholders including Victoria Police work to improve understanding of child criminal exploitation and develop a specialist response across the state, like the Child Sexual Exploitation Enhanced Response Model. The specialist response should include awareness raising through new guidelines, policies and training, combined with intensive interventions and support for children and young people in</p>	Accept	<p>The Vulnerable Children Committee (VCC) mutual interest is 'Reducing the criminalisation of children in care, particularly those in residential care and Aboriginal children: communication and implementation of trauma informed responses. The key deliverable under this work package for the VC is to provide oversight of a coordinated and trauma informed response, actioned by implementing an agreed plan developed and endorsed by the department, Youth Justice, Victoria Police and Community service providers.</p>	<p>The Commission considers that these actions do not demonstrate acceptance of this recommendation. See above.</p>	Change to Accept in Part	<p><b>Govt or department action (updated).</b></p> <p>The department agrees with the need to improve understanding of child criminal exploitation with key stakeholders and commits to a review of current practice and responses, including data and oversight mechanisms, to progress this recommendation.</p> <p>This work will inform the need for, and elements required, of a specialist response across the state. Implementation of a specialist response would be subject to budget and resources.</p> <p>This work would have oversight through the refreshed VCC.</p>	

		residential care who are at risk of child criminal exploitation. The model should be supported by clear leadership and governance mechanisms, and additional resources if needed.				
8	1	<p><b>Recommendation 8.1: Ensure consistent, concise and current information collection and sharing</b></p> <p>That the department ensure that consistent, concise and current information is collected about individual children and young people at risk of going absent or missing from residential care. The collection systems should ensure that key information about the child or young person:</p> <ul style="list-style-type: none"> <li>• is easily identifiable and accessible by child protection and residential care staff</li> <li>• is up-to-date and accurate</li> <li>• can be shared swiftly with other agencies, such as Victoria Police, when required.</li> </ul>	Accept in principle	<p>The department agrees that consistent, concise and current information collection and sharing about children and young people at risk of going absent or missing is needed. Implementation requires investment for client case recording system enhancements to fully acquit.</p>	<p>The Commission recommends this be reclassified as ‘Accept: subject to resourcing’ with an indication of when the department might seek the investment.</p>	<p>Change: Accept in part</p> <p><b>Department update of actions</b></p> <p>The department agrees that consistent, concise and current information collection and sharing about children and young people at risk of going absent or missing is needed.</p> <p>The review of CIMS, a staged process of continuous improvement over the next few years, commenced in March 2022.</p> <p>The CIMS review will improve understanding of how key information relevant to children and young people who are absent or missing from care, and the risks of harm to them, are captured across reporting systems and enable the development of system enhancements to address these gaps. System enhancements would be subject to resourcing and budget.</p> <p>Pending this work, actions that have been taken to strengthen</p>

						<p>information collected about children and young people at risk or are absent or missing from care include:</p> <ul style="list-style-type: none"><li>• Making CIMS incident reports available against a child's record in CRIS (since July 2021), so information is easily accessible for child protection and sharing with relevant agency staff and Victoria Police.</li><li>• Improved data collection and reporting methods such as the Sexual Exploitation Network system, and the Client Risk and Vulnerability Indicator Tool have become available, as outlined in Recommendation 17.</li><li>• The Repeat Missing Profile – Risk and Behavior Analysis Tool which informs the concerns, risks, actions and responses for a child while missing.</li></ul> <p>Work through the joint collaboration for information sharing with Victoria Police will also consider the types of information needed, and how best to share information, in a timely manner to keep children safe. This work has oversight through the refreshed</p>
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							VCC.
8	2	<p><b>Recommendation 8.2: Implement an information sharing checklist</b></p> <p>That the department develop a missing child checklist to ensure swift and comprehensive sharing of key information with other agencies if a child or young person is absent or missing from residential care. The checklist should include additional information similar to that contained in the Community Around the Child initiative's 'profile on a page' for each child or young person at risk of going absent or missing from residential care to support police and other key agencies to respond in a trauma-informed way. This information should align with the child or young person's behaviour support plan. The checklist should be pre-populated, reviewed and shared regularly. The department should ensure there are checks in place to guarantee that these checklists are completed,</p>	Accept in principle	8.2: The Behaviour Support Plan guidance and practice advice will be reviewed to ensure it includes guidance on responding in a trauma informed way and capability to record information about an individual young person's risk of going absent or missing from residential care.	<p>The Commission considers that these actions do not demonstrated Acceptance in principle.</p> <p>The report makes the point that the Behaviour Support Plan is not being used or filled in. The Commission has identified in previous inquiries that planning tools are used poorly.</p> <p>The checklist, based on the Community Around the Child initiative's 'profile on a page' serves a different purpose to the Behaviour Support Plan.</p>	No change	<p><b>Govt or dept action (updated)</b></p> <p>The department agrees with the need to support swift and comprehensive information sharing with other agencies in circumstances a child is absent or missing from care to support a trauma informed response.</p> <p>The refreshed VCC will oversee a project to review current resources relating to young people who go missing, having regard to the Community around the child's initiative's 'profile on a page' to address the intent of this recommendation. Information shared would need to align with a young person's behaviour support plan, case and care planning.</p> <p>Embedding of information sharing into current systems to enable sustainable, readily accessible information sharing will be longer term, informed by actions to acquit recommendation 8.1, including work to identify system enhancements and through the collaboration for information sharing with Victoria Police.</p>

		easily accessible and up to date.					
9		<p><b>Recommendation 9: Develop a risk-based assessment framework to guide the response when a child or young person is absent or missing from residential care</b></p> <p>That the department work with residential care service providers and Victoria Police to develop a common risk-based assessment framework to guide agencies' response when a child or young person is absent or missing from residential care. This framework should incorporate an assessment of a child or young person's vulnerability informed by known or suspected risk factors such as exposure to sexual or criminal exploitation, substance use, disability, medical conditions and age. The risk assessment framework should inform response planning in the event the child or young person goes absent or missing. Planning should clearly articulate when to escalate the response by seeking police intervention</p>	Accept in principle	<p>In November 2021, SAFER Children Framework will be implemented as the overarching risk assessment framework for Child Protection. Agencies continue to use the Best Interests Case Practice Model in addition to their own practice approaches, to guide how they work with children.</p> <p>Development of an additional risk-based assessment framework would need to align with the existing frameworks, requiring additional resourcing, such as funding for enhancements to information technology systems shared across agencies.</p> <p>A fact sheet and online presentation have been developed to guide and support child protection practitioners when children and young people are missing from care including a focus on proactive preventative actions. In the meantime,</p>	<p>The Commission considers that these actions do not demonstrate Acceptance in principle.</p> <p>The actions described will not service to enhance risk assessment and response across all agencies involved and will not assist in reducing police involvement or the escalation of investigation where needed.</p>	Change: Accept in part	<p>There is a current review of the Victoria Police and Department of Families, Fairness and Housing Protocol, including the response to children and young people who are missing. The protocol outlines roles and responsibilities for all parties including Victoria Police, Child Protection, ACAC providers and Community Service Organisations in response to missing children and young people. The protocol encompasses the processes for Missing Person Reports and warrants, including the execution of warrants.</p> <p>The SAFER children risk assessment framework was implemented across Child Protection in November 2021. The SAFER children framework guides child protection practitioners to take action and make decisions informed by an assessment of the child or young person's vulnerability informed by evidence-based risk factors such as exposure to sexual or criminal exploitation, substance use, disability, health and age. SAFER supports action-based case planning, and therefore response planning, in the event the child or young person is absent or missing.</p>

		<p>and which tools to employ, such as a missing person report or warrant. If a missing person report is made, escalation of the investigation to specialist police units such as the Criminal Investigation Unit or SOCITs should be based on an assessment of risk, rather than a standard period of time from the date of the report.</p> <p>The terms 'missing' or 'absent' should not determine the level of risk and corresponding response required. Risk assessment guidelines should clarify that, even if child protection or residential care staff suspect they know where a child or young person is likely to be, this does not mean that the child or young person is at less risk. If a child or young person's location is known (not merely suspected), alternatives to a missing person report should be considered, such as attendance of a rover or other outreach service.</p>		<p>two relevant practice resources are available on the Child protection manual for child protection practitioners and community service organisations.</p> <p>The sexual exploitation practice guide for child protection includes information and advice to assess and respond to children at risk of sexual exploitation or who are being sexually exploited.</p> <p>The Missing from Care literature review provides information about risk profiles for young people and can help build practitioners knowledge of responding to children who leave care.</p>			<p>The SAFER risk assessment framework has been implemented across Child Protection in accordance with the implementation strategy.</p> <p>The Practice guidance and procedures for Missing Children contained within the Child Protection manual will be revised to ensure alignment and integration with the SAFER risk assessment framework.</p> <p>The SAFER children risk assessment framework is supported by additional tools to support and guide Child Protection Practitioners in their responses to missing children and young people. These include the Sexual Exploitation Information Template, and the Repeat Missing Profile – Risk and Behaviour Analysis Tool. The Sexual Exploitation Information Template is a mechanism to share information internally with Practice Leaders and Child Protection Area Managers, and once the template has been endorsed, it is shared externally with Victoria Police.</p> <p>The Repeat Missing Profile – Risk and Behaviour Analysis Tool records actions informing the concerns and risks for a child while missing,</p>
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							analysis of previous missing episodes, areas where they have previously been located or are known to frequent, identification of people who may be able to assist in locating they child or young person, planning for the location and return of the young person, including an after-hours response plan, and steps to re-engage the young person once they return.
11	1	<p><b>Recommendation 11.1: Integrate risk-based response planning for police intervention into a relationship-based strategy</b></p> <p>That the department ensure risk-based response planning for the use of missing person reports and warrants is integrated into a broader relationship-based strategy founded on care and concern to support children and young people to remain in their residential care placement and to safeguard them when they are absent or missing from care.</p>	Accept in principle	Development of an action plan to support implementation of the Framework to reduce criminalisation for young people in residential care is underway. This work has a focus on the need for a relationship-based approach to better support young people in care and to guide trauma-informed responses to behaviours of concern, including young people who go missing from care.	<p>The Commission requires further information about the proposed action plan to determine whether it reflects Acceptance in principle of this recommendation.</p> <p>The Commission requests an update on action taken in relation to Recommendation 11.1 since June 2021.</p>	No change	<p><b>Govt or department action – updated</b></p> <p>Development of an action plan to support implementation of the <i>Framework to reduce criminalisation for young people in residential care</i> is underway. This work embeds a relationship-based approach to better support young people in care and to guide trauma-informed responses to behaviours of concern, including young people who go missing from care.</p> <p>The department is implementing a range of actions and reform initiatives that support a relationship-based approach to supporting young people to remain in their residential care homes and safeguard them when they are missing from care. These include investment to support greater</p>

						<p>placement capacity and flexibility through new models of residential care, strengthening the participation and voice of young people in matters and decisions that impact on them, embedding and promoting training in trauma informed responses to behaviour, strengthening behaviour support planning and improved interagency information sharing.</p> <p>Implementation of a relationship-based strategy is supported by the department's actions through recommendations 10, 13 and 15.1.</p> <p><b>Update as at 30 May 2022</b> Finalisation of the action plan to support implementation of the Framework to reduce criminalisation of young people in residential care has been delayed due to a redirection of department resources to support responding to the COVID-19 pandemic. The work has recently recommenced with a meeting of the working group planned for June 2022.</p> <p>The department continues to implement the reforming care services initiatives, with the 2022-23 budget extending trial of a Care Hub approach until 2024. These models provide greater capacity</p>
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							and flexibility in the residential care service system and improve therapeutic responses in order to better address young people's needs and support them to remain in their placement and safeguard them if they go missing.
11	2	<p><b>Recommendation 11.2: Ensure availability of alternative options to police intervention, including rover services</b></p> <p>That the Victorian Government ensure availability of properly resourced, viable alternative options to police intervention when a child or young person is absent or missing from care and is located. In particular, residential care rover services should be resourced to assist in locating, transporting and supporting children or young people who are absent or missing from care. Rover services should work collaboratively with local police to minimise police contact with children and young people in residential care.</p>	Accept in principle	<p>As part of the department's commitment to improving safety in residential care, from 2016 residential care providers delivering the standard 4-bed model of care have been required to have Overnight Safety Plans to support the safe return of children and young people to their residential care home. Actions to support the safe return of children or young people include outreach responses to locate and pick up children or young people as needed or organise transport for the safe return of young people.</p> <p>The expansion of these services and/or further alternative options to police intervention requires additional investment to fully acquit.</p>	The Commission requests further information on how many residential care placements have access to a staff rover and how many will have access when the currently funded two and three bed models are operational.	Change: Accept in Part	<p><b>Govt or department action – updated</b></p> <p>As part of the department's commitment to improved safety and supervision in residential care, from 2016 all residential care homes are required to have an Overnight Safety Plan that ensures the rapid response of additional staff overnight and identifies strategies to support the safe return of young people who are absent or missing from care, as alternative options to police intervention. Actions to support the safe return of children or young people can include outreach responses to locate and pick up children or young people, or for example, organising transport for the safe return of young people, where it is safer or more practical to do so (i.e. due to distance).</p> <p>Implementation of the 19 new two and three bed therapeutic residential care homes includes</p>

							<p>specific resourcing for a staff rover. Rover services work collaboratively with Victoria Police to support the safe return of young people.</p> <p>The expansion of rover services statewide requires additional investment.</p> <p>The department will work with care providers to undertake an audit of the number of homes that have access to a staff rover.</p>
11	3	<p><b>Recommendation 11.3: Incorporate access to alternative options into the action plan to implement the Framework to reduce criminalisation of young people in residential care</b></p> <p>That the department incorporate access to viable alternative options to police intervention and contact when children and young people are missing from residential care into the action plan for the implementation of the Framework to reduce criminalisation of young people in residential care as a priority in 2021.</p>	Accept in principle	<p>Minimising unnecessary contact with police services in response to young people's behaviours of concern is a core foundation of the <i>Framework to reduce criminalisation for young people in residential care</i>.</p> <p>Development of an action plan is underway and will include specific actions to strengthen the focus on alternatives to a police response where possible and to address the reasons contributing to young people's behaviours of concern, including young people who go missing from care.</p>	<p>The Commission seeks clarification about which parts of the recommendation are accepted in principle.</p> <p>The Commission requests an update on action taken in relation to the action plan for the <i>Framework to reduce criminalisation for young people in residential care</i> since June 2021.</p>	Accept?	<p><b>Update as at 30 May 2022</b></p> <p><b>In progress</b></p> <p>Finalisation of the action plan to implement the <i>Framework to reduce criminalisation of young people in residential care</i> has been delayed due to a redirection of department resources to support responding to the COVID-19 pandemic. The work has recently recommenced with a meeting of the working group planned for June 2022.</p> <p>The plan has been updated to include an action to improve info sharing with Vic Police in relation to trauma informed responses when young people are absent or missing and to promote the use of alternatives to police intervention,</p>

							as outlined in rec 11.2, in collaboration with residential care providers and rover services.
12		<p><b>Recommendation 12: Replace the term 'warrant'</b></p> <p>That the Victorian Government replace the term 'warrant' in section 598 of the Children, Youth and Families Act 2005 (Vic) with an alternative term that is not associated with the criminal justice process. The new term should convey that the response is care-based and not criminal. The department should work with key stakeholders, including residential care service providers and Victoria Police, to implement updated guidance and training for staff to promote the adoption of the change in terminology, including training on the reasons for the change.</p>	Accept in principle	<p>The department agrees that terminology that applies criminal language to child protection legal processes can contribute to an adversarial culture that adversely impacts engagement with children and families.</p> <p>Legislative reform to modernise the Children Youth and Families Act 2005 is currently in progress. This includes modernising language in the CYF Act as a critical shift towards a more inclusive and relational approach to child protection practice. As search warrants are court ordered and administered and provide Police with specific powers, the term holds specific meaning in law. As such, replacing the term warrant is not straightforward.</p>	The Commission agrees that the Bill to amend the <i>Children Youth and Families Act 2005</i> will, if passed, implement the first element of Recommendation 12.	No change	<p>[update to be provided]</p> <p>The <i>Children, Youth and Families Amendment (Child Protection) Bill 2021</i> (the Child Protection Bill) was introduced to Parliament on 5 October 2021.</p> <p>The Bill broadly proposes to update the <i>Children, Youth and Families Act 2005</i> to:</p> <ul style="list-style-type: none"> <li>• modernise the legislative framework and enhance early intervention, prevention and diversion</li> <li>• elevate the right of the child</li> <li>• advance Aboriginal self-determination and self-management</li> <li>• promote permanency for children by reducing adversarial court proceedings and delays, and</li> <li>• strengthen the system that protects children.</li> </ul>

						<p>Consistent with the shift to less criminalising language the Bill replaces the term 'search warrant' where it applies to a child at risk to 'search and protect order'. In doing so, the Bill will implement recommendation 12 of the Commission for Children and Young People's 2021 inquiry report '<i>Out of Sight</i>' which called for the term 'search warrant' to be replaced with a term that is not associated with the criminal justice process. It also responds to feedback from young people, who have said that the term 'warrant' can be interpreted by children who are missing as making them feel frightened and criminalised. Importantly, this change does not change the legal definition but rather aligns with the intent to find and protect a missing child where authorities are worried about them.</p> <p>A consequential amendment will also be made to the <i>Victoria Police Act 2013</i> to ensure the existing provisions relating to police duties and protection of</p>
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						<p>officers executing warrants clearly extend to the new search and protect orders, enabling Victoria Police to continue to locate children who are missing and to work with child protection to keep them safe.</p> <p>This Bill remains on the agenda in the Legislative Council.</p>
13	<p><b>Recommendation 13: Streamline processes, and clarify definitions and roles concerning missing person reports and warrants</b></p> <p>That the department work with key stakeholders, including police, residential care service providers and the Children's Court, to streamline processes and clarify definitions and roles concerning missing person reports and warrants (however renamed, as recommended above) for children and young people in residential care. In particular, the department should work with key stakeholders to:</p> <ul style="list-style-type: none"> <li>clarify that if a child or young person's location is known (not</li> </ul>	Accept in principle	<p>The department is committed to improving responses to children and young people who are absent or go missing from their care service. As part of these improvements, the department has completed a review of the policies and procedures and commenced the development of an intensive practice guide for practitioners. The draft practice advice provides clear and updated guidance on the processes to follow when a child or young person is missing or absent from their care service. In addition to this, the practice advice provides strategies to prevent children and</p>	<p>The Commission seeks further information including the opportunity to review the intensive practice guide and notes that these actions are focused on departmental work rather than including how other key stakeholders will be involved.</p>	<p>No change</p> <p>The practice resource/guidance (currently in draft) contains materials directly related to prevention of leaving placement, pre-location planning, roles and responsibilities, missing person reports, risk assessment, trauma informed responses, and return to care planning. A consultation process, including external stakeholders, will be undertaken to</p>	<p>The department note 'intensive practice guide' is not the correct term. Work on a practice resource/guidance is scheduled to recommence as part of the Missing from Care work. This work has been on hold due to a redirection of resources to support the department's response to the COVID-19 pandemic.</p> <p>The practice resource/guidance (currently in draft) contains materials directly related to prevention of leaving placement, pre-location planning, roles and responsibilities, missing person reports, risk assessment, trauma informed responses, and return to care planning. A consultation process, including external stakeholders, will be undertaken to inform the practice guide. At this stage, consultation has been</p>

		<p>just suspected), they are not 'missing' so a missing person report is not required (noting that police intervention or support may nevertheless be needed)</p> <ul style="list-style-type: none"> <li>• ensure that a missing person report can be made as soon as a child or young person goes missing, rather than waiting 24 hours prior to making a report</li> <li>• ensure that there is no need for a missing person report to be made prior to applying for a warrant, or vice versa, as is currently the case</li> <li>• remove the requirement that a missing person report be made to police in person, making it possible for residential care staff or child protection staff to make a missing person report by telephone</li> </ul>		<p>young people from going missing and clarifies definitions and roles concerning missing person reports and warrants.</p>		<p>inform the practice guide.</p> <p>The practice resource/guidance links strongly to the DFFH/VicPol protocol. The practice resource/guidance needs to be informed, and align, with other key pieces of work including the framework to reduce criminalisation of young people in residential care.</p> <p>As outlined above, the DFFH/Victoria Police Protocol is currently under review and includes guidance as to the use of missing persons reports and safe custody warrants. The revised protocol will also incorporate the materials previously</p>	<p>undertaken with internal stakeholders and external stakeholders will be consulted accordingly.</p> <p>The practice resource/guidance links strongly to the DFFH/VicPol protocol. The practice resource/guidance needs to be informed, and align, with other key pieces of work including the framework to reduce criminalisation of young people in residential care.</p> <p>As outlined above, the DFFH/Victoria Police Protocol is currently under review and includes guidance as to the use of missing persons reports and safe custody warrants. The revised protocol will also incorporate the materials previously contained in the addendum Preventing sexual exploitation of children and young people in out-of-home care (2014).</p>
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		<ul style="list-style-type: none"> <li>streamline processes for providing police with information for missing person reports and warrants, using checklists and pre-populated forms require that if police sight a child or young person who is subject to a missing person report, police notify and consult with residential care staff or child protection staff prior to closing the missing person investigation</li> <li>standardise information in affidavits in support of warrant applications, for example using templates, and include all relevant, up-to-date information</li> <li>facilitate the procedure for filing warrant applications through electronic processes where possible</li> <li>review the procedure for withdrawal or cancellation of</li> </ul>				<p>contained in the addendum Preventing sexual exploitation of children and young people in out-of-home care (2014).</p>	
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		<p>warrants and facilitate swift notification through an electronic process where possible</p> <ul style="list-style-type: none"> <li>ensure that if a child or young person returns to a residential care house of their own accord, police are not required to sight the child or young person and hold them until an assessment is conducted prior to cancelling a warrant, but an assessment must occur within 24 hours of the child or young person's return.</li> </ul> <p>The department should ensure all relevant guidelines, policy documents and training are updated to reflect streamlined processes, definitions and roles, including relevant sections of the Child Protection Manual, Protecting children: protocol between the Department of Human Services – Child Protection and Victoria Police</p>					
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		(2012), and the addendum to the protocol, Preventing sexual exploitation of children and young people in out-of-home care (2014).					
14	1	<p><b>Recommendation 14.1: Review the impact and effectiveness of media alerts</b></p> <p>That, as part of a review of media alert policy and practice, the department work with Victoria Police to assess the impact that media alerts have had in the past when a child or young person is absent or missing to identify the circumstances in which they are an effective tool. The findings of this review should inform the parameters of their use, including the level of approval required to issue an alert.</p>	Accept	The department will review the current media alert policy and practice, and impact and effectiveness of media alerts.	<p>The Commission agrees that these actions respond to, and demonstrate acceptance of, the recommendation.</p> <p>The Commission requests an update on actions taken since June 2021.</p>	No change	<p><b>Department actions – no change Update as at 30 May 2022</b></p> <p>This work has been on hold due to a redirection of department resources to support responding to the COVID-19 pandemic. Work has recently recommenced and will be finalised July 2022.</p>
14	2	<p><b>Recommendation 14.2: Use positive photos and disable or moderate social media commentary</b></p> <p>That, when a media alert is issued, the department ensure that Victoria Police is provided with a positive photo of the child or young person, where possible. The</p>	Accept in Principle	Practice guidance for preventing and responding to children who go missing is currently under development and will include guidance on working with police to use a positive photo and moderate social media where possible.	<p>The Commission agrees that these actions respond to, and demonstrate acceptance of, the recommendation.</p> <p>The Commission requests an update on actions taken since June 2021.</p>	No change	<p><b>Department actions – no change Update as at 30 May 2022</b></p> <p>This work has been on hold due to a redirection of department resources to support responding to the COVID-19 pandemic. The work has recently recommenced and will be finalised July 2022.</p>

		department should also work with Victoria Police to disable or moderate social media commentary attached to media alert posts					
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