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| CIMS Review consultation paper |
| Proposed policy layout  December 2023 |
| OFFICIAL |

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# Purpose and background

This consultation paper has been prepared to demonstrate the proposed layout and format of the CIMS policy document. Two sample policy sections have been selected to demonstrate the proposed layout.

The re-write of the CIMS policy document is underpinned by the following principles:

1. Condense the number of policy documents into one, easy to read document,
2. Reduce ambiguity and duplication within the CIMS policy document,
3. Separate policy from operational guidance,
4. Modernise language, and
5. Strengthen alignment with complementary policies and guidance, such as the *Framework for the decriminalisation of young people in residential care.*

The CIMS Review team acknowledge that it is difficult to read two sample policy sections in isolation, without knowledge of the structure and content of the remaining policy document. We invite feedback on the layout and content of the sample policies, including feedback on information which you feel should be included in these policy sections. A copy of the draft policy in its entirety will be released for consultation in 2024.

The CIMS Review team will consider your suggestions throughout the re-write of the policy document.

Consultation questions are posed at the end of each sample policy section. Please [email](mailto:CIMS.Review@dffh.vic.gov.au?subject=CIMS%20Review%20consultation%20paper%20November%202023) your feedback to the CIMS Review team <CIMS.Review@dffh.vic.gov.au>

# Sample policy section one

## 2.2.2 Service provider reports the incident to Victoria Police

Service providers need to report alleged criminal acts, including allegations of abuse to Victoria Police in specific circumstances. The term ‘client victim’ is used to distinguish actions required by service providers when the client is the victim of an alleged criminal act. This section details the additional requirements for reporting the incident to Victoria Police.

### Policy

1. Where an incident requires an emergency response from police, contact Triple Zero (000).
2. If a crime is suspected to have occurred, the most senior staff member present must report the incident to Victoria Police if the client victim consents to police involvement.
3. The client victim has the right to decide whether to involve Victoria Police in an incident; except when:

* The abuse of a client under 18 years of age has been alleged to have occurred; or
* The client victim has a cognitive impairment which impacts their decision-making ability; or
* The client victim or other service users are at risk of violence or abuse from the subject of allegation.

If any of the above criteria are met, the service provider must report the incident to Victoria Police as soon as reasonably practicable, even if the client victim does not consent for Victoria Police to be notified.

1. When the client is the subject of allegation, Victoria Police should only be notified when the incident requires an emergency response due to the seriousness of the incident, or when the service providers de-escalation strategies have been unsuccessful. This does not apply when the subject of allegation is alleged to have abused a client under the age of 18 years. In this circumstance, the service provider must report the incident to Victoria Police.
2. When the client is the subject of allegation and Victoria Police has been notified, the service provider must consult with Victoria Police as to whether the client should be told of the report, and to collaborate on how to proceed.

### Implementation guidance

#### Notifying Victoria Police

Where the client is over 18 years of age. it is not necessary for the client victim to decide immediately about whether to be report to Victoria Police. Clients may initially decline involving Victoria Police and change their mind later. When an emergency response is not required and the client consents to contact with Victoria Police, speak with the general duties police unit. Some areas will be covered by Victoria Police’s Sexual Offence and Child Abuse Unit (SOCAU) or the Sexual Offences and Child Abuse Investigation Team (SOCIT). Victoria Police will advise of next steps.

If the client victim does not consent to the incident being reported to Victoria Police, and has capacity to make this decision, this wish should be respected. The policy stipulates the times when Victoria Police must be notified of an incident, even if the client doesn’t wish for this to occur. In these circumstances, the service provider must explain to the client why they must report the incident to Victoria Police, and plan to support the client to be involved in the CIMS report and follow-up process, as much as is reasonably possible.

#### Preserving evidence

In the case of an alleged sexual offence that has just occurred, the client victim's welfare is the primary concern. Service providers should also be aware that potential forensic evidence might be available. Victoria Police recommend:

* Do not disturb the area where the assault happened
* If possible, encourage the client victim to refrain from showering or bathing, as this may destroy evidence that can be used in court
* In cases where physical evidence may be present in the mouth, encourage the client victim to try to refrain from eating or drinking anything
* Do not wash or discard the clothes that the client victim wore during the assault.[[1]](#footnote-2)

Ensure that Victoria Police are told about the condition of the client victim so they can provide further instruction.

#### Reducing the criminalisation of young people in residential care

The department, service providers and Victoria Police have a joint responsibility to reduce the unnecessary and inappropriate contact of young people in residential care with the criminal justice system.

A police response in a non-crisis situation should only be instigated as a last resort and considered only after the service provider’s de-escalation strategies have been attempted without success[[2]](#footnote-3). In these instances, the analysis and learning from the incident is critical, to ensure the client’s behaviour support plan and case management plan are modified to mitigate involvement of Victoria Police.

The [Framework to reduce criminalisation of young people in residential care](https://providers.dffh.vic.gov.au/framework-reduce-criminalisation-young-people-residential-care) provides detailed information. <https://providers.dffh.vic.gov.au/framework-reduce-criminalisation-young-people-residential-care>.

#### Contacting an Independent Third Person

Independent Third Persons (ITPs) help and support people with disabilities during police interviews, when giving statements and participating in other police procedures. ITPs work specifically with people of all ages who have cognitive impairment such as an intellectual disability, acquired brain injury, dementia or mental illness.

It is important Victoria Police know that the client will need the support of an ITP when they first are made aware of the incident. Victoria Police will contact the ITP call centre to engage an ITP for the client. The client does not need to have a formal diagnosis to access an ITP.

For more information about ITP’s, please visit the website of the [Office of the Public Advocate](https://www.publicadvocate.vic.gov.au/your-rights/with-the-police) <https://www.publicadvocate.vic.gov.au/your-rights/with-the-police>

**Consultation questions:**

**Does the proposed layout of policy and implementation guidance support easy application of CIMS?**

**Are there any additional consideration required for Aboriginal and Torres Strait Islander clients that need explicit recognition in this policy section?**

**Does the proposed layout assist with understanding roles and responsibilities for each party in this policy example?**

**Do you have any feedback on the criteria for when a report must be made to Victoria Police against the client’s consent?**

# Sample policy section two

## 3.5 Reporting historical incidents

During service delivery, a client may disclose an incident which occurred in this past. This section sets out the minimum requirements for reporting a historical incident.

### Policy

1. A historical incident is an incident which occurred during a previous service period. The client may have been a service user of a different service provider or service stream.
2. If the disclosure is made by an adult, a historical incident is reported in CIMS if the incident:
   * + Occurred on or after January 1, 2018; and
     + occurred during a previous service period; and
     + the subject of allegation is a staff member.
3. If the disclosure is made by a child or young person under the age of 18, an incident is considered a historical incident if any of the following criteria are met:
   * + The child is no longer a client of the service provider in relation to which the incident occurred; or
     + The subject of allegation is no longer employed or engaged with the service provider in relation to which the incident occurred.
4. If the incident occurred during the current service period, the incident is not considered to be historical and is reported as per section 3.3 Reporting an incident.
5. If the incident occurred while a child or young person is in the care of their parents, the incident is not within scope of CIMS. The incident must be reported to Child Protection.

#### Historical incident reporting process

1. The service provider to whom the disclosure is made submits the incident report with all available information.
2. The department oversight function reviews the incident report and contacts the previous service provider.
3. The previous service provider to whom the disclosure relates submits an incident report.
4. The department oversight function withdraws the incident report submitted by the service provider who received the disclosure with the notes *withdrawn as incident is out of scope of service provider. Incident report received from [insert] reference [insert].*
5. In circumstances where the previous service provider is not known, the following actions must be undertaken:
   * + The department oversight function reviews all available information to determine which service provider the incident relates to.
     + Where the previous service provider is unable to be identified, or is not in scope of CIMS reporting, the department oversight function withdraws the incident report. Notes must be put in the withdrawal reason to explain why no incident report is being submitted for this incident.
     + The service provider who submitted the incident report informs the client of the outcome. The client must be provided information on support services or further options available to them.

### Implementation guidance

#### Criteria for service providers retaining lead responsibility

For children and young people who are under the age of 18 at the time of disclosure, the service provider to whom the disclosure is made retains lead responsibility for reporting and investigating the incident if:

* If the client is placed with the same carer, regardless of the time since the incident occurred
* Where both the child and the carer remain supported by the same service provider, but the child is with a different carer.

A disclosure relating to an incident which occurred while the client was in the care of their parents, or prior to the child or young person becoming a client, should be referred to Child Protection. A CIMS report is not required in this circumstance.

#### Incidents disclosed by adults which occurred before 2018

Incidents disclosed by adults which occurred before 2018 are not within the scope of CIMS. This is because CIMS came into operation in 2018. This section details the alternative pathways and policies available for out-of-scope incidents.

If the disclosure is made by an adult client regarding an incident which occurred while they were a child in out-of-home care pre-1990, the client should be advised of the Victorian Redress Scheme.

Information on the Redress scheme can be found on the [Pre 1990 Care Leavers](https://services.dffh.vic.gov.au/pre-1990-care-leavers) webpage on the department’s website <https://services.dffh.vic.gov.au>

If the disclosure is made by an adult client regarding an incident which occurred in out-of-home care between the period 1990 and 2018, service providers should follow the [Historical abuse in care guidelines](https://www.cpmanual.vic.gov.au/advice-and-protocols/tools-and-checklists/historical-abuse-care-guidelines) in the Child Protection manual. <https://www.cpmanual.vic.gov.au/advice-and-protocols/tools-and-checklists/historical-abuse-care-guidelines>

If the disclosure is made by an adult client and there isn’t an existing guideline for the management of historical incidents before the introduction of CIMS, the service provider is to contact the department program manager for their service. The department program manager is to receive the report and take any necessary steps to record, investigate and review the incident. Where the program is no longer in operation, the relevant department branch is to undertake these actions.

**Consultation questions:**

**Does the proposed layout of policy and implementation guidance support easy application of CIMS?**

**Are there any additional considerations required for Aboriginal and Torres Strait Islander clients that need explicit recognition in this policy section?**

**Should the final paragraph in the implementation guidance section – incidents disclosed by adults which occurred before 2018 – be included in the policy section?**

**Do you have any feedback on the proposed policy approach of reporting historical incidents?**

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| To receive this document in another format, phone 03 9456 5547, using the National Relay Service 13 36 77 if required, or [email](mailto:CIMS.Review@dffh.vic.gov.au?subject=CIMS%20Review%20consultation%20paper%20-%20November%202023) CIMS Review <CIMS.Review@dffh.vic.gov.au>.  Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Australia, Department of Families, Fairness and Housing, November 2023.  In this document, ‘Aboriginal’ refers to both Aboriginal and Torres Strait Islander people. ‘Indigenous’ or ‘Koori/Koorie’ is retained when part of the title of a report, program or quotation.  Available at [Department of Families, Fairness and Housing Provider website](https://providers.dffh.vic.gov.au/cims) <https://providers.dffh.vic.gov.au/cims > |

1. [Reporting sexual offences and child abuse (police.vic.gov.au)](https://www.police.vic.gov.au/reporting-sexual-offences-child-abuse) [↑](#footnote-ref-2)
2. [A Framework to reduce criminalisation of young people in residential care - DFFH Service Providers](https://providers.dffh.vic.gov.au/framework-reduce-criminalisation-young-people-residential-care#:~:text=The%20Framework%20to%20reduce%20criminalisation%20of%20young%20people,departments%2C%20Victoria%20Police%20and%20residential%20care%20service%20providers.) [↑](#footnote-ref-3)