

Education Justice Initiative (EJI)



Operating guidelines



Education
and Training

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**Mainstream Children's Court and Koori Children's Court in the area*

***Only Koori Children's Courts*

If you are unable to contact your local representative, please email your referral to EJI central office at: EJI.Referrals@education.vic.gov.au

ABOUT THESE GUIDELINES

The *Education Justice Initiative Operating Guidelines* provide context, practical guidance, policy advice and workforce tools to support Education Justice Initiative (EJI) operations.

The EJI has developed these guidelines in consultation with the EJI workforce and other key stakeholders.

Purpose

The *Education Justice Initiative Operating Guidelines* explain the purpose of EJI and its service model, and aim to:

- achieve a shared understanding of the EJI program and services across the EJI workforce, Department of Education and Training (DET) regional staff, school staff and other staff working to support vulnerable children and young people in the criminal justice environment
- clearly articulate the roles, responsibilities and obligations of personnel who are responsible for implementing or supporting the EJI
- support the EJI workforce to effectively implement the program by providing an operating framework.

Audience

The *Education Justice Initiative Operating Guidelines* are for:

- the EJI workforce
- Service Support Managers
- school staff
- other DET staff working with vulnerable children and young people
- key stakeholders including:
 - Court Services Victoria (CSV)
 - Department of Justice and Community Safety (DJCS), in particular Youth Justice (YJ) and Children's Court Youth Diversion Service (CCYDS)
 - Community Service Organisations (CSO)
 - training providers
 - other stakeholders interested in understanding the program's history and service model.

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ABOUT THE EDUCATION JUSTICE INITIATIVE

“The presence of the Department of Education and Training, through EJI staff, in the Court building highlights and promotes the positive role that education can and should play for all young people.” Judge Chambers, President, Children’s Court of Victoria ¹

This section provides information about EJI: why it started and how, the pilot program and its evaluation, and the plan for future expansion, service design and target outcomes. It includes these topics:

WHAT THE RESEARCH TELLS US

Every year over a thousand young people appear before the Criminal Division of the Victorian Children’s Court, and many of these young people are disengaged from education.

Although it is compulsory for young people to be in full-time education until they turn 17, 39 per cent of EJI clients in 2014–15 were not enrolled in any education setting, and many had not been engaged in education for a considerable length of time before that. A significant body of research shows that connectedness to education is key to reducing reoffending².

A young person’s future life opportunities are heavily influenced by participation in education. Young people who do not complete school tend to be significantly more disadvantaged later in life (te Riele, 2014; Wooleley & Brown, 2007). Specifically, improving the educational attainment and inclusion of young people who offend has been identified as one of the most effective means of reducing the risk factors associated with criminal behaviour (France et al, 2013; McLaren, 2003, Reid, 2009; Vacca, 2004).

EJI OVERVIEW

What is it?

EJI is an information, referral and advocacy service that provides specialist expertise in education to help vulnerable young people involved with the criminal justice system to re-engage with education and/or training.

Program design

EJI is designed to deliver targeted interventions to young people who are experiencing vulnerabilities and who can be at a heightened risk of disengaging from education after becoming involved with the criminal justice system.

It aims to improve educational outcomes and disrupt patterns of offending by providing targeted, appropriate education and training pathways to young people involved in the court system.

EJI specifically targets young people of compulsory school age between the ages of 10–17 when they come into the criminal division of the Children’s Court. In particular, a priority sub-group within this group are young people who are making their first appearance at court.

¹ te Riele, K. & Rosauer, K. 2015, [‘Education at the Heart of the Children’s Court, Evaluation of the Education Justice Initiative Final Report’](#), Victoria University, p. vii.

² te Riele, Rosauer, 2015, p. 2 & p. 12

Intervening early not only reduces the likelihood of young people reoffending, but also—as the evidence suggests—delivers various long-term benefits to young people who stay engaged in education. These include increased employment and earnings, better health outcomes, reduced crime and improved lifelong outcomes.

EJI:

- is funded and administered by DET
- is supported by the Children’s Court of Victoria
- operates in 22 high-volume Children’s Courts and in all Koori Children’s Courts across Victoria
- is led by Central Team staff, who provide policy and strategic oversight and direction for the program
- is delivered by:
 - eight Regional Education Children’s Court Liaison Officers (RECCLOs) in courts across Victoria, and
 - four Koorie Education Children’s Court Officers (KECCLOs) in courts across Victoria, including the Koori Children’s Courts.

HOW EJI WORKS

A young person’s journey through the Children’s Court or Koori Children’s Court provides a valuable intervention point for EJI. EJI is able to access young people who are in greatest need and can give them relevant and targeted services and support, just when they need it most.

EJI acts as a critical safety net that reaches young people who are not enrolled in or who are enrolled but not attending school or a training program at a particularly important time in their lives.

EJI:

- reconnects young people of compulsory school age with appropriate education and training pathways, and links them with the support that can help them to improve their opportunities and life outcomes
- is collaborative by design: the EJI workforce works closely with other government agencies and stakeholders, drawing on the capabilities of the various services and supports, and joining them together to devise effective, tailored advice and support to young people who appear in court
- builds the capacity of schools and staff within the youth justice and child protection sector by providing information and advice on systems, policy, processes, responsibilities and accountabilities relating to young people and the justice or education systems.

Because the *Children, Youth and Families Act 2005* requires Magistrates to consider educational engagement when sentencing young people, EJI staff:

- provide expertise on the range of suitable education options that a Magistrate may impose
- routinely provide information about a young person’s education to Magistrates to help guide sentencing and monitoring.

BENEFITS OF EJI

In 2016, finding number 12 of the Inquiry into youth justice centres in Victoria indicated:

“Many young offenders in detention have low education levels [and] it is vital that education continues when young offenders are in youth justice centres as improving their education reduces the risk of reoffending.”

EJI was highlighted in the *Inquiry into youth justice centres in Victoria* as a proven and important education service that has increased:

- enrolment rates from 51 to 75 per cent, and
- attendance rates from 9 to 54 per cent³.

The service strengthens the critical link between young people (and their families and support workers) and the education system—a link that is often compromised during times of crisis in a young person’s life.

Young people, families and their case workers are often not experienced in navigating the complexities of the education system. As a result, they may not see or know how to respond to indicators of disengagement with education, or know when and how to pursue opportunities to reengage.

THE PARKVILLE PILOT IN 2014—WHERE IT STARTED

EJI started in 2014 as a 12-month pilot program between DET and the Children’s Court of Victoria to respond to the correlation between high levels of young people disengaging from school and appearing before the court.

The focus of the pilot was to connect young people who presented in court with an education pathway that would best meet their needs and aspirations. To achieve this, the pilot program provided education advice, advocacy and direct support to young people engaged in the justice system and their families.

Three dedicated positions were appointed from 2014–17 to implement the EJI pilot:

1. Manager, Student Engagement
2. Manager, Koorie Student Engagement, Parkville College (PC)
3. Project Officer

These staff engaged with young people through one of several channels:

- direct outreach at the Children’s Court
- referral from Youth Justice, Legal Aid or the Koori Court Officer
- one of the Magistrates presiding at the court.

³ Inquiry into youth justice centres in Victoria Final Report, Parliament of Victoria, 2018. Available from https://www.parliament.vic.gov.au/images/stories/committees/SCLSI/Youth_Justice_System/Reports/LSIC_Inquiry_into_Youth_Justice_Centres_report_WEB.pdf

DET regions, under the EJI banner, appointed interim Children’s Koori Court RECCLOs/KECCLOs to be the DET representatives at court, who could advocate and provide education referral to Koorie and non-Koorie young people appearing in courts.

The pilot operated in the Melbourne Children’s Court and was overseen by PC, in consultation with the former Regional Services Group in DET.

THE PROGRAM EVALUATION IN 2015

In 2015, Victoria University evaluated the initiative. The evaluation reported⁴ a high level of cooperation across government agencies and other stakeholders and noted a strong agreement among stakeholders that the specialist education expertise of EJI fulfilled an important gap for young people.

The evaluation confirmed that the service model was having a positive effect⁵ because young people within the criminal justice system would not routinely access targeted support to reconnect and/or re-enrol in education if it were not for EJI intervention.

THE STATE-WIDE EXPANSION IN 2017–18

The success of the pilot and positive feedback from stakeholders, including strong support from Judge Peter Couzens and Judge Amanda Chambers (both former Presidents of the Children’s Court respectively), saw an expansion of EJI in 2017–18.

Throughout 2017–18, EJI was rolled out across Victoria to support young people in 22 mainstream Children’s Courts and in all Koori Children’s Courts.

In keeping with DET’s multi-disciplinary ‘area-based model’ approach (Learning Places), the EJI workforce in local areas forms part of the Service Support Branch, reporting to a Service Support Manager and supported by a centrally located team.

THE EVALUATION OF STATE-WIDE PROGRAM 2019-20

DET commissioned an independent evaluation of the state-wide expansion of the program between June 2019 – December 2020. The evaluation report highlighted that EJI is a highly valued service in the Children’s Courts across Victoria, supporting positive outcomes for vulnerable young people including:

- providing services to 1122 young people between January 2018 to end of September 2020 to engage with education or training, while 23 percent had no enrolment at a school at case opening nearly two thirds (63 per cent) of all participants and 70 per cent of Koorie young people engaged in education at the three-month follow-up
- delivering improved efficiency in the court system, such as contributing to faster and more tailored sentencing through the provision of more accurate and timely education information and supports, acting as the bridge between the education and justice systems enabling better communication between the two systems.

⁴ te Riele, Rosauer, 2015, p. 40

⁵ te Riele, Rosauer, 2015, p. 54

EJI SERVICE DESIGN, INFORMED BY EVIDENCE-BASED STRATEGIES

The EJI service design is informed by evidence-based strategies that are outlined in the 2018–22 DET Strategic Plan and summarised below.

Service and funding reform

- Give additional, targeted support to Victorians who need it.
- Connect settings and sectors to improve transitions and ensure continuity of learning.
- Focus on mental and physical health and wellbeing as an integral part of learning and development.
- Monitor and improve systems, including by setting standards.
- Map demand for services and effectively target resources to community needs.

Workforce strategies and practices

- Build performance, develop capabilities and share expertise across all workforces.
- Unify the education system through new pathways between schools and central and regional offices.
- Build workforce capacity to support all children, young people and families, regardless of their circumstances.

Partnership and innovation

- Work with providers, employers, not-for-profits, families, children and young people to develop new approaches and share best practice.
- Strengthen learning, and health and wellbeing with stronger, place-based partnerships.
- Partner with other agencies, departments and levels of government to deliver outcomes.

EARLY RESULTS AND TARGET OUTCOMES

Though a number of positive outcomes have already been observed, to truly understand the benefits of EJI and support the state-wide expansion, DET has implemented an enhanced data collection and reporting system, namely the EJI Web Portal.

The EJI Web Portal provides a strong evidence base to accurately measure the effectiveness of EJI.

We anticipate that EJI will continue to demonstrate improvements to the following outcomes over time:

- Court-involved young people are engaged/re-engaged with an education or training/employment pathway
- Young people are offered meaningful pathways that suit their skills and interests
- Young people and families have increased confidence and trust in DET and are more able to engage with education and the education system
- Schools have greater confidence and capability to work with disengaged young people
- Aboriginal outcomes are improved

- Youth Justice and Children's Court Youth Diversion Service workers are supported to increase their capability to connect young people with education or training pathways
- Enablers to successful engagement/re-engagement in the education system are put in place and barriers are removed
- There is greater cross-system collaboration and an understanding of the problems and possible interventions.

POLICY CONTEXT

“I can’t speak highly enough of the importance of this program, not just for Koorie children, but for all children who come before the court because almost without exception they’re either totally or partly disengaged from education. I strongly believe that education is arguably the most important form of rehabilitation.” Judge Couzens—former President, Children’s Court of Victoria ⁶

This section explains how EJI’s work aligns with the following Victorian education and youth justice policy initiatives.

THE EDUCATION STATE TARGET AREAS

The Education State is giving every Victorian—no matter their background or circumstance—the best chance to thrive, prosper, actively participate in society and contribute to Victoria.

The ambitious reform is about achieving excellence, building a world-class education system and creating opportunities through education.

The four Education State target areas are:

1. Learning for life. More students achieving excellence in reading, maths, science and the arts
2. Happy, healthy and resilient kids. Building the resilience of our children and encouraging them to be more physically active
3. Breaking the link: Ensuring more students stay in school and breaking the link between disadvantage and outcomes for students
4. Pride and confidence in our schools. Making sure every community has access to excellence, in every government school and classroom.

How EJI supports target areas

Through their expertise in education and youth justice settings, the EJI workforce helps more students stay in school and works towards eliminating the connection between outcomes and disadvantage, thereby making a significant contribution to the Breaking the link target.

Specifically, they do this by:

- offering support to young people when they are particularly at risk of disengaging from education
- building the capacity of schools to more effectively support young people who have entered the court system
- building the capacity of youth justice workers to more effectively navigate the education system and know what support is available for their clients.

THE FRAMEWORK FOR IMPROVING STUDENT OUTCOMES

The Framework for Improving Student Outcomes (FISO) is a key Education State initiative and provides a common language for school improvement across the Victorian Government school system.

⁶ te Riele, Rosauer, 2015, p. vii.

It is structured around four state-wide priorities that are proven to have a strong bearing on the effectiveness of a school:

- positive climate for learning
- excellence in teaching and learning
- community engagement in learning
- professional leadership.

How EJI supports FISO outcomes

EJI's success relies and is built on strong relationships and effective collaboration between EJI workers, schools, students and their families.

Through advocacy and expertise, EJI builds school capability, which helps schools to take a more inclusive approach to supporting vulnerable and disengaged students. In doing so, EJI contributes to the development of the Positive climate for learning in schools priority.

This in turn results in schools that:

- have high expectations for every student
- promote intellectual engagement and student self-awareness
- provide a supportive and productive learning environment that promotes inclusion and collaboration
- encourage students to have a voice, their own agency and personal leadership to empower them and build school pride.

THE MARRUNG ABORIGINAL EDUCATION PLAN 2016–2026

The *Marrung Aboriginal Education Plan 2016–2026* is in place to make sure that Koorie Victorians and Aboriginal or Torres Strait Islander people from other parts of Australia who live in Victoria have full access to all learning and development services—from early childhood onwards.

Marrung is an integrated 10-year plan and is key to helping Koorie Victorians succeed in their education and realise the full benefits of the Education State reforms across early childhood, schools and vocational education and training.

Marrung requires all services to embed Koorie aspirations and outcomes in their core business. It includes key actions to support improved outcomes by:

- helping services to be more inclusive and responsive to Koorie learners
- building an education system that values and respects Aboriginal and Torres Strait Islander peoples and cultures.

How EJI integrates the Marrung Aboriginal Education Plan

The EJI service model is informed by the Marrung Aboriginal Education Plan and provides culturally specific supports for Koorie children and young people through its KECCLO workforce.

The cultural background and experience of EJI KECCLOs working across Victoria in Koorie Children's Courts:

- provides a culturally appropriate and sensitive model of service delivery to young people

- builds capacity that allows schools to offer education options and alternatives that value and respect Aboriginal and Torres Strait Islander culture.

THE VICTORIAN ABORIGINAL JUSTICE AGREEMENT PHASE 4

Burra Lotjpa Dunguludja represents the fourth phase of the Victorian Aboriginal Justice Agreement (the Agreement) and continues the work of previous agreements to strengthen self-determination and reduce the over-representation of Aboriginal people in Victoria's justice system.

The Agreement focuses on four key areas:

- strong and safe Aboriginal families and communities
- fewer Aboriginal people in the criminal justice system
- a more effective justice system with greater Aboriginal involvement
- increased self-determination for Aboriginal people in the justice sector.

How EJI contributes to progressing initiatives in the Agreement

EJI contributes to progressing the following Agreement initiatives:

- expanding the depth and coverage of court-related services that have demonstrated results in responding to the needs of Aboriginal young people
- offering diversion and alternatives to imprisonment to reduce reoffending
- be guided by *restorative* justice objectives that can assist *victims'* needs and enable *offenders* to assume responsibility for their actions e.g. Koorie court and the ERP (Elders and Respected Persons)
- reconnecting at-risk Aboriginal young people with school, flexible learning options, and vocational training or employment pathways.

YOUTH JUSTICE STRATEGY 2020-2030

The strategic plan aims to bring together all areas of government in partnership with the community – to tackle the underlying causes of their offending, rehabilitate those young people or divert them from any criminal behaviour. It is guided by and complements Burra Lotjpa Dunguludja: the Aboriginal Justice Agreement Phase 4.

The strategic plan has a focus on four reform directions:

- Improving diversion and supporting early intervention and crime prevention.
- Reducing reoffending and promoting community safety by supporting children and young people to turn their lives around.
- Strengthening partnerships with children and young people, families and all services and professionals who support their rehabilitation and positive development.
- Investing in a skilled, safe and stable Youth Justice system and safe systems of work.

How EJI contributes towards the youth justice reform directions

The strategic plan identifies EJI as a key early intervention and prevention program by supporting young people engaged in the criminal justice system to re/engage in education or training. Through

this support EJI provides an effective early response that can address disadvantage and inequality and prevents a young person’s escalation in offending and contact with the criminal justice system.

YOUTH JUSTICE REVIEW AND STRATEGY: MEETING NEEDS AND REDUCING REOFFENDING

The *Youth Justice Review and Strategy: Meeting needs and reducing offending* (Armytage, P., Ogloff AM., J, 2017) review was designed to guide work that will strengthen and modernise Victoria’s youth justice system.

The report:

- highlights that young people involved in the youth justice system often have fragmented and persistently problematic contact with education services
- makes a number of recommendations for reconnecting young offenders with education.

How EJI contributes towards implementing key report recommendations

EJI will directly contribute toward implementing key recommendations, including:

6.15: “As part of multi-agency case planning, establish a priority objective that links young offenders to education/skills training and employment.”



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EJI OPERATING FRAMEWORK

“EJI works because it reconnects young people in education, to strengthen their connection with school or training options that best suit their needs and interests.”

- *Regional Education Children’s Court Liaison Officer*

This section explains how EJI combines education system expertise with an understanding of the unique challenges faced by young people connected to the criminal justice system. Through this knowledge and skills set, EJI helps to build a stronger and more relevant connection between young people and their education or training pathway.

EJI PURPOSE

The EJI is designed to have a positive impact on and deliver positive outcomes for young people who appear before courts on criminal matters, by providing:

- support and advice so they can successfully connect or reconnect with education or training
- an improved response at a local and service system level, to support their connection or reconnection.

EJI contributes to achieving DET’s vision that all:

- students can reach their potential, regardless of their background, place, circumstance or abilities
- children and young people are confident, optimistic, healthy and resilient.

KEY OBJECTIVES

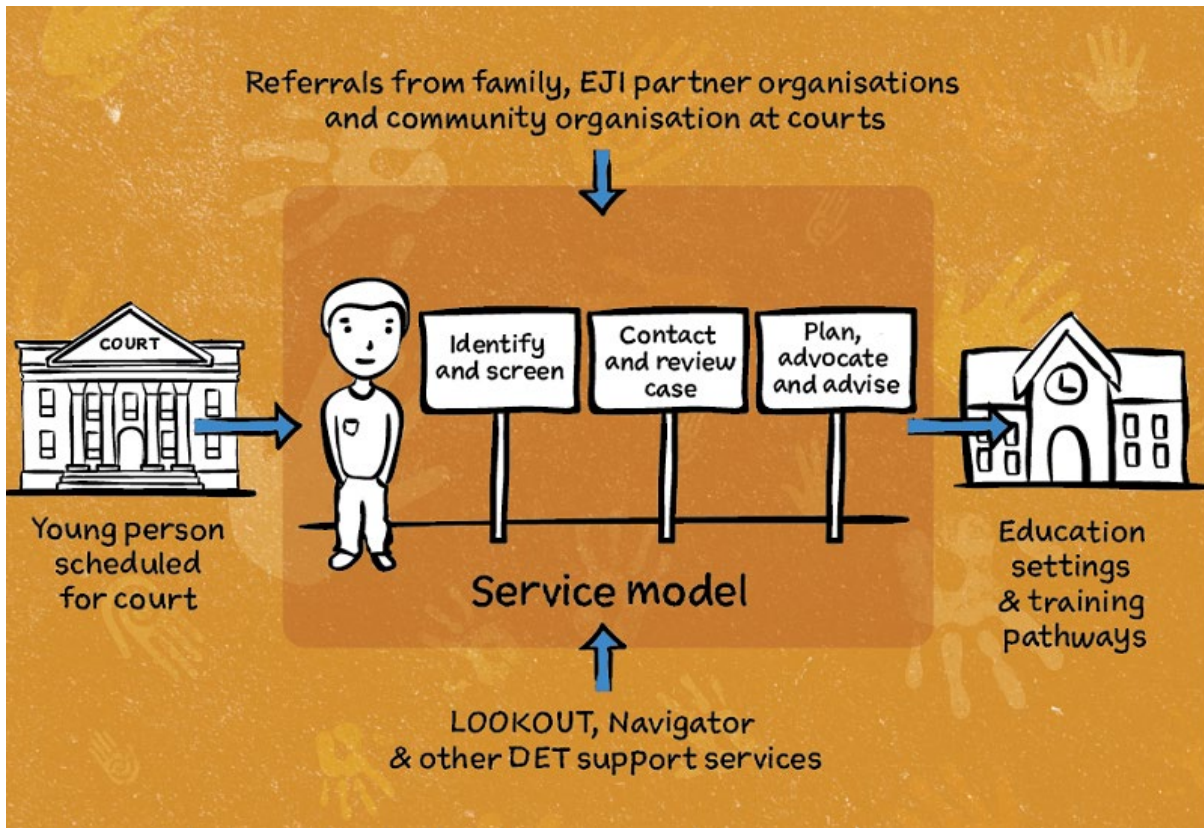
To provide direct, court-based support services to young people, or secondary consultation services to partner agencies, like Youth Justice or Youth Diversion, which will help to:

- connect/reconnect young people with appropriate education or training pathways, in particular, young people making their first court appearance
- link them with other DET and community sector interventions that may help them to stay in the education system or in an appropriate training/employment setting
- build system knowledge, skills and capability by providing advice and information to school leaders, teachers, allied health and support staff, local area and regional staff, and other service support staff (e.g. Youth Justice workers, Youth Justice Group Conference Convenors).

DELIVERING EJI THROUGH COLLABORATION WITH PARTNERS

Under the EJI operating framework, EJI is delivered through a collaborative and coordinated approach with schools and staff across DET, DJCS, Department of Families, Fairness and Housing (DFFH), CSV, the community services sector and training providers.

EJI partners work together to fully understand the needs of the young person and respond to those needs with appropriate supports that give the young person access to a tailored, positive education or training experience.



EJI GOVERNANCE, WORKFORCE AND PARTNERSHIPS

“[One of the] benefits is the EJI officers have a level of knowledge about school options and that means that they are much more equipped to match the young person with a suitable school...I think the critical thing is the very real and practical, immediate assistance and the very tailored approach and liaison within the education system.”

- Magistrate, Melbourne Children’s Court ⁷

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⁷ te Riele, Rosauer, 2015, p. 36

GOVERNANCE

EJI has a governance structure that positions the initiative to have long-term, positive impacts on the lives of young people who interact with the criminal justice system.

A range of work is underway to support young people at risk of offending or who are already engaged in the youth justice system. This includes work within and between DET and DJCS.

To ensure that efforts are aligned, and are strategic and responsive, EJI has established an interdepartmental governance structure.

PROJECT MANAGEMENT MONITORING AND REPORTING

Department structure

1. Deputy Secretary, Schools and Regional Services
2. Assistant Deputy Secretary, Schools and Regional Services
3. Area Executive Director
4. Project leader, Youth Participation Unit
5. Service Support Manager
6. Manager EJI
7. RECCLO/KECCLO

Interdepartmental structure

1. Youth Justice Education Steering Committee (YJESC)
(Provided a bi-annual program update from the Deputy Secretary, SRS)

The Youth Justice Education Steering Committee (YJESC) provides oversight and an interdepartmental response to matters related to the integrated delivery of education services to young people involved in the youth justice system.

Having EJI sit within this governance structure allows the initiative to inform, capitalise on and inform whole-of-government activities, so that it can best support young people who are within the youth justice system.

WORKFORCE

The regional and local area structure

In keeping with the DET's multi-disciplinary, area-based model, the EJI workforce in the region forms part of the local area teams reporting to Service Support Managers.

There are four branches within each local education area (except South Western Victoria Region, which has five), and both RECCLOs and KECCLOs are within the Service Support Branch within an area's team.

Co-locating EJI staff with DET regional and area-based teams increases collaboration opportunities.

This structure ensures that:

- state-wide directions, program monitoring and oversight of EJI informs the practice in local areas, schools and early childhood settings
- feedback from local areas and schools informs EJI's state-wide direction and supports.

The diagram on the next page illustrates the diversity and expertise available to EJI staff within DET regional and area-based teams.

By working in multi-disciplinary teams, RECCLOs and KECCLOs can draw on available expertise and resources, which drives a holistic approach to determining the education or training pathways likely to meet the needs and aspirations of young people involved in the justice system.

REGION

Education area x4 (5 in SW Vic. Region)

Each education area is made up of this multi-disciplinary team, including:

- Child and Youth Area Partnership (where appropriate)
- Tech Schools Project (where appropriate)
- Health, Wellbeing and Specialist Services Branch
 - Health, Wellbeing and Engagement Support
 - Disability Coordination
 - Visiting Teachers
 - Primary and Secondary School Nurses
 - Specialist Children's Services
 - Respectful Relationships
- Education Improvement Branch
 - Senior Education Improvement Leaders
 - Education Improvement Leaders
- Services Support Branch
 - Koorie Education and Engagement
 - Provision and Planning
 - Community Liaison
 - 0-18 Transitions
 - Youth Programs
 - Languages
 - English as an Additional Language
 - Early Childhood Performance and Planning
 - Navigator Coordinator (pilot in 8 areas only)
 - EJI Court Liaison Officer
- Early Childhood and School Support Division
 - Inclusion, Access and Participation
 - Early Childhood Quality, Participation and Access
 - Early Childhood Intervention Services (ECIS)
 - Koorie Education
 - Health and Wellbeing Coordination
 - Professional Practice Leaders
 - Early Childhood Funding
 - Regional Finance
 - Student Support Services Transition
 - LOOKOUT Centres
- School Improvement Division
 - School Professional Development Coordination
 - Professional Learning Communities
 - Professional Learning Coach
 - Visual Learning Coach
 - Principal Employment Coordination
 - Data Analysis
 - Youth Pathways and Transition
 - Regional Provision and Planning
 - Operational and Emergency Management
 - OHS and Facilities Support



EJI responsibilities and accountabilities

For EJI-related tasks and outcomes, EJI responsibilities are spread across the EJI workforce and DET area teams.

Because the EJI workforce operates within DET's regional structure, Regional Directors are accountable for EJI outcomes in their region as part of their contribution to improved learning and development outcomes. Regional Directors report directly to the Deputy Secretary, School and Regional Services.

Area Executive Directors are accountable for ensuring that EJI operates effectively in their area.

The EJI Central Team provides strategic oversight and direction. Service Support Managers have day-to-day oversight of EJI operations at an area level, and for line managing a RECCLLO or KECCLO. A number of Service Support Managers have the EJI program as part of their area responsibilities but may not have line management responsibilities.

EJI RESPONSIBILITIES BY ROLE

The below describes key EJI service roles and responsibilities.

Education Justice Initiative, Central Team

Program management and strategic direction

- Provide leadership and support collaboration within the following departments in relation to young people involved in the youth justice system: DJCS, CSV, and DFFH
- Project manage, facilitate and support the implementation while promoting EJI best practice
- Build capability and expertise within the state-wide team, ensuring coherence and consistency
- Act as a broker between regionally based, area-based and Central Team staff
- Be responsible for setting and communicating clear roles and responsibilities
- Monitor progress and be accountable for delivery.

Service Support Managers/EJI line managers (area teams)

Line management

- Manage local EJI team employees (including performance planning, professional development, day-to-day supervision, employee health and wellbeing)
- Approve staff expenses, e.g. mileage, phone, travel, etc.
- Oversee the EJI budget with the Regional Finance Manager
- Oversee the integrity and maintenance of essential records and data
- Oversee staff recruitment and appointment in consultation with the EJI Central Team.

Reporting

- Report to the Area Executive Director (AED) on medium–high risk, complex cases (including requested information for Multi-Agency Panels (MAPs))
- Escalate complaints to AED and the EJI Central Team
- Fulfil internal and external stakeholder data requests
- Report on progress and outcomes of the EJI initiative to AED
- Escalate staff performance concerns to AED and EJI Central Team.

Service delivery

- Provide leadership to the EJI workforce in their assigned DET area
- Participate in EJI Team Group meetings to ensure there is statewide consistency with regional service delivery
- Be the intake point for non-Koorie young people who reside in an area supported by a KECCLO and appear at one of the courts
- Provide guidance to EJI team members on complex cases as required
- Oversee and establish community links

- Serve as an escalation point for concerns that other services or principals have about EJI services
- Communicate/discuss relevant information with area leadership, PPLs, team leaders and the EJI Central Team.

Regional Education Children's Court Liaison Officers (RECCLOs) x 8

- Provide advice to the Children's Court about educational options for young people that appear before the Children's Court
- Support young people in staying connected to or reconnecting with education, or with training/employment pathways
- Build capacity and provide policy advice, referral assistance and advice to school leaders, educators and services working with young people involved in the justice system
- Support and provide advice to support/case workers who work with young people on community-based youth justice orders to gain access to appropriate education and training options.

Koorie Education Children's Court Liaison Officers (KECCLOs) x 4

- Provide advice to the Children's Koorie Court and Children's Court about appropriate educational options for Koorie young people who appear before the Koorie Children's Courts or Children's Courts
- Support Koorie young people to stay connected to or reconnect with education, or with training/employment pathways
- Build capacity and provide advice and referral assistance to school leaders, educators and services working with young people involved in the justice system
- Support and provide advice to support/case workers who work with Koorie young people on community-based youth justice orders to gain access to appropriate education and training options
- Refer non-Koorie young people who appear in a Children's' Court serviced by a KECCLO and who need education support services to Service Support Managers.

EJI LOCATIONS

Even though EJI RECCLOs/KECCLOs are connected to a particular court, workforce flexibility across court settings is an important element of the EJI service model. This ensures court coverage and the continuity of services for young people.

EJI services 12 Koori Children's Courts and 22 Children's Courts across Victoria.

South West Victoria Region

Mainstream Children's Court

- Ballarat
- Geelong
- Melbourne
- Sunshine
- Warrnambool
- Werribee

Koori Children's Court

- Geelong
- Hamilton
- Melbourne
- Portland
- Warrnambool

South East Victoria Region

Mainstream Children's Court

- Bairnsdale
- Dandenong
- Frankston
- Latrobe Valley (Morwell)
- Moorabbin
- Sale

Koori Children's Court

- Bairnsdale
- Dandenong
- Latrobe Valley (Morwell)

North East Victoria Region

Mainstream Children's Court

- Benalla
- Ringwood
- Shepparton
- Wodonga

Koori Children's Court

- Shepparton

North West Victoria Region

Mainstream Children's Court

- Bendigo
- Broadmeadows
- Heidelberg
- Mildura
- Robinvale
- Swan Hill

Koori Children's Court

- Heidelberg
- Mildura
- Swan Hill

PARTNERSHIP RESPONSIBILITIES BY ROLE

EJI collaborates with key partners to maximise successful outcomes for young people.

This table outlines how partner roles/responsibilities influence and inform the EJI service.

LOOKOUT Learning Advisor (DET)

- Work with schools to make sure students in out-of-home care (OoHC) are enrolled in school or an appropriate education or training setting.
- Support students in out-of-home care with:
 - Individual Education Plans
 - Educational Needs Assessments
 - Student Support Groups (SSGs)
 - any extra resources they are entitled to receive.

Koorie Cultural Advisor (part of the LOOKOUT workforce (DET))

- Provide a comprehensive and consistent approach to supporting Aboriginal students in OoHC.
- Foster collaborative working relationships with:
 - Koorie Education Coordinators (KECs)
 - Koorie Engagement Support Officers (KESOs)
 - Child Protection Practitioners
 - case managers
 - Aboriginal Community Controlled Organisations (ACCOs)
 - peak agencies.
- Develop appropriate cultural plans for Aboriginal children/young people in OoHC, to strengthen Aboriginal and/or Torres Strait Islander children's connections to their families, communities and culture.

Youth Justice Education Pathway Coordinators (YJEPC)

- Works closely with DET Area Teams, including EJI, Parkville College's Transition Team as a bridge to connect and broker supports for young people involved in the youth justice system and enable a successful transition from custody back into education or training.
- Supports a consistent and coherent state-wide approach across DET to assist young people as they transition from custody back into education, training or employment, and ensure all relevant supports and interventions are considered and coordinated.

Navigator Coordinator (DET)

- Take referrals to support young people (aged 12–17) who are not connected to schools or who are at risk of disengaging
- Provide intensive case management and assertive outreach with the aim of returning these young people to education and linking them to support services and interventions
- Work with schools to support re-engagement planning.

Youth Justice Worker (DJCS)

- Work with young offenders in the criminal justice system where appropriate to minimise the likelihood of them reoffending, and to provide supervision and rehabilitation through case management and other services
- Work with other services to strengthen community-based options available to young people.

Community Youth Diversion Worker (DJCS)

- Attend all scheduled Criminal Division Children's Court sittings
- Undertake assessments after prosecution consent & a Magistrate's referral
- Advise the court on the young person's suitability for diversion
- Develop a plan, tailored to the young person's circumstances
- Engage with the young person to help them complete a diversion plan
- Report to the court on a young person's compliance with court directions.

EJI SERVICE DELIVERY

The EJI service is designed to support young people appearing before a Victorian Children's Court or Koori Children's Court on a criminal matter.

It does this by:

- providing flexibility to its workers, so they can share workloads and respond to demand
- effectively targeting services and supports to the individual
- promoting relationship-building among workers within area teams and regions
- using these relationships to increase the skills and capacity of the DET workforce, schools, YJs and CCYDSs as they support young offenders in engaging or re-engaging with education or training.

This section explains the EJI service model and other support it provides.

REFERRALS TO EJI AND DIRECT EJI INTRODUCTIONS

EJI service delivery begins with either a referral to the service, or by direct introduction by an EJI RECCLO/KECCLO at court.

Referrals to the service

EJI accepts referrals from:

- young people and families/carers
- Magistrates
- Victoria Police
- Victoria Legal Aid
- Legal representatives
- Youth Justice
- CCYDS (full title)
- community organisations
- schools and education settings.

Referrals to the EJI service can be made in person on a scheduled Children's Court sitting day or by phone or email at any other time.

Direct EJI introductions

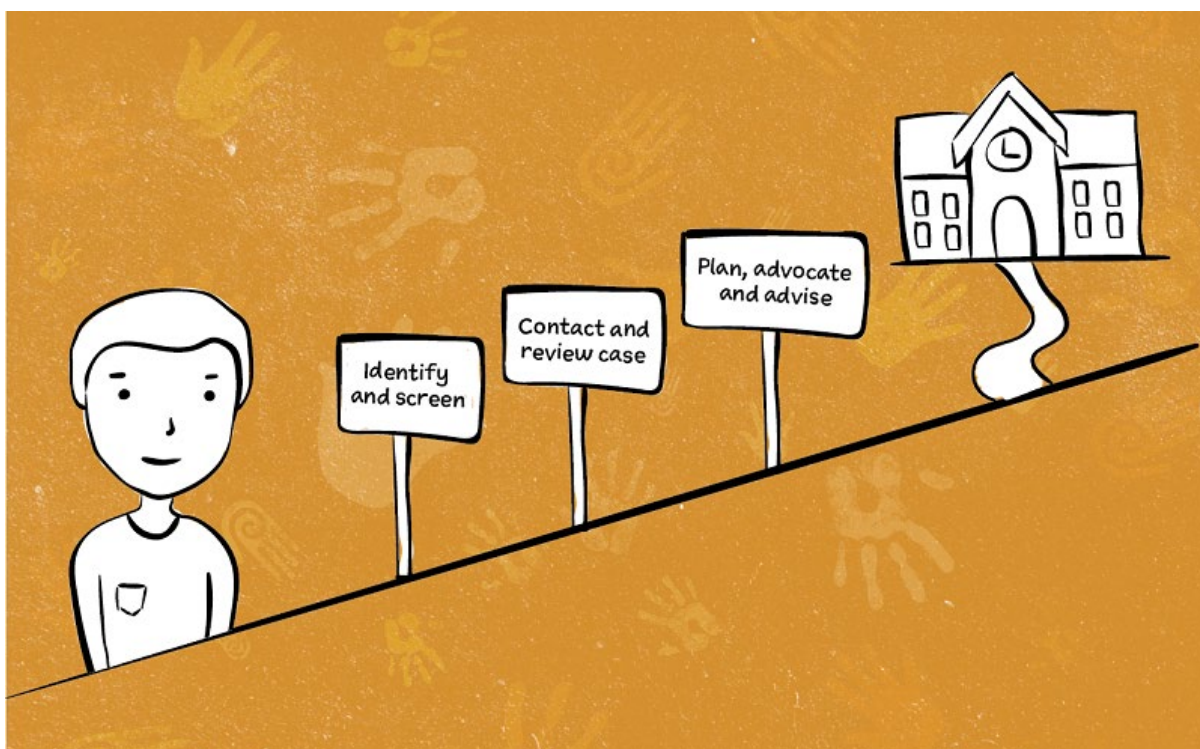
EJI RECCLOs/KECCLOs may routinely introduce themselves and the EJI service to young people in the courtroom or common areas to make sure all young people in need are provided with service and support.

EJI SERVICE MODEL

The EJI service model follows a standard cycle of support to ensure young people in need are identified by the service and are provided with a consistent, high-quality, individualised and effective support service.

There are three stages to the EJI service model that guide the workforce in delivering the EJI service:

1. Identify and screen
2. Contact and review case
3. Plan, advocate and advise



EJI RECCLOs/KECCLOs may also play a key role in:

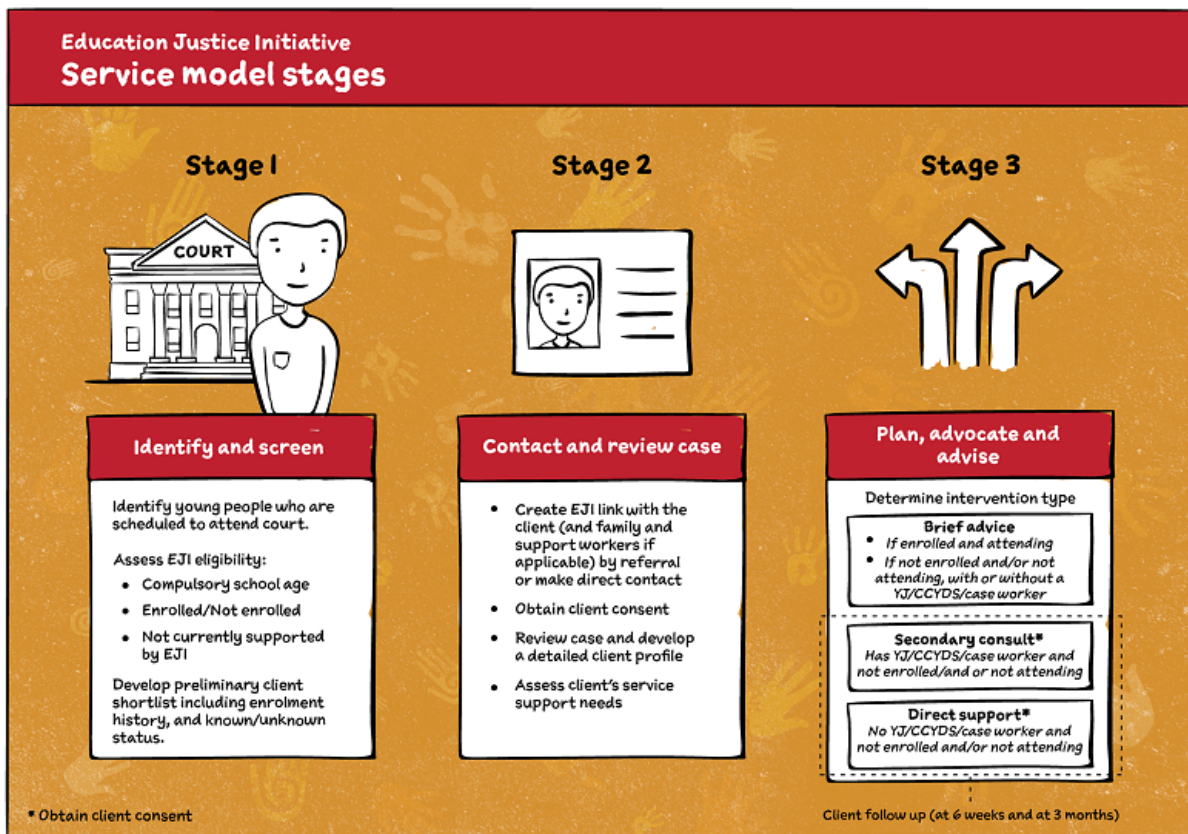
- supporting the Intensive Bail and Youth Control Orders process
- providing educational support to young people in custody.

EJI SERVICE STANDARDS

EJI RECCLOs/KECCLOs follow established service standards to deliver a consistent, high-quality service to young people every time there is an interaction.

Consistent service standards make certain that key EJI stakeholders, including young people, know what to expect when they engaging with the EJI workforce.

The service standards are shown on the EJI service model stages diagram above. The stages are described in detail over the page.



STAGE 1, IDENTIFY AND SCREEN

Stage 1, Identify and screen, confirms the supports a young person has in place, and their school enrolment status.

EJI RECCLOs/KECCLOs:

- develop a shortlist of young people, in particular identifying, where possible, young people that may be at court on their first appearance in the coming week
- work closely with key partners to build preliminary profiles of shortlisted young people before first contact
- may refer a young person to another service for support.

Stage 1 is for establishing an early picture of the potential supports and advice a young person may need—so when they work together in stage 2, RECCLOs/KECCLOs can offer informed and timely advice to the young person, their family and/or case worker.

During this stage, RECCLOs/KECCLOs undertake the pre-court work of reviewing the Court List, obtaining further information from the Victorian Curriculum and Assessment Authority (VCAA), liaising with schools and data entry.

Referring a young person to another party

After the initial assessment, the RECCLO/KECCLO may identify the need to refer a young person to:

- another service organisation through a standard EJI referral
- a Service Support Manager, for KECCLO referrals of non-Koorie young people
- a RECCLO or KECCLO working at a location that is geographically closer to the young person's school through an EJI internal referral. When this occurs the RECCLO/KECCLO would first gain consent from the young person and their family/carer to refer them on.

Standard EJI referral

Standard EJI referrals, also called education referrals, occur when some initial work is undertaken by EJI workers to understand the background and/or eligibility of the young person, and then they refer that young person to another program and/or service, for example Navigator, LOOKOUT or other regional DET support.

After making an education referral, RECCLO/KECCLO's follow up with the service/program twice: the first follow up is at six weeks from the referral; the second is at three months.

KECCLO non-Koorie referrals

When KECCLOs are working with non-Koorie young people they can make an immediate referral with no upfront work to the Service Support Manager.

These referrals may also come from another agency at the court, where there is a non-Koorie young person attending a court who is not supported by a RECCLO. In line with the Learning Places model, the Service Support Manager is responsible for receiving these referrals and responding to them.

EJI internal referral

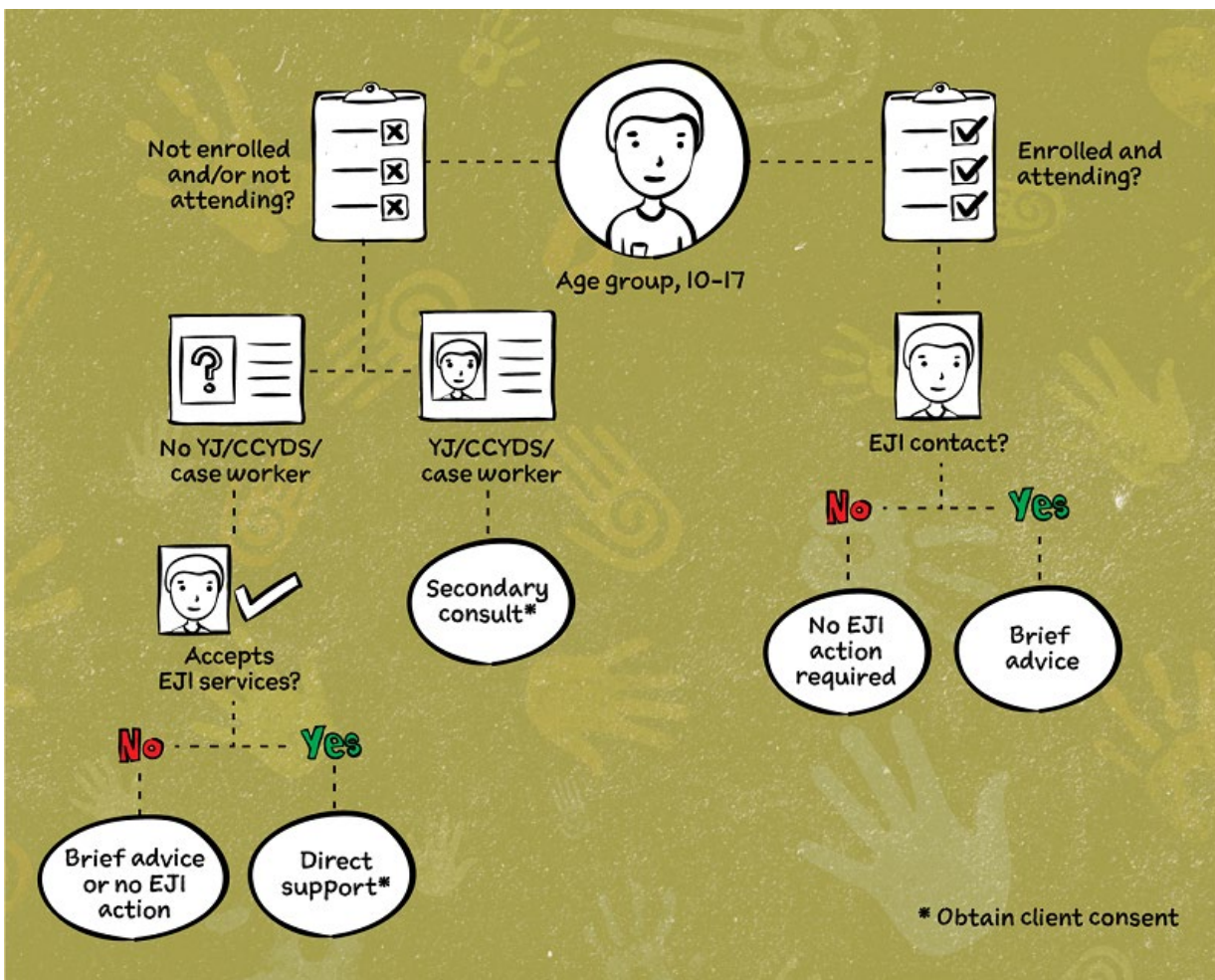
EJI internal referrals occur when a young person attends court and requires EJI support and their enrolled school is within a local area serviced by another RECCLO or KECCLO.

In these circumstances, RECCLOs/KECCLOs can refer the young person to the RECCLO or KECCLO that services the local area that the young person's school is in.

Intervention services

Stage 1, Identify and screen, helps to determine the type of EJI intervention service that is suitable for the young person, which may be:

- brief advice
- secondary consult
- direct support.



STAGE 2, CONTACT AND REVIEW CASE

In stage 2, Contact and review case, the EJI RECCLLO/KECCLO works hard to build trust and rapport with the young person and their family so that the young person has confidence in the value of EJI services.

Stage 2, brief advice

A 'brief advice' service is a one-off interaction with a young person, their family/carer, case worker or legal representative in court, where the EJI RECCLLO/KECCLO provides education information and/or advice.

If the EJI RECCLLO/KECCLO identifies that a young person is enrolled in and attending an education setting, or a young person is not enrolled or attending and does not want to take up the EJI service, EJI can provide brief advice to support the young person with extra information and advice during their period of court attendance.

There is no further action taken by the EJI RECCLLO/KECCLO unless the young person, their family/carer or case worker asks for more support.

Stage 2, secondary consult

Secondary consult is made up of one or more interactions with a young person's care/case worker where the EJI RECCLLO/KECCLO provides targeted advice and referral support. A referral form must be completed.

This process:

- enables case workers to personally activate the young person's connection/reconnection with a suitable education and training pathway
- builds ongoing capacity within government and community service agencies to navigate the education system more effectively
- helps to develop strong and collaborative partnerships among the education, youth justice and human services sectors who are all jointly responsible for supporting young people to thrive; e.g. Youth Support + Advocacy Service and Anglicare
- may have to provide critical information about a young person's education status, attendance history or learning needs to help YJ or CCYDS workers develop briefs for court proceedings and, in some cases, to inform Magistrates' judgements.

Stage 2, direct support

Direct support is made up of one or more interactions with a young person who is not enrolled and/or not attending in an education or training program, to get a profile of their education history for connection to or reconnection with an education pathway. A referral form must be completed.

During stage 2, Contact and review case, EJI RECCLLOs/KECCLOs:

- make connections and establish rapport with the young person, their family and their support team
- may have to provide critical information about a young person's education status or attendance history to help legal representatives develop briefs for court proceedings and, in some cases, to inform Magistrates' judgements.

STAGE 3, PLAN, ADVOCATE AND ADVISE

In stage 3, Plan, advocate and advise, RECCLOs/KECCLOs engage with multi-disciplinary teams within DET and other key stakeholder groups to identify the most appropriate pathways and support services for each young person.

Specifically, they:

- focus on individual planning to re-engage the young person with an appropriate education or training pathway
- map a plan with the young person, their family and their support team
- focus on the preferences of the young person, their education and enrolment history and take into account any extra support needs the person may have. The goal is to identify the pathway that will give the young person the best chance of a successful outcome.

Stage 3, secondary consults

When providing secondary consults during stage 3, RECCLOs/KECCLOs focus on supporting the case worker (if required) to:

- build their knowledge and skills of the education and training system by providing information and advice
- help to overcome any barriers or roadblocks they may be experiencing with a school or training provider.

Stage 3, direct support

When delivering direct support during stage 3, RECCLOs/KECCLOs will often work directly with schools to:

- negotiate enrolment or re-engagement
- provide advice to schools or training providers on transition planning and the available supports, with the aim of making the young person's re-engagement as successful as possible.

RECCLOs/KECCLOs may also attend the young person's Care Team Meetings or SSG to:

- provide advice about education and training options
- support EJI partners to build their knowledge of the education and training system and help to overcome barriers or challenges to enrolment or attendance
- advocate for individualised re-engagement strategies, for example staged return plans.

FOLLOW UP

First at six weeks and at again at three months after first contact with the young person, RECCLOs/KECCLOs follow up with their clients (through secondary consult or direct support) to establish the current status of the young person's engagement with their education or training pathway. They find out, for example, if the young person is still attending and how regularly they are attending.

CLOSE CASE

An EJI case is considered closed when any of the following occurs. The young person:

- has retained the placement at the education or training setting at the three-month follow up
- has disengaged from placement at the education or training setting and client is uncontactable
- has moved out of Victoria, or has turned 18 and is no longer eligible for EJI support
- has disengaged completely from the EJI service
- and their family/carer has asked to stop the service early because they have re-engaged in education without needing EJI's service, or they have put in place an alternative outcome.

The RECCLO/KECCLO will then close the case on the EJI Web Portal.

After a case is closed, if a young person reappears in court and needs EJI service support, then a new case will be opened for this young person.

OTHER SUPPORT EJI PROVIDES

Intensive Bail and Youth Control Orders

Intensive Bail and Youth Control Orders (IB/YCOs) are bail and sentencing options for the Children's Court that provide an alternative to detention.

About

IB/YCOs were established in June 2018 and provide a high level of support and supervision to young repeat offenders, including a requirement that the young person attend a minimum of 15 hours of education, training or employment per week.

All young people on IB/YCOs receive intensive case management and supervision from youth justice workers.

DJCS staff have overall responsibility

As part of their role, DJCS staff working with partner agencies, including Victoria Police, DET and DFFH (out-of-home care), mental health, AOD, disability and homelessness), make sure there is overall coordination of the response and the supports provided to a young person on an IB/YCO.

EJI's role

The role and relationship of EJI in supporting IB/YCOs is of relevance to the broader Youth Justice Reform agenda and is a model for collaboration and information sharing. To support this, each DET local area has a lead representative for IB/YCOs.

RECCLOs/KECCLOs may play a role, if required, by providing relevant information to Youth Justice at the eligibility stage of the process. This requires gathering information on the young person's educational history and current education status to give to the court at the time of the bail/sentencing hearing.

Where the young person is on remand in Parkville, the RECCLO/KECCLO will be able to get this information from the Parkville College Transitions Team.

For more information see the EJI Guidelines resources folder:

- Intensive Bail and Youth Control Orders Factsheet
- IBYO Vet Pathway Program: Guide Book.

Other related reforms and initiatives include:

- the upcoming information sharing agreement between DJCS and DET
- initiatives funded through the Ministerial Taskforce into Youth Offending

Educational support for young people in custody

Two Youth Justice Education Pathway Coordinators are a dedicated resource in DET that act as a bridge to connect and broker supports for young people involved the youth justice system and enable a successful transition from custody back into education or training. The role is focused on supporting a consistent and coherent state-wide approach across DET to assist young people, many of whom may have complex behaviour, as they transition from custody back into education, training or employment, and ensuring all relevant supports and interventions are considered and coordinated. These roles work closely with the EJI workforce, DET Area Teams and schools, including Parkville College.

As well Guidance (The Guidance) for schools on supporting and empowering students in youth justice has been developed by DET: <https://www2.education.vic.gov.au/pal/youth-justice-additional-support-young-people/policy>

The Guidance on the Department's Policy and Advisory Library (PAL) sets out key actions for schools with students in youth justice including:

- appointing a learning mentor
- establishing a Student Support Group
- developing and reviewing an Individual Education Plan
- providing in-reach and support transitions for any students in custody
- escalating for additional supports if a student is at risk.

These actions relate to young people:

- in custody, remand or sentenced
- in community, who have been sentenced on a criminal matter and/or diverted from custody on intensive bail or youth control orders, or community-based orders.

DET workforces, including the EJI workforce, support the implementation of actions to ensure the educational engagement of young people engaged in youth justice. Key actions for the EJI workforce are outlined in the Monthly Youth Justice Snapshot Checklist, and the Custodial Educational Triage Checklist: <https://edugate.eduweb.vic.gov.au/edrms/website/PAL/actions-for-regions-tracking-monitoring-and-support-for-young-people-in-yj.pdf>

PRIVACY AND INFORMATION SHARING

THE ACTS

The Department, which includes all Victorian government schools, values every person's privacy and is committed to protecting information that schools collect.

The EJI workforce must collect and securely hold information about a young person's school enrolment status to be fully compliant with the Victorian privacy law, which comprises the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

The Privacy and Data Protection Act

The *Privacy and Data Protection Act* covers how to handle personal information (except health information) in the public sector in Victoria.

The Information Privacy Principles (IPPs) under this Act regulate how government agencies, including government schools, must manage personal information. They cover how and when personal information can be collected, used and disclosed, as well as how it should be stored. The *Privacy and Data Protection Act* also allows individuals to access aspects of the information and have it corrected if it is incorrect.

The Health Records Act

The *Health Records Act* protects health information handled by the Victorian public and private sectors.

Health information is a specific type of personal information. It is defined as information or an opinion about the physical or mental health, or the disability of an individual. It includes any personal information collected during provision of a health service.

The Health Privacy Principles (HPPs) under the *Health Records Act* apply to how all health information is handled in Victoria. They cover how and when health information can be collected, used and disclosed, as well as how it should be stored.

GETTING CONSENT BEFORE SHARING INFORMATION

EJI aims to foster relationships of openness and trust with young people and their families—and it is through this lens that RECCLOs/KECCLOs first explain how they may need to share information to help a young person engage/re-engage with education, training or employment, before seeking their consent.

SHARING INFORMATION—AN OVERVIEW

When a young person or their family/carer signs the EJI Consent Form, RECCLOs/KECCLOs may share information about a young person with other RECCLOs/KECCLOs, other service providers and school staff who ‘need to know’ that information so the service can:

- educate the young person (including planning for individual needs or addressing barriers to learning)
- support the young person’s social and emotional wellbeing and health
- fulfil legal obligations, including to:
 - take reasonable steps to reduce the risk of reasonably foreseeable harm to the young person, other students, staff or visitors (to fulfil a duty of care)
 - make reasonable adjustments for a young person’s disability (to satisfy anti-discrimination law)
 - provide a safe and secure workplace (to satisfy occupational health and safety law).

In limited circumstances, RECCLOs/KECCLOs may share information beyond the Department without prior consent if the disclosure of information is reasonably necessary to law enforcement agencies under Victorian Privacy Law; e.g. with the DJCS’s YJ or CCYDS workers.

SHARING INFORMATION WITH COURTS VICTORIA AND DJCS

RECCLOs/KECCLOs may share information with the courts, the CYJS? and the CCYDS in any of the following circumstances:

- they have the individual’s informed consent
- the secondary purpose of disclosing the information is related/ or directly related to the primary purpose for which it was collected and it is reasonable to expect the information would be shared
- sharing the information allows the Community Youth Justice Service /CCYDS to carry out its specific law-enforcement agency functions they have been asked by the courts to share the information in specific circumstances.

If a Magistrate asks a RECCLO/KECCLO for a young person’s educational information during court proceedings, you can provide the following details:

- enrolment status/history information from the Victorian Student Register, including the Victorian student number
- information the Department holds about the young person’s education history (e.g. attendance, how they are going in education, whether they have Program for Students with a Disability funding or are in a special school).

A Magistrate may ask for a young person’s educational information when:

- a RECCLOs/KECCLOs is in the witness box or on the floor of the court
- there is a formal court order
- there is no formal court order.

Note: The Magistrate may only ask for this information:

- as a court, and not for personal reasons
- solely to determine the matter at hand.

If a RECCLOs/KECCLOs is in doubt about why a Magistrate is asking, they should ask:

“Your Honour, given DET’s privacy obligations, can you please clarify that this is a formal request on behalf of the court?”

More information

For a guide to how information sharing works within a court setting, see Appendix 1: Decision trees—disclosing information flow charts, which includes:

- sharing health information in a court setting, see page **Error! Bookmark not defined.**
- sharing personal information in a court setting, see page **Error! Bookmark not defined..**

For additional information, please refer to the resources available regarding working within the Children’s Court: <https://www.childrencourt.vic.gov.au/>

SHARING INFORMATION WITH THE DJCS

The Community Youth Justice Service (CYJS) within Youth Justice is considered a law enforcement agency under the *Privacy and Data Protection Act 2014*, but only for specific functions. This means you can share information with the CYJS as a law enforcement agency only when the information to be disclosed relates to one of their law enforcement agency functions. Please note that information can also be shared through the other appropriate channels, as listed in Appendix 1: Decision trees.

For a further guide to how information sharing works with DJCS, see Appendix 1: Decision trees—disclosing information flow charts, which includes:

- sharing health information in a DJCS setting, see page **Error! Bookmark not defined.**
- sharing personal information in a DJCS setting, see page **Error! Bookmark not defined..**

Note that sharing information in this capacity with the CYJS does not allow Victorian Student Number (VSN) or related information to be shared.

SHARING INFORMATION WITH YOUNG PEOPLE AND THEIR PARENT/ GUARDIANS

With regard to sharing information from the Victorian Student Register *The Education and Training Reform Act* states:

5.3 A.11 Student, parent or guardian may access Student Register information.

A student or a student's parent or guardian may apply to the Secretary for a copy of the information recorded in the Student Register relating to that student.

An application under subsection (1) must —

- be in the manner and form approved by the Secretary; and*
- be accompanied by —*
- evidence of the applicant's identity to the satisfaction of the Secretary; and*
- in the case of a parent or guardian, evidence of the applicant's relationship to the student to the satisfaction of the Secretary.*

Process and legislative requirements

No matter who asks (be they the young person, their family, their guardian or a legal representative) for a young person's information that is held on the Victorian Student Register, there is only one EJI process to follow—and this applies whether they are enrolled or not.

There is no approved form for requests; however, the person making the request:

- must not be the subject of a court or tribunal order that prevents or restricts access to the young person (In this case, EJI may need to take additional steps before releasing any information)
- must provide evidence of their identity
- must also provide evidence of their relationship to the young person (if they are a parent or guardian).

SHARING INFORMATION FOR DUTY OF CARE

A duty of care means that school or training provider staff need to know about any reasonably foreseeable risk of harm to anyone because of the young person's behaviour, disability, family circumstances or any other relevant circumstances related to the young person.

For example, they will need to know if there is a reasonably foreseeable risk to anyone because the student:

- may display violent behaviours
- is a victim or perpetrator of bullying
- has expressed suicidal thoughts
- is a victim of child abuse
- has problems with alcohol or drugs
- has a history of alleged family violence, homelessness or poverty

- is the victim or perpetrator of sexual assault, or displays concerning sexualised behaviours.

RECCLOs/KECCLOs should share this information with other staff members that need to know because they work with or supervise the young person. This includes school staff, the principal (or other members of the school leadership team) and training provider staff.

EJI team members should share the relevant information that is necessary to fulfil their own duty of care to others, which in turn enables other staff members to fulfil their duty of care. This includes any information that the school or training provider may need to:

- conduct a risk assessment to be aware of and address behaviours that may pose a risk to the young person or to other young people, children and staff
- develop individual management/support plans.

Importantly, when there is a reasonably foreseeable risk of harm, EJI team members should act on that information and share the information with other staff who 'need to know', even if the young person or their parent or guardian asks that the information not be shared.

THE INFORMATION SHARING SCHEMES

The Child Information Sharing Scheme (CISS) enables authorised organisations or services (ISEs) to share confidential information about any person to promote the wellbeing and/or safety of a child or group of children. The Family Violence Information Sharing Scheme (FVISS) enables the sharing of relevant information between authorised organisations to assess or manage risk of family violence.

Under both CISS and FVISS, it is ok to share relevant information between ISEs at any time about any person to promote the wellbeing or safety of a child or group of children, and/or to assess or manage family violence risk whenever the relevant requirements for sharing are met. The schemes are designed to improve earlier identification of issues or risks for children and families, including family violence risk, and enable earlier support and participation in services. The Schemes have been designed to operate alongside existing privacy obligations in the Departments privacy policies which are based on Victorian privacy laws: the Privacy and Data Protections Act 2014 and the Health Records Act 2001 under the PDP Act and the HR Act.

For more information, visit DET's Child Protection and Privacy Information webpage:

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/infosharing.aspx>

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DECISION TREES FOR DISCLOSING INFORMATION

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A COURT REQUESTS A YOUNG PERSON'S HEALTH INFORMATION

Health information is defined in section 3 of the Health Records Act 2001. It includes information or an opinion about the physical, mental or psychological health of an individual, a disability of an individual, or a health service provided or to be provided to an individual that is also 'personal information'. Health information also includes personal information collected in order to provide, or in the course of providing, a health service.

CAN I DISCLOSE IT?

Authority to use and disclose health information with the consent of the young person

Does EJI have the consent of the person to whom the information relates (if a mature minor) or by their parent/carer/guardian?

- If yes, the information can be used or disclosed under HPP2.2 (b)

Authority to use and disclose health information without the consent of the young person

What was the primary purpose for collecting the information in the first place (i.e. helping a young person re-engage in school and education support services)? Is the secondary purpose for use and disclosure the same as the primary purpose for collection?

- If yes, the information can be used or disclosed under HPP2.1

The Health Privacy Principles (HPPs), under Schedule 1 of the Health Records Act 2001, apply to health information collected and handled in Victoria by the Victorian public sector and the private sector.

- If no, ask if the secondary purpose of disclosure directly related to the primary purpose of collection?
- If yes, ask would the individual reasonably expect the organisation to use or disclose the information for the secondary purpose?
 - If yes, the information can be used or disclosed under HPP2.2 (a)

Is the use or disclosure required or authorised by or under the law?

This will arise when a court formally requests information either via a warrant or court order; or a Judge or Magistrate requests information from the EJI staff member who is present at court proceedings or asked to appear in the witness box during a court proceeding.

If the EJI staff member is uncertain in what capacity the Judge or Magistrate is seeking the information, they should seek clarification from the Judge or Magistrate. Health information can only be provided if the request is being made by the Court in its official capacity. Health information cannot be disclosed to a court registry staff member nor to a Judge acting in his or her personal capacity.

- If yes, the information can be used or disclosed under HPP2.2 (c)

Is the use or disclosure necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare?

- If yes, the information can be used or disclosed under HPP2.2 (h)(i)

A COURT REQUESTS A YOUNG PERSON'S PERSONAL INFORMATION

Personal information is defined in section 3 of the Privacy and Data Protection Act 2014. It means information or an opinion that is recorded in any form, whether true or not, about an individual whose identity is apparent or can be reasonably ascertained from the information or opinion. It does not include information of a kind to which the Health Records Act 2001 applies.

CAN I DISCLOSE IT?

Authority to use or disclose personal information with the consent of the young person

Does EJI have the consent of the person to whom the information relates (if a mature minor) or by their parent/carer/guardian?

- If yes, the information can be used or disclosed under IPP2.1(b)

Authority to use or disclose personal information without the consent of the young person

What was the primary purpose for collecting the information in the first place (i.e. helping a young person re-engage in school and education support services)? Is the secondary purpose for use and disclosure the same as the primary purpose for collection?

- If yes, the information may be disclosed under IPP2.1

The Information Privacy Principles (IPPs), under Schedule 1 of the Privacy and Data Protection Act 2014, apply to personal information and sensitive information collected and handled by the Victorian public sector.

- If no, ask if the information for use or disclosure is sensitive information?

Sensitive information is defined in Schedule 1 to the Privacy and Data Protection Act 2014. It includes information or an opinion about a person's criminal records, racial or ethnic origin, political opinion, religious beliefs, sexual preferences or practices, membership of a trade union, membership of a professional or trade association, philosophical beliefs.

- If yes, ask if the use or disclosure directly related do the primary purpose for collection?
 - If yes, would the individual reasonably expect the organisation to use or disclose the information for the secondary purpose?
 - If yes, the information can be used or disclosed under IPP2.1(a)
- If no, is the secondary purpose for use or disclosure related to the primary purpose of collection?
 - If yes, would the individual reasonably expect the organisation to use or disclose the information for the secondary purpose?
 - If yes, the information can be used or disclosed under IPP2.1(a)

Is the use or disclosure required or authorised by or under the law?

This will arise when: a court formally requests information either via a warrant or court order or a Judge or Magistrate requests information from the EJI staff member who is present at court proceedings or asked to appear in the witness box during a court proceeding.

If the EJI staff member is uncertain in what capacity the Judge or Magistrate is seeking the information, they should seek clarification from the Judge or Magistrate. This is because personal

information can only be provided if the request is being made by the Court in its official capacity. Personal information cannot be disclosed to a court registry staff member nor to a judge acting in his or her personal capacity

- If yes, the information can be used or disclosed under IPP2.1 (f)

Is the use or disclosure necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare?

- If yes, the information can be used or disclosed under IPP2.1 (d)(i)

THE DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY (DJCS) REQUESTS A YOUNG PERSON'S HEALTH INFORMATION

Health information is defined in section 3 of the Health Records Act 2001. It includes information or an opinion about the physical, mental or psychological health of an individual, a disability of an individual, or a health service provided or to be provided to an individual that is also 'personal information'. Health information also includes personal information collected in order to provide, or in the course of providing, a health service.

CAN I DISCLOSE IT?

Authority to use and disclose health information with the consent of the young person

Does EJI have the consent of the person to whom the information relates (if a mature minor) or by their parent/carer/guardian?

- If yes, the information can be used or disclosed under HPP2.2 (b)

Authority to use and disclose health information without the consent of the young person

What was the primary purpose for collecting the information in the first place (i.e. helping a young person re-engage in school and education support services)? Is the secondary purpose for use and disclosure the same as the primary purpose for collection?

- If yes, the information can be used or disclosed under HPP2.1
The Health Privacy Principles (HPPs), under Schedule 1 of the Health Records Act 2001, apply to health information collected and handled in Victoria by the Victorian public sector and the private sector.
- If no, ask if the secondary purpose of disclosure directly related to the primary purpose of collection?
- If yes, ask would the individual reasonably expect the organisation to use or disclose the information for the secondary purpose?
 - If yes, the information can be used or disclosed under HPP2.2 (a)

Is the use or disclosure reasonably necessary for one or more of the following by or on behalf of DJCS's Children Youth Justice Service (CYJS) or Children's Court Youth Diversion Service (CCYDS) as a law enforcement agency?

The key functions which CYJS is considered to be carrying out law enforcement agency functions are limited to the following (note: below only applies to the CYJS in DJCS - other areas of DJCS may not be classified as having law enforcement agency functions - seek specific advice if uncertain):

1. Bail support services
2. Pre-sentence reports
3. Advice on group conferencing

4. Advice regarding a young person's suitability to be placed on a youth attendance order
5. Youth Justice Officers assisting the court
6. Carrying out functions in relation to supervision of community based orders (including variations and revocations of such orders)
7. Progress and breach reports on compliance by a young person with a probation order, youth supervision order, youth attendance order or youth control order
8. Supervision and monitoring of a young person on parole.

The key functions which CCYDS is considered to be carrying out law enforcement agency functions are limited to the execution and implementation of decisions of the court regarding:

1. Assessment
 2. development of a diversion plan
 3. engagement with a young person to facilitate completion of a diversion plan
 4. reviews or assessments of completion of a diversion plan which requires a report.
- If yes, the information can be used or disclosed under HPP2.2 (j)
It is a requirement of this HPP that a written note of the use or disclosure must be made by the organisation (HPP2.3).

Is the use or disclosure necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare?

- If yes, the information can be used or disclosed under HPP2.2 (h)(i)

THE DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY (DJCS) REQUESTS A YOUNG PERSON'S PERSONAL INFORMATION

Personal information is defined in section 3 of the Privacy and Data Protection Act 2014. It means information or an opinion that is recorded in any form, whether true or not, about an individual whose identity is apparent or can be reasonably ascertained from the information or opinion. It does not include information of a kind to which the Health Records Act 2001 applies

CAN I DISCLOSE IT?

Authority to use or disclose personal information with the consent of the young person

Does EJI have the consent of the person to whom the information relates (if a mature minor) or by their parent/carer/guardian?

- If yes, the information can be used or disclosed under IPP2.1(b)

Authority to use or disclose personal information without the consent of the young person

What was the primary purpose for collecting the information in the first place (i.e. helping a young person re-engage in school and education support services)? Is the secondary purpose for use and disclosure the same as the primary purpose for collection?

- If yes, the information may be disclosed under IPP2.1

The Information Privacy Principles (IPPs), under Schedule 1 of the Privacy and Data Protection Act 2014, apply to personal information and sensitive information collected and handled by the Victorian public sector.

- If no, ask if the information for use or disclosure is sensitive information?

Sensitive information is defined in Schedule 1 to the Privacy and Data Protection Act 2014. It includes information or an opinion about a person's criminal records, racial or ethnic origin, political opinion, religious beliefs, sexual preferences or practices, membership of a trade union, membership of a professional or trade association, philosophical beliefs.

- If yes, ask if the use or disclosure directly related do the primary purpose for collection?
 - If yes, would the individual reasonably expect the organisation to use or disclose the information for the secondary purpose?
 - If yes, the information can be used or disclosed under IPP2.1(a)
- If no, is the secondary purpose for use or disclosure related to the primary purpose of collection?
 - If yes, would the individual reasonably expect the organisation to use or disclose the information for the secondary purpose?

- If yes, the information can be used or disclosed under IPP2.1(a)

Is the use or disclosure reasonably necessary for one or more of the following by or on behalf of DJCS's Children Youth Justice Service (CYJS) or Children's Court Youth Diversion Service (CCYDS) as a law enforcement agency?

The key functions which CYJS is considered to be carrying out law enforcement agency functions are limited to the following (note: below only applies to the CYJS in DJCS - other areas of DJCS may not be classified as having law enforcement agency functions - seek specific advice if uncertain):

1. Bail support services
2. Pre-sentence reports
3. Advice on group conferencing
4. Advice regarding a young person's suitability to be placed on a youth attendance order
5. Youth Justice Officers assisting the court
6. Carrying out functions in relation to supervision of community based orders (including variations and revocations of such orders)
7. Progress and breach reports on compliance by a young person with a probation order, youth supervision order, youth attendance order or youth control order
8. Supervision and monitoring of a young person on parole.

The key functions which CCYDS is considered to be carrying out law enforcement agency functions are limited to the execution and implementation of decisions of the court regarding:

1. Assessment
2. Development of a diversion plan
3. Engagement with a young person to facilitate completion of a diversion plan
4. Reviews or assessments of completion of a diversion plan which requires a report.

- If yes, the information can be used or disclosed under HPP2.2 (j)

Is the use or disclosure necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare?

- If yes, the information can be used or disclosed under IPP2.1 (d)(i)

ACRONYMS AND DEFINITIONS

Appendix two

AED

Area Executive Director

The AED works closely and collaboratively as part of a regional and state-wide team to:

- implement learning and development strategies, including the FISO
- design, broker and deliver high-quality education and early childhood services that are responsive to local needs, improve early childhood service and school outcomes and improve performance across the area.

AOD

Alcohol and Other Drugs

AOD relates to the young person having substance abuse issues, and the services and treatments available to address those issues.

CISS

Child Information Sharing Scheme

CISS operates under Part 6A and 7A of the Child Wellbeing and Safety Act 2005 (CWS Act). The Scheme allows organisations and services prescribed by regulation as information sharing entities and restricted information sharing entities to share confidential information to support child wellbeing or safety.

CCYDS

Children's Court Youth Diversion Service

CCYDS is a pre-plea option that provides an opportunity for young people appearing before the criminal division of the Children's Court to:

- accept responsibility for their behavior
- understand the harm caused by their actions
- complete a diversion plan, including the activities intended to reduce the likelihood of further offending
- have the charge(s) discharged on successful completion of the diversion plan
- avoid the stigma associated with a criminal record and the impact this has on future life opportunities.

CSO

Community Service Organisation

CSOs promote, provide or carry out activities, facilities or projects for the benefit or welfare of the community, or any members who have a particular need by reason of youth, age, infirmity or disablement, or social or economic circumstances.

CSV

Court Services Victoria

CSV manages the development of legislation in relation to courts and tribunals, and advises the Attorney-General on matters concerning the justice system, including courts, tribunals and the judiciary.

CTM

Care Team Meeting

A Care Team is the network of professionals, parents, carers and any other significant adults that, as a group, meet to coordinate service delivery for a young person to make sure services are properly integrated and meet the needs of the vulnerable young person.

DET

Department of Education and Training

DET delivers education and development services to children, young people and adults through government schools, and indirectly through the regulation and funding of early childhood services, non-government schools and training programs.

DFFH

Department of Families, Fairness and Housing

DFFH areas of focus are child protection, housing, disability, the prevention of family violence, multicultural affairs, LGBTIQ+ equality, veterans, women and youth.

DJCS

Department of Justice and Community Safety

DJCS develops and implements a range of laws, regulations and policies in areas across the portfolio (such as in gaming and emergency management) and ensures that all elements of the justice and regulation system are working efficiently and effectively.

EJI

Education Justice Initiative

EJI is an information, referral and advocacy service that provides specialist expertise in education to help vulnerable young people involved with the criminal justice system to engage or re-engage with education and training.

The program specifically targets young people of compulsory school age (between the ages of 10–17) at their first point of engagement with the criminal division of the Children’s Court.

FISO

Framework for Improving Student Outcomes

FISO is an evidence-based framework that helps schools lift student outcomes and build system capability.

FLO

Flexible Learning Option

Sometimes life circumstances mean that a small number of students aren't able to attend mainstream schools, and they transition for a short and fixed period to a more flexible and individualised setting that keeps them engaged and learning.

FLOs play an important role in increasing student engagement and in helping students to achieve, as a way to support them back into school and/or onto further education and training.

FVISS

Family Violence Information Sharing Scheme

Under the FVISS, Information Sharing Entities or ISEs (key organisations and services) can share information related to assessing or managing family violence risk. The Scheme supports ISEs to:

- keep perpetrators in view and accountable
- promote the safety of victim survivors of family violence.

IB/YCO

Intensive Bail / Youth Control Orders

IB/YCOs are bail and sentencing options for the Children's Court and the Koorie Children's Court that were introduced on 1 June 2018.

IB/YCOs target high-risk young people in the criminal justice system who have had frequent, severe and/or chronic patterns of offending.

Both IB and YCOs include a high level of support and supervision for the young person, and a requirement that the young person attend a minimum of 15 hours of education, training or employment per week.

IB is effective for up to three months and YCOs for up to 12 months.

KECCLO

Koorie Education Children's Court Liaison Officer (DET) - also called EJI KECCLO in this document

KECCLOs provide advice to the Children's Koorie Court and Children's Courts on educational referral, and help to arrange access to appropriate educational options for Koorie young people appearing before the courts on criminal matters.

Working in a DET regionally based, multi-disciplinary area team, the KECCLO supports Koorie young people to remain engaged or re-engage in education.

KEM

Koorie Education Manager (DET)

KEMs collaborate with Area Service Support Managers to inform Koorie workforce practices when implementing Koorie programs that improve learning outcomes for Koorie students. They make sure consistent, high-quality and culturally inclusive practices are delivered across the region for children and young people from birth to 18 years.

KESO

Koorie Engagement Support Officer (DET)

KESOs are DET staff who work with education and family service providers, key stakeholders and the Koorie community to improve early-years participation, student engagement and wellbeing, student retention and achievement, and access to higher education and further training pathways.

In their work to improve outcomes for Koorie children and young people, KESOs are a critical link between the DET, agencies and communities.

They advise education providers on setting up culturally inclusive learning environments and help to guide the coordination of services that support re-engagement of at-risk Koorie children and young people.

LOOKOUT

LOOKOUT

LOOKOUT staff and centres support schools, child protection practitioners and case workers to improve the educational outcomes for children and young people who live in OoHC.

MAPs

Multi-Agency Panel

Multi-Agency Panels have been established across the Melbourne metropolitan region. They comprise representatives from the:

- DJCS
- DFFH
- DET
- Department of Jobs, Precincts and Regions
- Victoria Police.

MAPs are chaired by DJCS's regional executives.

The purpose of the MAPs is to:

- identify young people at high risk of serious offending
- identify factors contributing to this high risk (including lack of protective factors)
- note the service response to date and identify gaps, and identify barriers to service access
- collaborate and cooperate to address gaps in and barriers to service response and access.

MAPs provide additional oversight to develop a multi-agency intervention plan that outlines each agency's role in addressing service gaps and barriers to service access, with a view to managing, reducing, and preventing the escalation of risk factors, and building protective factors.

OoHC

Out-of-home care

OoHC is a temporary, medium- or long-term living arrangement for children and young people who cannot live in their family home.

Most commonly it refers to statutory OoHC, where a child or young person cannot live with their family home and a legal order is in place to support the arrangement. In Victoria, the DFFH has oversight of statutory OoHC arrangements.

It may also refer to informal OoHC arrangements, where a child is living with someone other than their parent or legal guardian, without an out-of-home care legal order in place. DFFH usually does not have oversight of these arrangements.

PSD

Program for students with a disability

A PSD provides schools with supplementary resources for a defined group of students with disabilities who have high needs. Program objectives include student learning, engagement and wellbeing, and student pathways and transitions.

PSR

Pre-Sentence Report

The PSR is the set of facts about a young offender's context and situation. It includes information about an offender's family situation, their education and background, their medical and psychological history, and an assessment of their risk to the community.

RECCLLO

Regional Education Children's Court Liaison Officer (DET)—also called the EJI RECCLLO in this document

RECCLLOs provide advice to Children's Courts on educational referral, and help to arrange access to appropriate educational options for young people that appear before the courts on criminal matters.

Working in a DET regionally based, multi-disciplinary area team, the RECCLLO supports young people to remain engaged or re-engage in education.

SSG

Student Support Group

The SSG is a partnership in the educational planning process, between the following parties:

- the parents/guardians/carers of the student or their advocate
- the teacher/s
- the principal or nominee (who acts as chairperson)
- the student (where appropriate).

The SSG aims to:

- enable those with the most knowledge of and responsibility for the student to work together to establish shared goals for the student's educational future
- plan reasonable adjustments for the student to access the curriculum
- provide educational planning that is ongoing throughout the student's life
- monitor the progress of the student.

School principals must establish an SSG for every child and young person in OoHC.

SSM

Service Support Manager

SSMs manage a diverse group of staff in the Service Support Branch, who are members of a larger area-level, multi-disciplinary team.

Key functions in the branch, some of which are shared across multiple areas, include managing:

- birth to 18 transitions
- youth pathways and programs
- provision planning
- community liaison
- education support to Koorie children and young people
- languages support, including English as an additional language.

SSS

Student Support Service

Student support services support schools and assist children and young people with learning barriers by providing strategies and specialised support to individual students, groups of students and teachers and schools.

Student support services officers include:

- psychologists
- speech pathologists
- social workers
- visiting teachers.

VCAA

Victorian Curriculum and Assessment Authority

The VCAA provides curriculum, assessment and reporting for all Victorian students and learners in government and non-government schools.

It is an independent statutory body responsible to the Victorian Minister for Education.

VET

Vocational Education and Training

VET programs provide an education that directly relates to getting a job. They:

- are typically shorter and more practical than higher education courses
- have an industry and trade focus
- are provided by registered training organisations (RTO), like a TAFE, a university or a private training provider.

VLA

Victorian Legal Aid

A free legal advice, help and legal representation service, available at court.

Legal aid is primarily for those who are disadvantaged or at risk of social exclusion.

VSN

Victorian School Number

The VSN is a nine-digit registration number that is issued when a student first enrolls with a Victorian educational provider (usually when they start school in prep.) The number remains current until the student turns 25.

An educational provider applies for the VSN on the student's behalf.

VSNs are issued to all students enrolled in primary and secondary schools (government, catholic and independent) and to students enrolled at a TAFE or in a funded and/or accredited VET course at a Registered Training Organisation.

YAO

Youth Attendance Order

A YAO is a community-based order that is a sentencing option, which is an alternative option to detention for young offenders aged 15–17 at the time of sentencing.

The order lasts for a maximum of 12 months and includes compulsory community work for the duration. It is restricted to youth with a mandatory conviction.

Young offenders on a YAO must attend the Youth Justice unit at least twice a week for up to 10 contact hours per week.

YJCAS

Youth Justice Court Advice Service

YJCAS is a specialised service provided by the Department's Youth Justice Service for young people appearing in the Children's, Magistrates, County or Supreme Courts on criminal matters.

The primary focus of YJCAS is to divert young people from the adult criminal justice system.

YJCSS

Youth Justice Community Support Service

YJCSS is an integrated approach to providing intensive support and services to young people involved in the youth justice system. It complements the statutory case management undertaken by statutory case managers in Youth Justice units.

The service has been developed recognising that young people involved in the youth justice system present with a range of complex and varied needs that require an individualised service response.

YPAT

Youth Pathways and Transitions Manager

YPATs provide leadership, advice and support to area-based teams about a range of partnership and school improvement projects designed to create effective pathways and transitions for young learners and vulnerable children from birth to 18 years.

They also provide advice to area teams, schools and other service providers about collaborative relationships, networks and partnerships that:

- improve cooperation and system integration
- enhance learning and development outcomes, including through strategic planning and quality assurance for re-engagement programs.

YSO

Youth Supervision Order

A YSO is a 'medium tariff' order for more serious offences or repeat offenders. Typically, the order lasts for 12 months but can be up to 18 months for more serious or multiple offences.

Young offenders on a YSO must attend the Youth Justice unit at least twice a week.