

# THE FCAV GUIDE TO CIMS SUPPORT

## OVERVIEW

The FCAV recognises that the investigation of allegations can be an extremely stressful and isolating experience for carers and their families. The following information is a summary of key processes that foster carers can expect if subject to a CIMS investigation.

## HOW YOU'RE INFORMED OF A CIMS

When a decision is made to investigate allegations against a carer, the carer's agency is responsible for advising of these, both verbally and in writing. The written advice is provided in a formal letter detailing the allegations made. In some circumstances, carers will receive an initial letter advising of an investigation with a subsequent letter detailing the allegations.

## WILL MY FOSTER CHILDREN BE REMOVED?

Where allegations are of a serious nature, particularly physical or sexual allegations, foster children will be moved to an interim placement for the duration of the investigation.

## SOCIT INVESTIGATIONS

Where allegations relate to sexual or physical abuse, a referral is provided to the Sexual Offences and Child-Abuse Investigation Team (SOCIT) of Victoria Police. SOCIT will conduct a preliminary investigation of the allegations then decide if these constitute a potential criminal offence. If SOCIT does not pursue the allegations further, an investigation is then be undertaken by the carer's agency.

## CARER CIMS INTERVIEWS

Carers should not participate in a CIMS interview without written advice of the allegations and appropriate notice that enables them to prepare their responses to the allegations. Interviews are recorded either by written interview notes or tape recording. Taped interviews are then transcribed. Following their interview, carers should always be provided with an interview transcript so they can check for any mistakes or misinterpretations. Carers have the right to have a support person present at their interview. The carer's support person cannot be someone who has direct involvement with the incident under consideration.

## REQUESTS FOR REVIEW OF AN INVESTIGATION OUTCOME

If a carer disagrees with a decision or recommendation of an incident investigation or incident review, they can make a written request for a review of the decision to the chief executive office or delegated authority of their organisation. This written request for a review of a decision must be submitted within 14 working days of parties being notified of the decision. The funded organisation then has 28 working days from when the carer's written request was received to complete the review.

## THE REPORTABLE CONDUCT SCHEME

The Reportable Conduct Scheme is administered by the Commission for Children and Young People. The Scheme independently oversees and monitors organisations' responses to reportable allegations and, when appropriate, make recommendations to improve responses.



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## WORKING WITH CHILDREN CHECKS

In certain circumstances, the Reportable Conduct Scheme will notify the Secretary of the Department of Justice and Regulation that reportable conduct has been substantiated for the purposes of a Working with Children Check reassessment under the Working with Children Act 2005). The Department of Justice will notify a carer that their eligibility to have a WWCC clearance is being reviewed. The carer can then provide a written submission to the Department of Justice in response to the review, explaining why they remain eligible to retain a WWCC Clearance.

## HOW CAN THE FCAV ASSIST?

The FCAV Carer Advocates can provide advice and support to foster carers from the time they are advised of a CIMS investigation through to a Suitability Panel Hearing. This support includes:

- **Preparing foster carers for their interviews and attending interviews as a carer's support person.**
- **Following up investigation delays.**
- **Assisting foster carers with requests for investigation outcome reviews.**
- **Supporting foster carers through Suitability Panel processes and Hearings.**
- **Assisting foster carers whose Working With Children Checks are subject to review.**

The FCAV's Carer Assistance Program is also available for foster carers who require emotional support during the course of their investigation/s.



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The FCAV acknowledges the unceded sovereignty of the Wurundjeri people of the Kulin Nation. We acknowledge the continued connection to Country – including lands, cultural knowledges and their peoples – and pay our respect to Elders past and present.



We celebrate the diversity of the FCAV carer membership, board and staff. We are committed to a workplace, policies and services that are safe and inclusive for LGBTQI+ communities and their families.

## INDEPENDENT INVESTIGATIONS

A further investigation of allegations can be authorised by the Human Services Regulator, DFFH, and is undertaken by an authorised independent investigator who provides a report, relevant evidence, and a finding whether they believe the alleged abuse has occurred. A decision is then made by the Department whether to refer the allegations to the Suitability Panel for a Hearing.

## THE SUITABILITY PANEL

The Suitability Panel decides whether a foster carer who is alleged to have sexually or physically abused a child in his/her care should be disqualified from being registered as a carer or decides whether a carer who has been disqualified should have that disqualification removed.

The Suitability Panel is not bound by the rules of evidence but is bound by the rules of natural justice. A carer is entitled to be present, make submissions and be legally represented. Hearings are not open to the public.

## FOR MORE INFORMATION PLEASE CONTACT FCAV

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