



# Neglect Policy

## 1 Purpose

The purpose of this policy is to promote a consistent child focussed approach to assessing and responding to neglect concerns.

## 2 Background

Neglect is one of the most difficult forms of child abuse to address because child protection workers are assessing what is not present or an omission of care by parents or carers. Neglect is frequently found to co-occur with other forms of child abuse. It often coincides with or results from a parent or carer's substance misuse, mental health issues, intellectual disability or low cognitive functioning, gambling or family and domestic violence. The impact of intergenerational trauma, cultural disconnection and family disruption can also affect a parent's capacity to care for their child<sup>1</sup>.

Structural factors can also contribute to neglect. Examples include poverty, unemployment, a lack of support services and transport, social and geographical isolation, inadequate housing or an over-crowded household, and social dislocation or marginalisation.

The effects of neglect may not be apparent at an early stage, except in the most extreme situation. Neglect can be episodic, reactive, or chronic. It is critical that neglect is not considered a lesser problem than other forms of abuse given the evidence that its consequences can be harmful. It is also important that the presence of chronic neglect does not obscure other forms of abuse. The short and long-term, as well as cumulative effects of neglect can be significant, whether there is intent by the parent or carer to harm the child or not.

Well documented worker observations, assessments, and safety plans, as well as a chronology of events are critical to inform an objective evaluation of the case and provide an appropriate response. Applying a cultural lens is necessary to appropriately assess and support the family. Strengths in the family and community and cultural child rearing practices<sup>2</sup> are important to consider as part of the assessment and in developing safety plans.

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<sup>1</sup> Australian Institute of Family Studies. Child, Family, Community Australia – Paper No. 25 (2014), Strengths of Australian Aboriginal cultural practices in family life and child rearing

<sup>2</sup> SNAICC – Child Rearing Practices. <https://www.supportingcarers.snaicc.org.au/caring-for-kids/child-rearing-practices/>

### 3 Terms used

Table 1 – Terms and description

Term	Description
<b>Neglect</b>	<p>Neglect includes any serious act or omission that, within the bounds of cultural tradition, constitutes a failure by a person responsible for the care and wellbeing of a child to provide (where they are in a position to do so) conditions essential for their healthy physical and emotional development<sup>3</sup>.</p> <p>It includes failure by a child’s parents to provide, arrange, or allow the provision of adequate care or effective medical, therapeutic, or remedial treatment for the child<sup>4</sup>.</p>
<b>Omission of care</b>	<p>When a child does not receive adequate food or shelter, medical treatment, supervision, care or nurturance to the extent that their development is harmed, or they are injured. Examples include:</p> <ul style="list-style-type: none"> <li>• Leaving a child alone without appropriate supervision. <i>It must be noted that child rearing practices in Aboriginal and culturally and linguistically diverse families may differ in the context of what constitutes ‘supervision’.</i></li> <li>• Not enrolling a child in school.</li> <li>• Not seeking medical help for the child when required.</li> <li>• The child having an infection or illness due to poor hygiene and/or lack of prescribed medication.</li> <li>• Not providing a child with appropriate attention and/or emotional support.</li> </ul>
<b>Harm</b> in relation to a child	<p>Includes harm to the child’s physical, emotional or psychological development<sup>5</sup>.</p> <p>Harm, in relation to a child, means any detrimental effect of a significant nature on the child’s wellbeing, whether caused by –</p> <ol style="list-style-type: none"> <li>(a) a single act, omission or circumstance; or</li> <li>(b) a series or combination of acts, omissions or circumstances<sup>6</sup>.</li> </ol>

<sup>3</sup> Australian Government, Australian Institute of Health and Welfare, AIHW 2019a.

<sup>4</sup> *Children and Community Services Act 2004* – s.28(1), When child in need of protection.

<sup>5</sup> As defined in s.3 of the *Children and Community Services Act 2004*.

<sup>6</sup> As defined in s.28(1) of the *Children and Community Services Act 2004* for the purpose of determining if a child is in need of protection under s.28 of the Act.

Term	Description
<b>Cumulative harm</b>	<p>Refers to the effects of multiple adverse or harmful circumstances and events in a child's life.<sup>7</sup> The unremitting daily impact of these experiences on the child can be profound and exponential, and diminish a child's sense of safety, stability and wellbeing.</p> <p>It is possible to have cumulative abuse (multiple events over time) that results in harm that is cumulative in nature (the impact of the events has been cumulative).</p>
<b>Significant</b>	Sufficiently great or important to be worthy of attention.
<b>Failure to Thrive</b>	<p>Failure to Thrive (FTT) is used to describe inadequate growth or the inability to maintain growth, usually in early childhood.</p> <p>The two kinds of FTT are organic and non-organic. Organic FTT occurs where there is an underlying medical cause for the condition. Non-organic FTT is caused by environmental factors and/or the actions or inactions of a parent or caregiver.</p> <p>FTT is most often multifactorial in origin. Inadequate nutrition and disturbed social interactions contribute to poor weight gain, delayed development, and abnormal behaviour<sup>8</sup>.</p>

## 4 Policy statement

The Department of Communities (the Department) has a statutory role to assess and respond to child neglect, where parents (or caregivers) are unable or have not provided, arranged, or allowed the provision of adequate care or treatment for their child.

## 5 Role

The Department's role in relation to neglect is to:

- Inquire into reported concerns to ascertain if the Department has an ongoing role to safeguard or promote the child's wellbeing, taking into consideration all previous involvement;
- assess whether there are child safety concerns where a child is not enrolled in school, which must include screening for family and domestic violence;

<sup>7</sup> As captured in the definition of **harm** in section 28(1) of the *Children and Community Services Act 2004*.

<sup>8</sup> Block & Krebs 2005, Failure to Thrive as a Manifestation of Child Neglect.

- assess whether a child has suffered significant harm or is likely to suffer significant harm (where it has been determined the Department has a role) and consider the safety of other children in the family;
- work with the parents/caregivers and other relevant government and non-government agencies to enhance parental capacity and functioning;
- identify the strengths in the broader family and the community supports available to the child/ren and family;
- provide, facilitate or coordinate culturally appropriate services to the child to help address the effects of neglect;
- undertake safety planning when there is significant harm or likelihood of significant harm to the child, with consideration of involving family and community;
- make an application to the Children's Court for a protection order where it is assessed that the child needs protection; and
- make a referral to the Western Australia Police Force if it is believed that a criminal offence may have occurred.

The Department has a role in assessing and coordinating an interagency response to a child identified with 'failure to thrive'.

Referrals for chronic truancy alone are outside the Department's mandate. However, the Department may have a family support role if chronic truancy is occurring in combination with the child's criminal and/or anti-social behaviour. The Department may also need to assess the reason behind non-school attendance, particularly for younger children of compulsory school age.

Childhood obesity is not a child protection issue. However, referrals to the Department should be made when there are known or predicted high risks for the wellbeing of the obese child and when one or a combination of the following factors is an issue:

- The parents have consistently not complied with medical recommendations and have the resources available.
- Social factors prevent or diminish the parent's capacity to implement and manage positive lifestyle change.
- The child has existing health complications and the parents' literacy and cognitive capacity to understand the risks for the child is limited.

### ***High-risk infants***

Infants are totally dependent on adult care and either do not communicate through language or are very limited in their ability to do so. In addition, their restricted mobility does not provide any measure of self-protection. They are also at risk of being socially 'invisible' and may have limited contact with support services.

A high-risk infant refers to an unborn infant or child between 0-2 years of age considered to be at increased likelihood of significant harm or death due to the presence of risk factors (parental, environmental and/or infant).

The Department has an increased role to assess concerns that involve an unborn infant or child 2 years old or under due to their vulnerability and increased risk.

Where the parent or caregiver is known to use drugs and/or alcohol, Communities has a role to minimise the risk of sudden unexplained deaths in infants and promote a safe sleeping environment for the infant.

### ***Structural disadvantage and neglect***

Some parents may require additional supports to meet the needs of their children due to structural factors outside of their control, which can contribute to disadvantage and neglect.

Where a child has or is likely to experience significant harm from neglect, the Department must assess the concern and provide an appropriate response, irrespective of whether it is due to inadequate parenting, the impact of structural disadvantage or a combination of both.

A whole-of-government response is required to address structural disadvantage. Local senior officers' forums should be used to identify and address existing and emerging issues and gaps in service delivery, as well as to implement interagency strategies to maximise safety for vulnerable families.

## **6 Legislative mandate**

The *Children and Community Services Act 2004* (the Act) is the legislative basis that underpins the Department's mandate to promote the wellbeing of children, individuals and communities, and to provide for the protection and care of children in circumstances where their parents have not provided, or are unlikely or unable to provide, that protection and care.

Specific provisions in the Act regarding neglect are:

- Section 28 – When child in need of protection;
- Section 101 – Failing to protect child from harm; and
- Section 102 – Leaving child unsupervised in vehicle.

In performing a function under the Act in relation to a child, the paramount consideration is the best interests of the child.

## **7 Operational procedures and resources**

Refer to the Casework Practice Manual entry on Neglect and High-risk infants for operational procedures and supporting resources including *Signs of Safety prompts for neglect* and *Determining risk factors for an infant*.

## **8 Other related documents**

- Signs of Safety Child Protection Policy
- Signs of Safety Child Protection Practice Framework
- Emotional Abuse – Family and Domestic Violence Policy

## 9 Document control

<b>Publication date</b>	November 2021
<b>Review date</b>	November 2024
<b>Owner</b>	Community Services
<b>Custodian</b>	Director, Service Design and Implementation (Child Protection)

## 10 Amendments

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Description</b>
1	June 2021	Senior Policy Officer, Service Design and Implementation (Child Protection)	Review undertaken in line with recommendations of the Ombudsman Western Australia
2	7 October 2021	R Williamson, Principal Legislation Officer, Legal and Business Services	Review for legal accuracy in consultation with General Counsel
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