



Policy on assessment and investigation processes for child safety concerns

This policy replaces: Policy on Assessment and Investigation Processes (2014)

Purpose

To guide practice and promote consistency across districts when assessing and responding to concerns for a child's wellbeing,¹ including allegations of child abuse and neglect. This includes decisions on when it is necessary for the Department of Communities (the Department) to conduct a child safety investigation (CSI), and determining whether any action should be taken to safeguard or promote a child's wellbeing.

Scope

Assessment and investigation processes promote an appropriate response to the following target groups:

- children in need of protection who require intervention action to bring them into the Chief Executive Officer's (CEO's) care;
- children with increased vulnerability to abuse and neglect;
- children where safety concerns exist but these can be managed and safety for the child/ren is increased through safety planning and intensive family support; and
- children who have been harmed through abuse or neglect but whose parents are protective.

Assessment and investigation processes enable:

- the investigation and recording of significant harm (actual harm), or likelihood of significant harm to a child or children; and
- the identification of persons who are assessed by the Department as causing actual harm to a child or children and who present a continuing risk to the child or other children and the recording of an Actual Harm Continuing Risk (AH-CR) classification regarding the person.

¹ Wellbeing of a child includes: the care; physical, emotional, psychological and educational development; physical, emotional and psychological health; and safety of the child - s.3 of the *Children and Community Services Act 2004*.

The processes also outline the following:

- mandatory reporting of child sexual abuse;
- the Department's joint response with the Western Australia Police Force regarding physical abuse, sexual abuse and neglect of children where a criminal offence may have occurred;
- investigating allegations of abuse of children in the CEO's care; and
- assessing the safety of children who have contact with a person convicted of or assessed by the Department as having significantly harmed a child or children.

Policy statement

The Department has a statutory role under the *Children and Community Services Act 2004* (the Act) to:

- promote the wellbeing of children, other individuals, families and communities; and
- provide for the protection and care of children in circumstances where their parents have not given, or are unlikely or unable to give, that protection and care.

Referrals to the Department

The Department receives referrals or notifications of concern about the wellbeing of children from many sources. These include from occupational groups which are mandatory reporters of child sexual abuse², family and community members, health and medical professionals, education providers, police, and service providers in the community services sector. These initial referrals or notifications and the subsequent assessment are recorded as an interaction on ASSIST, the Department's child protection client system.

Referrals of concern for children in the metropolitan area, that are not in relation to a child already in the CEO's care or part of an open case to the Department, are usually processed by the State-wide Referral and Response Service (SRRS). The SRRS consists of the Central Intake Team, Crisis Care Unit, Family and Domestic Violence Helplines and Mandatory Reporting Service. Regional and remote referrals are processed by locally based Child Safety Teams. The Crisis Care Unit take all after hours referrals of concern for children (open and closed cases) and can provide a crisis response in terms of interim safety planning for the safety of the child until the next business day.

Where there is a current open family group/significant person in an open family group to the Department, the referral or notification will be processed by the District managing the case.

The Mandatory Reporting Service, within SRRS, is responsible for receiving, assessing, processing and recording all mandatory reports of child sexual abuse, and for providing general information and advice to mandatory reporters.

² Part 4, Division 9A – Reporting sexual abuse of children, *Children and Community Services Act 2004*.

When the Department receives information that raises concerns about a child's wellbeing, it has a responsibility to make inquiries to determine whether further action should be taken to safeguard or promote the child's wellbeing. As an outcome of the Expanded Activities pilot, SRRS workers may seek information and have contact outside of parents and the referrer at interaction level.

Concerns regarding an unborn infant or child under two years of age are assessed as a matter of priority during the interaction stage. The additional vulnerability of children aged five years and younger is considered when assessing risk and determining the priority and level of response.

When a referral is received regarding a young person engaging in high-risk behaviours and/or engaging in harmful use of alcohol or other drugs it is important that these behaviours are assessed in the context of being possible indicators of harm. It is equally important that referrals are not considered in isolation and that cumulative harm is considered in instances where there have been multiple incidents and referrals over a period of time. The prevalence of family and domestic violence and neglect must also be considered as part of the assessment.

An Interaction tool is used to promote a consistent intake threshold for all referrals, including those involving concerns about the possible abuse and/or neglect of children in the CEO's care.

Initial inquiries

The Department undertakes initial inquiries in accordance with sections 31 or 33A of the Act if a concern for a child or unborn child is identified at interaction. The purpose of initial inquiries is to determine whether the Department has a role in safeguarding or promoting the wellbeing of a child.

Initial inquiries can include clarifying with other individuals the information received during the interaction: for example, with other family members; the child's school; health and medical professionals; other government agencies; or with non-government services who may be working with the family and have relevant information.

The Department may undertake a child assessment interview with a child during the initial inquiry stage only in circumstances where the person with parental responsibility for the child has consented to the interview. If consent is not provided for a child assessment interview at initial inquiry and it has been determined that there is a further role for the Department to investigate the concerns, the matter should proceed to a Child Safety Investigation (CSI).

Child Safety Investigations

CSIs are conducted under section 32(1)(d) of the Act. CSIs related to allegations of child abuse and/or neglect relevant to section 28(2)(c) of the Act are conducted to determine:

- whether the child has suffered actual significant harm³ or is likely to suffer significant harm as a result of the abuse and/or neglect;
- the parent or parents' capacity to protect their child from harm; and
- whether the child is in need of protection.

Where the concern relates to s.28(2)(a), (aa) or (b) of the Act, a CSI is conducted to ascertain whether a suitable adult relative or other adult can be found who is willing and able to care for the child. If no suitable relative or other adult can be found who is willing and able to care for the child, the child is assessed to be in need of protection and intervention action should be/is taken to bring the child into the care of the CEO.

Where the concern relates to s.28(2)(d), a CSI is conducted to ascertain whether the child has suffered harm, or is likely to, as result of the parents being unable or unwilling:

- to provide or arrange for adequate care for the child; or
- provide or arrange for effective medical, therapeutic or other remedial treatment for the child.

Investigative actions

CSIs are designed to assess and address concerns for a child's wellbeing. The outcome must be completed and recorded within 30 calendar days.

Under section 33 of the Act, an authorised officer (usually the child protection worker) may see the child at a school, hospital or place where a childcare service is provided without informing the child's parents. This course of action can only be exercised if, in the course of a CSI, a child protection worker believes on reasonable grounds that:

- (a) it is in the child's best interests for the worker to have access to the child before the child's parent(s) become aware of the investigation; or
- (b) if the parent(s) were to know in advance about the proposed access, the proper and effective conduct of the investigation would likely be jeopardised.

Under section 34 of the Act, an authorised officer may apply to a judge or magistrate for a warrant (access) if in the course of the CSI they are denied or believe they will be denied access to the child, or are unable to obtain entry to a place where they suspect the child to be.

A child assessment interview is undertaken when it is necessary to clarify with the child information provided during the interaction and/or initial inquiry, and/or to initiate immediate safety planning. A child assessment interview is not required if the child has disclosed criminal behaviours. In these circumstances, only a forensic interview is undertaken with the child, where appropriate. The rationale outlining whether or not a child assessment interview is conducted must be documented in the outcome report.

³ See Definitions Table for a definition of Harm.

The use of a warrant (provisional protection and care) under section 35 of the Act or taking a child into provisional protection and care without a warrant under section 37 of the Act are used only once it is considered there are grounds for finding a child to be in need of protection under section 28 of the Act.

The Department must notify in writing the child's parent(s) and/or other significant people⁴ of the investigation outcome. This includes notifying the child in an age appropriate way.

Procedural fairness

Procedural fairness, also referred to as natural justice, is concerned with the procedures used by a decision-maker to obtain an outcome, rather than the actual outcome reached. Principles of procedural fairness should be applied to all decisions that may negatively affect the rights, interests or legitimate expectations of an individual, such as when identifying and recording a person assessed as AH-CR.

The following three principles underpin the Department's assessment and investigation processes:

- The hearing rule – before the decision is made, the decision maker must give an individual whose interests may be adversely affected by their decision the opportunity to be heard.
- The bias rule – the decision maker should be unbiased in the matter to be decided.
- The no evidence rule – the decision that is made must be based on logical evidence, (proven on the balance of probabilities - that is, there is a real possibility, that cannot be sensibly ignored, having regard to the nature and gravity of the feared harm in the particular case).

Cultural considerations

The Department recognises that improved outcomes for Aboriginal children, families and communities are achieved by: working in partnership with Aboriginal peoples; strengthening the capacity of Aboriginal families and communities; recognising and valuing Aboriginal worldviews of child-rearing and child development⁵; and working in ways that are respectful and inclusive of Aboriginal culture.

In cases where children and families are identified as Aboriginal and/or culturally and linguistically diverse, consultations must occur with the Aboriginal Practice Leader (APL) and/or local cultural advisor as soon as possible to gather information to assist in engaging with the parents through the assessment and investigation process. The use of an interpreter or other communication support strategies should be considered when working with children and families who have difficulty communicating in English or have a disability. Family members and friends should not be used as interpreters to ensure confidentiality.

⁴ A 'significant other' is not defined in the Act but includes an adult who; would be included in a child's ecomap; has known the child and/or their family for a significant period; visits the family home; is known to the parents not just the child; has demonstrated an active interest in the child and their family's welfare over an extended period of time; and belongs to the same cultural group.

⁵ <https://www.cyjma.qld.gov.au/resources/dcsyw/child-family/protecting-children/scan-team-system-policy-405.pdf>

Where an on-site interpreter cannot be organised, consider requesting a telephone-based interpreter.

Legislative mandate

The *Children and Community Services Act 2004* provides the Department's mandate to safeguard or promote the wellbeing of children, other individuals, families and communities, and to provide for the protection and care of children in circumstances where their parents (or caregivers) have not given, or are unlikely or unable to give, that protection and care.

Provisions in the Act specific to assessment and investigations are:

- Section 23 – CEO etc. may disclose or request relevant information
- Section 28 – When child in need of protection
- Section 31 – CEO may cause inquiries to be made about child
- Section 32 – CEO's duties if action needed to safeguard etc. child's wellbeing
- Section 33A – CEO may cause inquiries to be made before child is born
- Section 33B – CEO's duties if action needed before child born to safeguard etc. child after birth
- Section 33 – Access to child for purposes of investigation
- Section 34 – Warrant (access), application for and issue of
- Section 35 – Warrant (provisional protection and care), application for and issue of
- Section 37 – Taking child into provisional protection and care without warrant in certain circumstances

Section 7 provides that, in performing a function under the Act in relation to a child, the paramount consideration is the child's best interests.

Operational procedures and resources

Refer to the Casework Practice Manual for operational procedures and supporting resources, including *Determining risk factors for an infant*.

Other related documents

- Signs of Safety Child Protection Policy
- Signs of Safety Child Protection Practice Framework
- Policies on neglect, physical abuse, sexual abuse, and emotional abuse (family and domestic violence).

Definitions

Term	Definition
Abuse	Abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or

Term	Definition
	multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional and sexual abuse, and neglect.
Assessments	The process of determining if Communities' has a role to promote a child's safety and wellbeing , if a child has suffered harm or is likely to suffer harm, and what type of intervention is in the best interest of the child. Assessments must be documented and need to be rigorous and clear regarding the outcome and rationale for significant decisions including any actions required.
Intervention action	Intervention action means applying for a warrant (provisional protection and care) under s.35 of the Act, taking a child into provisional protection and care under s.37 of the Act, or making a protection application to the Children's Court.
Harm	<p>Harm, in relation to a child, includes harm to the child's physical, emotional or psychological development (defined in s.3 for the purposes of the Act as a whole).</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> <ul style="list-style-type: none"> (a) a single act, omission or circumstance; or (b) a series or combination of acts, omissions or circumstances (defined in s.28(1) for the purposes of determining whether a child is in need of protection under s.28 of the Act).

Breaches

Failure to comply with this policy may result in disciplinary action or contractual penalties.

Document control

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Owner	Deputy Director General - Community Services
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This document can be available in alternative formats on request.

Amendments

Version	Date	Author	Description
1	July 2020	Manager Community Services, Children and Families Policy	<p>Revised policy including approved terminology of:</p> <ul style="list-style-type: none"> • Child Safety Investigation replacing Safety and Wellbeing Assessment; and • The person assessed as causing actual significant harm and posing a continuing significant risk to the child/ren and recording the classification of AH-CR replaces person Assessed as causing Significant Harm (ASH).
2	July 2021	R Williamson, Principal Legislation Officer	Reviewed penultimate draft of revised Policy as provided to Legal and Business Services.
3	October 2021	A/Director, Service Design and Implementation.	Reviewed final draft prior to sign off by the Director of Specialist Child Protection Unit.
4	December 2021	A. Fabry, A/Executive Director, Service Design and Implementation	Reviewed, approved and signed off on the final draft.
5	May 2022	Senior Operational Policy Officer, Service Design and Implementation	Legislative amendments
6.	July 2022	Principal Legislation Officer	Review of amendments, approved by General Counsel.
7.	August 2023	A/Executive Director, Statewide Services.	Reviewed, approved and signed off on legislative amendments.