



Department for
Community Development

Identifying and responding to child abuse and neglect

A Guide for
Professionals



Contents

Foreword	1
The facts about child abuse	2
Key Terms	3
Factors that contribute to abuse and neglect	4
The consequences of abuse and neglect	5
How do I recognise when a child or young person is at risk?	6
Roles and responsibilities	11
Reporting child abuse and neglect	13
Information Sharing	15
Making a report to the Department for Community Development	16
What action will the Department for Community Development take if an investigation is needed?	19
Obtaining feedback	19
What if I disagree with the Department?	20
Tips on dealing with disclosures	21
Safety checklist	22
Issues that may affect a decision to report	23
Frequently used terms in the Department for Community Development	27
Contact numbers for Department for Community Development offices	29
Services and organisations which can provide help, advice and support	30



Foreword

Professionals working in a variety of settings, play a vital role in supporting parents to care for their children. As trusted and respected members of the community they often have established relationships with families, giving them valuable insight into the challenges they face. They play a pivotal role in linking vulnerable families to support services that can assist them to overcome personal and social stresses that lead to family breakdown and the abuse and neglect of children and young people.

The early intervention role that professionals play is a crucial element of our child protection system and prevents the entry of many children and young people into care. It is a front line defence for vulnerable children and families. However, there are times when children and young people experience significant abuse and neglect such that their safety and well being is in jeopardy. When this occurs, protective action is necessary. Children cannot protect themselves. They rely on responsible adults to act on their behalf.

Child abuse and neglect is a complex social issue without simple explanation. Sometimes, it occurs when parents lack parenting knowledge and skills and rely on inappropriate discipline to manage their children's behaviour.

Sometimes children are harmed because parents and carers are isolated and challenged beyond their capacity to cope, especially during periods of crisis or in caring for a child with particular needs. Sometimes harm stems from the serious emotional and psychological problems of parents.

The responsibility for the protection of children and young people from abuse and neglect belongs to everyone. Families, the general community, community agencies, police and government, all play a part. Roles may differ, but working in partnership, with a shared understanding of the rights of children, the need to support vulnerable families and take actions when necessary, can help build a safety net for children and young people.

This booklet is intended to be a resource to support professionals working with children and young people to recognise child abuse and neglect and guide them in how to respond to concerns confidently.

Jane Brazier

Director General

Department for Community Development

The facts about child abuse

- Children and young people are most often abused by a parent or carer.
- Very young children are particularly vulnerable to the effects of abuse and are over-represented in child protection statistics and related deaths.
- In Western Australia, for a range of complex historical, social, cultural and economic reasons, Aboriginal and Torres Strait Islander children and young people are eight times more likely to be recorded in child protection statistics than non Aboriginal and Torres Strait Islander children and young people.
- Children with disabilities, especially those with chronic health problems or serious disabilities are more vulnerable to abuse or neglect as a result of the stress that 'around the clock' care can create for their carers and because of the numbers of carers who have contact with them.
- While the numbers vary year by year, on average the Department for Community Development investigates approximately 2,500 reports of child abuse and neglect a year. Slightly less than half are substantiated.
- Of all investigated reports of child abuse and neglect in WA, approximately 10% require an application to the Children's Court for a protection order.
- In 2004-05, the most common type of abuse amongst all substantiated allegations in Western Australia was neglect.
- Families with a complex range of socio-economic problems such as poor housing, poverty, unemployment, substance abuse, family and domestic violence are over represented in child protection statistics. Parents faced with these challenges often require additional support to care for their children.
- Abuse of a child seldom happens once. It is often a process that can persist over many years.
- Adults who were abused as children are at greater risk of developing psychological and emotional problems later in life, and repeating the pattern of abuse with their own children.

Key Terms

A common understanding of the descriptions of child abuse and neglect is essential to avoid misunderstanding and confusion, particularly around the response of the Department for Community Development to concerns about the safety of children and young people.

The term **‘child abuse and neglect’** in this booklet is used to refer to the harm experienced by children or young people **under the age of 18 years** as a result of the actions, inactions or inability of people with a parental responsibility for them. Parental responsibility in relation to a child means all the duties, powers, responsibilities and authority which, by law, parents have in relation to children. The harm experienced by the child or young person may arise from a significant event or may arise from the cumulative effect of abuse and neglect. Accidental injury is not considered abusive.

Determining whether or not the behaviour of a parent is abusive or neglectful requires a specialised assessment.

In Western Australia, the Department has a range of powers to protect children from abuse or neglect under the *Children and Community Services Act 2004*. Used to its full extent, the legislation allows the Department for Community Development to remove a child from the care of his/her parents to ensure the child’s safety before bringing the matter before a Children’s Court.

‘Child protection’ in this booklet refers to those actions, enabled by legislation, that the Department for Community Development and the Western Australia Police can take to protect a child. The *Children and Community Services Act 2004* (section 28) specifies when a child is considered to be in need of protection. In summary, **an investigation to determine if a child is in need of protection may be undertaken when there is reason to believe that:**

- **a child may have been harmed or is likely to be harmed through the actions, inactions or inability of his or her parents to protect him or her. The harm has to be detrimental in effect and significant in nature to the child’s wellbeing, or;**
- **a child may have been abandoned or his/her parents have died AND no suitable adult can be found who is willing or able to care for the child.**

Where a child or young person is abused by someone outside his/her family the Department’s role is to support the parents or people with parental responsibilities for the child to care for and protect their child. In all situations where criminal charges are likely, the Department works with the police in the best interests of the child.

Factors that contribute to child abuse and neglect



The causes of child abuse and neglect are complex. There is no simple or singular explanation. Factors that can contribute to the likelihood of abuse and neglect occurring include the parent's personality and attributes, the characteristics of the child and situational stressors.

Contemporary thinking emphasises the importance of social factors and the social context of families. For instance: abuse and neglect are more likely to occur in families where the following social factors are present:

- intergenerational patterns of abuse where children learn violent or non coping behaviours from their parents
- unsupported and unstable family structures, with single parent families and families where domestic violence is present, at higher risk
- social stresses triggered by a variety of social conditions such as unemployment, poverty, poor housing
- social isolation and low community involvement resulting in parents without support systems
- barriers to accessing resources because of language, culture, religion or migration status.

However, these are not necessarily predictors of abuse or neglect. Many families cope extremely well in the face of these challenges, especially with support, and are able to care appropriately for their children.

Factors impacting on parents that may contribute to abuse or neglect occurring include:

- inappropriate parenting skills
- parenting at a young age
- undiagnosed emotional or psychological problem or mental illness and not receiving appropriate treatment
- intellectual disability and not receiving adequate support
- substance abuse problem
- family or domestic violence.

Sometimes, particular characteristics of children place additional stress on carers. This can increase their vulnerability. For instance:

- children with high needs who may be unresponsive or cry a lot
- children with disabilities or other special needs
- children who are developmentally delayed
- children with chronic health needs
- children with challenging behaviours
- premature babies.

In families with a multitude of contributing factors, the likelihood of parents becoming overwhelmed increases, impacting on their ability to care well for their children. Identifying the stressors in a family can provide important opportunities to work with the family to overcome them.

The consequences of abuse and neglect

Whatever the cause, child abuse and neglect can have long standing consequences. The younger the children and the more vulnerable they are, the more serious the consequences are likely to be. With early identification and an appropriate response children can recover from episodes of abuse and neglect. If allowed to continue, it can result in:

- low self esteem and withdrawn behaviour
- depression and/or suicidal thoughts
- anxiety disorders
- attachment disorders
- learning disorders, including poor language and cognitive development
- aggressive behaviour and other behavioural problems
- developmental delay, eating disorders, physical ailments
- delinquency and criminal behaviour including violent or aggressive behaviour.



How do I recognise when a child or young person is at risk?

Child abuse and neglect are broadly described within five categories:

- physical
- sexual
- emotional
- psychological
- neglect

These categories can exist independently but commonly occur in combination with others. The abuse is intrafamilial if the offender is a parent, carer, or member of the child or young person's family. Extra familial abuse is perpetrated by a person outside the immediate family.

Each form of abuse has a range of indicators. However, one sign on its own may not suggest abuse. If you are concerned that a child or young person has been harmed or is at risk of being harmed, the list of indicators provided below may assist you to clarify your concerns.

Physical abuse

Physical abuse occurs when a child has experienced severe and/or persistent ill-treatment through behaviours such as beating, shaking, inappropriate administration of alcohol and drugs, attempted suffocation or excessive discipline or physical punishment.

The harm experienced by a child as a result of these behaviours needs to be, or likely to be, detrimental in effect and significant in nature on the child's wellbeing. Harm that a child may experience as a result of physical abuse can include, but is not limited to, injuries such as cuts, bruises, burns, bites and fractures. The injury resulting from physical abuse is considered to be non-accidental.

Possible indicators of physical abuse

- broken bones or unexplained bruises, burns, or welts in various stages of healing
- the child or young person is unable to explain an injury, or explanations given are inconsistent, vague or bizarre
- direct admissions from the parents that they are concerned that they might harm their child
- family history of violence
- marked delay between injury and obtaining medical assistance
- parent who shows little concern about the welfare of their child or the treatment and care of the injury

- repeated presentations of the child to health services with injuries, ingestions or minor complaints (this could also be an indicator of Factitious Disorder by proxy, a rare expression of physical and emotional abuse)
- the child or young person is unusually frightened of a parent or carer, or is afraid to go home
- the child or young person reports intentional injury by their parent or caretaker
- arms and legs are kept covered by inappropriate clothing in warm conditions
- ingestion of poisonous substances including alcohol or drugs
- avoidance of physical contact by the child (particularly with a parent or carer).

Sexual abuse

Sexual abuse occurs when a child has been exposed or subjected to sexual behaviours that are exploitative and/or inappropriate to his/her age and developmental level. Examples include sexual penetration, inappropriate touching, exposure to sexual acts or pornographic materials.

The harm experienced by a child as a result of these behaviours needs to be, or likely to be, detrimental in effect and significant in nature on the child's wellbeing. Harm which may result from sexual abuse includes significant emotional trauma, physical injury, infections and impaired emotional and psychological development.

Consideration may need to be given to contextual elements in determining if a situation is abusive, such as the role of coercion or unequal power in a relationship that is claimed to be consensual or socially sanctioned. This is particularly important in relation to sexual behaviour between children as the children's respective ages, developmental level and the nature of the relationship are important considerations.

Possible indicators of sexual abuse

- sexualised behaviours inappropriate to their age (including sexually touching other children and themselves)
- knowledge of sexual behaviour inappropriate to their years
- disclosure of abuse either directly or indirectly through drawings, play or writing that describes abuse
- pain or bleeding in the anal or genital area with redness or swelling
- fear of being alone with a particular person
- child or young person implies that he/she is required to keep secrets
- presence of sexually transmitted disease
- sudden unexplained fears
- enuresis and/or encopresis (bed-wetting and bed soiling).

Emotional abuse

Emotional abuse is the sustained, repetitive, inappropriate, ill treatment of a child or young person through behaviours including threatening, belittling, teasing, humiliating, bullying, confusing, ignoring and inappropriate encouragement.

The harm experienced by a child as a result of these behaviours needs to be, or likely to be, detrimental in effect and significant in nature on the child's wellbeing. Children who have been emotionally abused are likely to have a reduced capacity to experience a range of emotions, to express emotion appropriately and to modulate their emotional experience. Children who have been emotionally abused are likely to be fearful, withdrawn and/or resentful, distressed and despairing.

Psychological abuse

Psychological abuse is the sustained, repetitive, inappropriate, ill treatment of a child or young person through behaviours including threatening, isolating, neglecting, discrediting, misleading, disregarding, ignoring and inappropriate encouragement.

Psychological abuse damages a child's intellectual faculties and processes, including intelligence, memory, recognition, perception, attention, imagination and moral development.

The harm experienced needs to be assessed to be or likely to be detrimental in effect and significant in nature on the child's wellbeing. Children who have been psychologically abused are likely to feel worthless, flawed, unloved, unwanted, endangered or only of value in meeting another's needs.

Possible indicators of emotional or psychological abuse

- the parent or caretaker constantly criticises, threatens, belittles, insults, or rejects the child or young person with no evidence of love, support, or guidance
- the child/young person exhibits extremes in behaviour from overly aggressive to overly passive
- delayed physical, emotional, or intellectual development
- compulsive lying and stealing
- high levels of anxiety
- lack of trust in people
- feelings of worthlessness about life and themselves
- eating hungrily or hardly at all
- uncharacteristic seeking of attention or affection
- reluctance to go home
- rocking, sucking thumbs or self harming behaviour
- fearfulness when approached by a person known to them.

Neglect

Neglect is when a child is not provided with adequate food or shelter, effective medical, therapeutic or remedial treatment, and/or care, nurturance or supervision to a severe and/or persistent extent.

The harm experienced by a child as a result of these behaviours needs to be, or likely to be, detrimental in effect and significant in nature on the child's wellbeing. Neglect can be acute, chronic or episodic, and can result in detrimental effects on the child or young person's social, psychological, educational or physical development and/or physical injury.

The deliberate deprivation of a child's basic needs should be considered within the context of physical, emotional or psychological abuse.

Neglect must be considered within the context of the social and economic environment in which the child lives and the availability of resources. Where the neglect of children is endemic within a community, consideration should be given to a 'whole of community, capacity building' approach that seeks to work with the community to address the underlying risk factors contributing to neglect and to strengthen the community's capacity to meet the holistic needs of the child or young person.

If you are concerned about the wellbeing, including safety, of a child or young person and can identify a cluster of indicators in relation to the child, you have an obligation to consult with the Department for Community Development or some other experienced professional or agency. When their safety is at risk children and young people rely on responsible adults to act protectively on their behalf. They cannot protect themselves.

A list of local DCD offices and other agencies can be found at the end of this booklet.



Possible indicators of neglect

- signs of malnutrition, begging, stealing or hoarding food
- poor hygiene: matted hair, dirty skin, or severe body odour
- unattended physical or medical problems
- the child or young person states that no one is home to provide care (inadequate supervision, failure to ensure safety)
- child or young person appears constantly tired
- frequent lateness to school or absence from school
- inappropriate clothing, especially inadequate clothing in winter
- alcohol and/or drug abuse present in the household
- frequent illness, low grade infections or sores
- hunger.

Family and domestic violence is strongly associated with child abuse and neglect. In families where domestic violence occurs, there is an increased risk that basic childhood needs will not be met including the need for care and protection.

Witnessing violence between parents, or being involved in a violent act between adults in the home, can have a serious impact on the physical and emotional wellbeing and psychological development of children and young people. Babies and infants can be hurt while being held in the victim or perpetrator's arms during an incident. Children can become involved when attempting to protect their non-abusing parent. It can also impact on self image, responses to other people and ability to form healthy relationships as adults. It can deny a sense of security and safety to children and young people, teach them that violence is a solution to problems and may lead to symptoms of post-traumatic stress disorder.

Children and young people can also experience secondary impacts of family and domestic violence, arising from parental unhappiness, fear, injury to parent, changing households etc.

Children's responses to experiencing (which includes witnessing) family and domestic violence vary considerably. Many children who are exposed to family and domestic violence do not go on to become perpetrators or victims. Enhancing protective factors is an important strategy to build resilience and promote the wellbeing of children and young people exposed to family violence. Protective factors include attachment to primary caregiver, access to support services, other supportive adults and peers, sense of belonging and participation in activities.

The safety of the child is usually connected to the safety of the non-abusing parent. Violence towards the non-abusing parent can escalate during intervention, separation and/or court proceedings, therefore the risks for the child/young person can also increase during these times.

When responding to concerns related to children or young people experiencing family and domestic violence, the Department seeks to work with the parents to strengthen their capacity to provide safe care for their children. The Department's interventions are premised upon the perpetrator being held responsible for the violence and its impact on the family and supporting the relationship between the child and the non-abusing parent. The Department also seeks to engage the perpetrator of violence to address the violent behaviours.

The Department has developed a Family and Domestic Violence Policy which outlines the Department's responsibilities and approach when working with families and communities affected by family and domestic violence. This policy can be accessed at www.community.wa.gov.au (go to Publications/PoliciesAndStrategicPlans/Family and_Domestic_Violence).

Roles and responsibilities

Department for Community Development

The Department for Community Development plays a key role in supporting and strengthening families. With a comprehensive range of early intervention and prevention programs, it aims to provide parents with the skills and support they need to care safely and appropriately for their children. The Department also has a strong presence in the community, working to build its capacity to support families, especially those with vulnerabilities to abuse and neglect.

In instances where a child or young person has been harmed or is at risk of being harmed, the Department also has the statutory authority to investigate concerns. In most instances, the outcome of an investigation is to link families to support services to assist them to care for their children safely. When this is not possible, (because a parent is unwilling or unable to work with support services and the harm to a child or young person is significant), the Department may apply to the Children's Court for a protection order. The Court may make a Protection Order (Supervision), a Protection Order (Time Limited), a Protection Order (Until 18) or a Protection Order (Enduring Parental Responsibility).


If a Protection Order (Time Limited) or a Protection Order (Until 18) is made, then the child or young person enters the care of the Chief Executive Officer (CEO) of the Department for Community Development and the CEO

assumes parental responsibility for the child. If necessary, the child may be placed in an out of home care placement.

If a Protection Order (Supervision) is made then the parents retain responsibility for their child but are required to work with the Department to address the issues that led to the making of the order. A Protection Order (Enduring Parental Responsibility) is an order that gives a person(s) other than the CEO of the Department for Community Development or the parent of the child parental responsibility until the child reaches 18 years of age.

Underpinning the Department's approach to the protection of children is **the fundamental principle that the best interests of the child are paramount**. The Department considers a number of factors in determining what is in the best interests of a child or young person. Section 8 of the *Children and Community Services Act 2004* lists these.





Consistent with the principles of the best interests of the child, the Department takes a 'child in family' focus. Evidence exists that children are best placed within their own family, extended family or community. The focus of intervention by the Department in the first instance is to support families to prevent children coming into care and, where a child has been placed in care, to plan and work towards reunification.

Western Australia Police

The Western Australia Police also has a role in responding to allegations of child abuse and neglect. The police will intervene in instances where it is believed that a criminal offence has occurred (intra-familial or extra familial) which may lead to criminal charges being laid.

Where abuse or neglect has occurred within a family and there is the possibility of criminal charges being laid, the police and the Department may undertake a joint investigation to reduce the trauma of the interviewing process on the child or young person.

Others

Other government and non-government agencies and professionals play a key role in strengthening families and linking them to vital support services, especially during periods of crisis. This can reduce the risk of abuse occurring. These agencies can also play a key role in assessing the ongoing wellbeing of children and young people and provide therapeutic intervention where needed.

Reporting child abuse and neglect

Everybody has a duty to report concerns that involve the safety of children and young people.

Confronting abuse and neglect can be very difficult. It is often easier to minimise concerns or to avoid considering the possibility that a child or young person may have been harmed or is at risk of being harmed. This optimistic thinking can leave children unprotected, allowing the abuse or neglect to continue.

Targeted reporting laws require the Family Court of Western Australia under the *Western Australian Family Court Act 1997* to report allegations of child abuse to the Department. Child care, family day care, outside school hours care and outside school hours family day care service providers are also required by law to report allegation of abuse or neglect against staff and volunteers in their centre under the *Children and Community Services (Child Care) Regulations 2006*, *Children and Community Services (Family Day Care) Regulations 2006*, *Children and Community Services (Outside School Hours Care) Regulations 2006* and the *Children and Community Services (Outside School Hours Family Day Care) Regulations 2006*.

Protocols for the reporting of child abuse and neglect have also been agreed between most State Government departments and hospitals, for instance the Western Australia Police, King Edward Memorial Hospital, Princess Margaret Hospital for Children, Department of Education and Training, Department of Education Service (Office of Non-Government and International Education), Department of Corrective Services and Department of Attorney General, Department of Health, the Disability Services Commission and the State Coroner of Western Australia. These protocols allow for the sharing of relevant information between agencies and specify the roles of each agency in the child protection system.



Many State Government departments, including the Department of Health, the Disabilities Services Commission, and the Department of Education and Training have developed detailed policy and guidelines that outline the roles and responsibilities of its workers in relation to child abuse and neglect.

If you are concerned about a child, check first to see if guidelines or protocols exist. You may find it helpful to access *The Reciprocal Child Protection Procedures and the Interagency Collaborative Framework for Protecting Children* on the internet at www.community.wa.gov.au/resources/childprotection/

A protocol also exists between the Department of Health, Western Australia Police and the Department for Community Development to ensure the reporting of all instances where a child under 14 years has contracted a sexually transmitted infection and instances where a young person between 14 and 16 years is believed to have contracted a sexually transmitted disease as a result of abuse.

Through its funding agreements with the non-government services, the Department for Community Development has also established protocols and standards for the reporting of 'at risk' children.



Information Sharing

Effective information sharing between agencies is more likely to lead to informed decision making, and ensuring actions are taken or services are provided to meet the needs of vulnerable children and their families.

If you are worried about a child or young person's situation, discussing your concerns with your line manager, other staff within your agency or with staff from another agency can help with clarifying your concerns.

Sharing relevant information with another agency who may also be working with the child or family can build a more complete picture of what is happening for the child and family, which may help with deciding whether further consultation with or referral to the Department for Community Development or the Western Australia Police is appropriate.

Exchange of information

In most cases, the Department for Community Development seeks the prior consent of a child's parent or the person with parental responsibility before exchanging information about a child or family member. There are also times when the Department will receive or provide information about concerns for the wellbeing of a child without the knowledge of the child's family.

The *Children and Community Services Act 2004* enables the Department to share 'relevant information' with other government departments, service providers (persons or bodies who are funded to provide social services or conduct research and development), or people who have a direct interest in the wellbeing of a child or group of children.

The Department may also request relevant information from other government departments, service providers, or a person with a direct interest in the wellbeing of a child or group of children, as the case requires.

The term 'relevant information' is defined in the *Children and Community Services Act 2004*. It means information that, in the opinion of the Department, is or is likely to be, relevant to the wellbeing of a child or class or group of children, or to the performance of a function under the *Children and Community Services Act 2004*.

Under the *Children and Community Services Act 2004*, people who give information, in good faith, to the Department for Community Development are protected from incurring any civil or criminal liability, from having breached any confidentiality imposed by law, or from having breached any professional ethics or standards.

Making a report to the Department for Community Development

If you are concerned for the care and safety of a child or young person (under the age of 18 years), you can contact either the Department for Community Development or the Western Australia Police to discuss your concerns. If your concern relates to extra-familial abuse, a young person over the age of 18 years, or if you believe a child or young person is in imminent danger, the matter should be referred directly to the police.

Your first point of contact with the Department for Community Development will be with the Duty Officer of the office closest to the home of the child. The Duty Officer will discuss your concerns with you and ask you some specific questions including:

- the name, age, address and current location of the child or young person
- the reason for believing that a child or young person has been harmed or at risk of harm from abuse or neglect
- your opinion about the immediate risk
- the name of the person suspected of causing the harming and their relationship to the child or young person (if known)
- a description of what you have seen or heard regarding the abuse or neglect
- the names of any other people having knowledge of the abuse
- your name, role and phone number.

On receiving information about a concern, staff of the Department will assess the likelihood of abuse or neglect having occurred by considering the indicators you have observed, in the context of other possible signs and the circumstances and risk factors present in the child or young person's life.

You are not required to prove that a child or young person has been harmed. This is the responsibility of specialist child protection workers and possibly the police.



The Department may also consider a number of factors relating to the child/young person's circumstances to determine the urgency of the situation. These are:

- the age of the child/young person (the younger the child, the more vulnerable they are)
- the severity of harm
- the period of time over which the abuse has occurred
- the relationship of the person alleged to have caused the harm
- the opportunity of the person alleged to have caused the harm to continue to abuse
- the connection of the child/young person to other family and people in the community
- any special needs of the child/young person
- the capacity of the parents/caregivers to provide adequate care and protection.

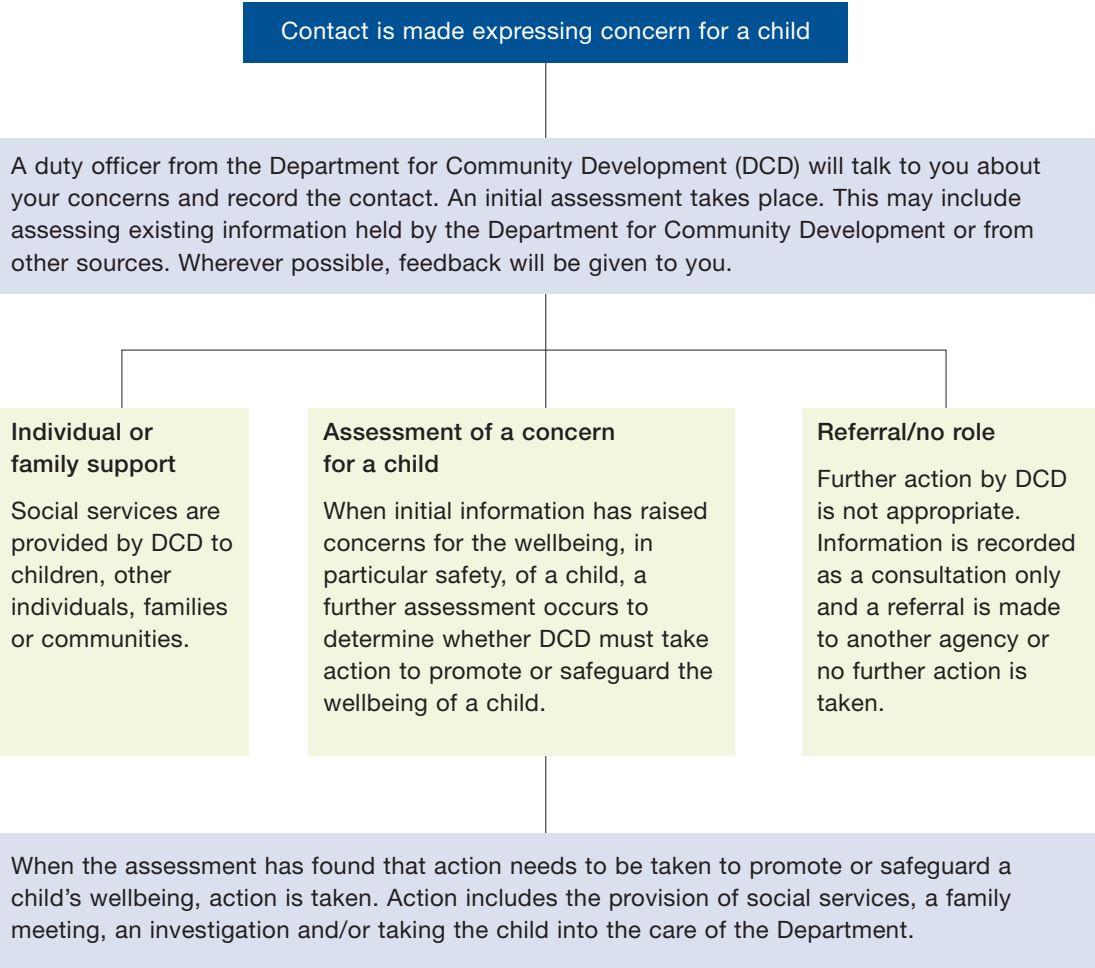
The Department's initial assessment may indicate that a formal child protection investigation is not the most appropriate response on the information available. Instead it may indicate that the needs of the child and family are best met through supporting the parents or people with parental responsibility in caring for their child. This may involve providing or linking the family to appropriate services. The Department may wish to discuss with you what role you and others might also play in supporting them.

If the Department's assessment is that the situation does not require a child protection response your concerns will be recorded by the Department and the information made available to authorised Departmental officers should any further concern be raised. You may be asked to recontact the Department should your concerns increase over time or new information becomes available.

By reporting your concerns, you cannot be held liable for damages or other legal proceedings so long as you make the report 'in good faith'. This protection has been safeguarded in the *Children and Community Services Act 2004* Section 129 (1) and (2). Hearsay evidence is accepted in the Children's Court.

As far as possible, you can be assured of confidentiality. It is against the law for workers from the Department for Community Development to advise a family of the source of a referral. However, if the matter comes before the Children's Court, it is possible that the Department's files could be subpoenaed and information from the file made available to the family of the child or young person. A notifier's details must not be disclosed apart from exceptional circumstances, such as during protection proceedings, and then only with the permission of the Court.

What will happen when I make a report to the Department for Community Development?



What action will the Department for Community Development take if an investigation is needed?

The Department undertakes a child protection investigation if there is reason to believe that a child or young person may need protection (refer to page 3 and 27). The investigation may involve talking to the child or young person, the parents and the person alleged to have caused the harm. The investigation will include an assessment of the strengths and risks present within the family and explore what supports may be required to ensure the safety of the children. At the conclusion of the investigation, there is a range of actions the Department may take including:

1. No further action
2. Offer voluntary services to support the family
3. Assist the family to develop a safety plan if concerns for the safety of the child/young person exist. This may involve linking the family to support services, for instance counselling or parenting services
4. Take intervention action. This initiates a process in the Children's Court that could lead to a protection order being granted in respect of the child. This does not necessarily mean removal from the family and placement into care. Research has shown that the needs of children/young people are best met in the care of their own family. Placement out of home is the option of last resort and only occurs if safety within the family cannot be assured. The Department will generally work as a first option to support families. In the event that a child or young person needs to be placed out of home, the Department will work with the family to determine the most appropriate placement.

Obtaining Feedback

If you make a report you can expect to receive feedback about whether an investigation took place and the outcome of that investigation. If an investigation did not take place, you can be provided with information about why this did not occur. If you are unhappy with the outcome, you can ask for the name of a senior staff member with whom you can discuss your concerns. The feedback you can be given is limited at present, due to confidentiality and privacy laws. You can inquire whether your concerns have been followed up and be given feedback that will not breach confidentiality or the privacy of the family.



What if I disagree with the Department?

You may believe that the Department has made the wrong decision or you may not be satisfied with the way the Department is working with you or the family. In the first instance, you should discuss your concerns with the field officer or case worker. You may also wish to contact the team leader or the manager to resolve the issues.

If you are still not satisfied, you can contact the Department's Consumer Advocacy Service on 9222 2594 or freecall 1800 013 311. The staff there will listen to your complaint and advise you about the Department's processes and decision making. You may also ask the Consumer Advocacy Service to speak with the manager on your behalf.

The Consumer Advocacy Service can also advise you regarding external avenues of appeal.

Tips on dealing with disclosures

Children and young people are most likely to disclose abuse to adults they trust, so professionals working with them have a special responsibility.

How you respond to a disclosure from a child or young person is crucial. In this instance it is important to:

- Put your own feelings aside and listen as if the information is not sensational.
- Provide reassurance that you believe them and do not think that they are to blame or make judgements about what has happened.
- Allow them to talk but protect them from sharing the information with too many other people.
- Once you have established that they have been harmed or are at risk of being harmed, do not pursue the conversation any further. This is important to ensure that questions cannot be raised later about possible manipulation of the disclosure.
- Do not ask leading questions, for instance "Did Daddy hit you?"
- Never promise to keep the information secret.
- Never make false promises.
- Never ask questions that may make the child feel guilty or inadequate.
- Stay close to them after the disclosure to provide a sense of security.
- Tell them that it will be necessary to contact child protection authorities and that you will support them through that process.
- Respect the confidentiality of the disclosure and do not share the information with anyone other than the appropriate authorities within your organisation and either the Department for Community Development or the Police.
- Document the conversation that you have had remembering as accurately as you can, the words and phrases used by the child young person to describe what has happened to them.
- If you are unable to answer all the questions of the child or young person, it is ok to let them know.

Safety checklist

If you can answer 'yes', to more than one of the following questions the child or young person at the centre of your concerns may be at significant risk. Under these circumstances, seek advice from the Department for Community Development.

- if the child/young person has been injured, is the nature of the injury severe?
- is the child very young?
- does the child have special needs that may increase his/her vulnerability (e.g. disability)
- has there been any disclosure from the child/young person?
- is the current injury located on the head or genital region?
- is the pattern of harm continuing?
- has the parent or caregiver threatened to harm the child/young person?
- does an alleged perpetrator of abuse have continued access to the child/young person?
- is there a history of previous harm to this child or a sibling?
- is there a history of family violence?
- is there a current or recent episode of violence?
- is there a history of the child or siblings running away?

Issues that may affect your decision to make a report

I am concerned that by reporting my concerns I will be breaking the confidence I have with the family and it may affect my working relationship with them.

A close relationship often develops between professionals and the families with whom they work, leading to an increased reluctance to report suspected abuse or neglect. Protecting the confidences of the families we work with is an important professional ethical responsibility. However, in situations where there are serious concerns about the safety and wellbeing of a child or young person, there is a greater ethical responsibility to report your concerns and explore what the most appropriate response should be. It is important in these instances to be vigilant in maintaining professional boundaries and to guard against over-identifying with the carers.

If you are concerned for the safety of a young person, it may be more appropriate to support them to make the report themselves. If they are at imminent risk, you may still need to take action.

I am worried about a child, but not convinced that he/she has been abused.

It is not necessary for you to prove that abuse has occurred. This is the responsibility of the Department for Community Development. It is enough for you to be concerned about the risk of harm to a child or young person to warrant consulting the Department. It may be useful to discuss the matter with other staff, your line manager or colleagues to help clarify your concerns or to determine if your agency has a child protection policy or guidelines in place that may assist you in how to best respond.

I am concerned that if I make a report, the child will be removed from the family?

The Department for Community Development has a 'child in family' focus which sees the placement of a children and young people outside their family as an option of last resort. The focus of the Department's intervention, in the first instance, is to keep families together while the work of supporting them to keep their children safe continues.



I am worried about a mother and her five year old child who I have working with for the last few months. She told me today that her partner had physically assaulted her last night, and had threatened her in the past. The school has noticed that the child is becoming more aggressive when interacting with his peers. My client acknowledges that she could benefit from getting some assistance. If I was to make a referral to the Department what would happen and how might the Department assist?

When responding to family and domestic violence matters, the Department's role is to ensure the safety of vulnerable adults and children. The Department recognises that being in a violent or abusive relationship can impact on the ability to provide for the needs of the child and manage the day-to-day parenting tasks. In its intervention, the Department seeks to strengthen the relationships between children and their non-abusing parent and to engage with perpetrators to address their behaviours.

The Department provides a continuum of services that includes crisis, short term and long term assistance, including financial and practical assistance; advocacy and support; counselling and treatment services and referral to other external services. Wherever possible, the Department collaborates with other services to meet the needs of the family. This may include referral to specialist services.

The Department also has a responsibility to engage and respond to those responsible for the violence. The Department has a partnership role with key stakeholders to ensure that services provided to those responsible for family and domestic violence promote positive changes to their violent behaviour and hold them accountable for their violence.

Where the Department receives reports of concern for the safety and wellbeing of a child, or young person, due to their exposure to family and domestic violence:

- the Department has a responsibility to assess the safety and wellbeing of the child or young person and take appropriate action.
- the Department's preference is to work with the child's or young person's parent/s, or carer/s, to strengthen their ability to address the violence so as to enhance the safety and wellbeing for the child, or young person. The Department will hold the child at the centre of its concerns and undertake actions that promote the child's safety and wellbeing
- in circumstances where the level of concern is severe and the child's family and community cannot, or are unlikely, to provide safety, the Department, through its legislative mandate may intervene to protect the child.

If I make a report, will I have to give evidence in a court of law?

The majority of reports made to the Department are resolved through effective engagement with families that lead to the provision of support services, resulting in increased safety for children. Very few reports result in an Application for Protection Orders in the Children's Court. However, if this does occur, you may be asked to give evidence to the Children's Court. The Department will support you to do this. If you are called as a witness, you will be asked questions about your evidence by the Department's lawyers and by the lawyer of the parents if they have one. Hearsay evidence is accepted in the Children's Court.

I am worried about a child from a cultural/religious background I am not familiar with. Although I am concerned, perhaps the parenting that the child is receiving is appropriate to that culture?

The abuse or neglect of children is not considered to be appropriate or condoned in any culture or religion. This principle also applies to Aboriginal and Torres Strait Islander culture.

While assessments of concerns for the wellbeing of children/young people should be informed by an understanding of cross-culturally parenting practices and cultural and religious contexts, it should never be used as an excuse or to justify abuse or neglect. The Senior Advisor for Cultural Diversity and the Senior Advisor, Aboriginal Services are responsible for providing advice on cultural issues to the Department.



When children or young people from culturally and linguistically diverse backgrounds need to be placed in out-of-home care, the Department is guided by its Culturally and Linguistically Diverse Background Child Placement Principle.

I am concerned for a child from an Aboriginal and Torres Strait Islander family who is still traumatised by a previous Government practice that forcibly removed the children of Aboriginal and Torres Strait Islander families and placed them into institutional care. I am worried that by making a report, the children of this generation may also be removed.

The contemporary approach of the Department is to work in partnership with Aboriginal and Torres Strait Islander communities to strengthen and support families to avoid family breakdown. To assist in that work, Aboriginal and Torres Strait Island workers provide advice to the Department on culturally appropriate intervention with the emphasis on keeping children within their families and communities, and maintaining the integrity of their culture. The best interests of children remain the paramount consideration at all times.

In the event that a child or young person may require placement out of home, an Aboriginal or Torres Strait Islander staff member must be involved at all relevant times in making the arrangements and are guided by the Aboriginal and Torres Strait Child Placement Principle which embraces the principles of self determination and community participation to ensure, as far as possible, that children remain within their family and community. The Aboriginal and Torres Strait Islander Child Placement Principle informs the preferred placement options for children.

These are:

- placement with a member of the child/young person's family
- placement with a person who is an Aboriginal person or a Torres Strait Islander in the child/young person's community in accordance with local customary practice
- placement with a person who is an Aboriginal person or a Torres Strait Islander
- placement with a person who is not an Aboriginal person or a Torres Strait Islander but who in the opinion of the Chief Executive Officer of the Department is sensitive to the needs of the child/young person and capable of promoting their ongoing affiliation with their culture and where possible their family.

The Department must consult with an Aboriginal or Torres Strait Islander agency, approved by the Chief Executive Officer, regarding the prospective placement of an Aboriginal or Torres Strait Islander child/young person.

Frequently used terms in the Department for Community Development

Chief Executive Officer: the Chief Executive Officer (CEO) of the Department for Community Development is the term used in the *Children and Community Services Act 2004*. The CEO of the Department is commonly known as the Director General.

Duty Officer: is the first point of contact between the Department and the community. It is the responsibility of the duty system to determine whether or not the Department has a responsibility to respond to a referral. This follows an initial assessment process which examines the information provided by a referrer and any other corroborating information that can be found from other sources.

Extra-familial abuse: abuse perpetrated by a person outside the family system.

In the CEO's care: a child or young person is in the CEO's care if he/she is in provisional protection and care, is the subject of a protection order (time limited) or protection order (until 18), is the subject of a negotiated placement agreement or is provided with a placement services under section 32 (1) (a) of the *Children and Community Services Act 2004*.

Intake: the process of recording referrals into the Department for Community Development following assessment at the point of duty.

Intervention Action: means action that involves making an application for a warrant (provisional protection and care), taking a child into provisional protection and care or making a protection application from the Children's Court because the child has been assessed as being in need of protection.

Intra-familial abuse: abuse perpetrated by a member of a child/young person's family or has a culturally or socially recognised responsibility to protect and care for the child.

Investigation: An intensive assessment process to determine if a child is in need of protection. An investigation involves:

- making enquiries about the child or young person and their family to gather as much information as possible
- talking to the child/young person and their parents
- making an assessment about whether the child/young person is in need of protection

- it might also involve arranging a medical examination for the child/young person or other emergency services such as a short term place of safety while an initial assessment takes place. Sometimes a police officer will also be involved in the initial assessment if for example, the allegations involve sexual abuse or serious physical abuse.

Safety Planning: is the phase that follows an investigation. It involves the setting of clear parameters about what safety and protection look like for the child within their family context, and an assessment of the supports that a family require to help them protect their children.

Statutory Powers: the power invested in the Department for Community Development, under the *Children & Community Services Act 2004*, to undertake investigations and take intervention action triggering a process in the Children's Court which could lead to a protection order being granted in respect of a child or young person.

Substantiation: an outcome of an investigation that concludes that a child/young person has either been harmed or is at significant risk of harm from abuse or neglect.

Wellbeing: the wellbeing of a child includes but is not limited to the care, development, health and safety of the child.

Contact numbers for Department for Community Development offices

Metropolitan

Armadale Office	(08) 9497 6555	Kununurra Office	(08) 9168 0333
Cannington Office	(08) 9351 0888	Mandurah Office	(08) 9535 6688
Fremantle Office	(08) 9431 8800	Meekatharra Office	(08) 9981 1104
Joondalup Office	(08) 9301 3600	Merredin Office	(08) 9041 1622
Midland Office	(08) 9274 9411	Moora Office	(08) 9651 1100
Mirrabooka Office	(08) 9344 9666	Narrogin Office	(08) 9881 0123
Perth Office	(08) 9214 2444	Newman Office	(08) 9175 1051
Rockingham Office	(08) 9527 0100	Northam Office	(08) 9622 0170

Regional

Albany Office	(08) 9841 0777	Onslow Office	(08) 9184 6005
Broome Office	(08) 9192 1317	Port Hedland Office	(08) 9173 1877
Bunbury Office	(08) 9726 7000	Roebourne Office	(08) 9182 1208
Busselton Office	(08) 9752 3666	Southern Cross Office	(08) 9049 1016
Carnarvon Office	(08) 9941 1244	Tom Price Office	(08) 9189 1592
Collie Office	(08) 9734 1699		
Esperance Office	(08) 9083 2566		
Fitzroy Crossing Office	(08) 9191 5002		
Geraldton Office	(08) 9921 0768		
Halls Creek Office	(08) 9168 6114		
Kalgoorlie Office	(08) 9022 0700		
Karratha Office	(08) 9185 0200		
Katanning Office	(08) 9821 9000		

Services and organisations which can provide help, advice and support

Department for Community Development

(Refer to page 29 and the website at www.community.wa.gov.au)

Parenting Line

9272 1466/1800 654 432

Family Helpline

9223 1100/1800 643 000

Men's Domestic Violence Helpline

9223 1199/1800 000 599

Women's Domestic Violence Helpline

9223 1188/1800 007 339

Child Health and Community Health Services

Refer to the White Pages for contact details of local Child Health Centres

Child and Adolescent Mental Health Services

1800 220 400

(24-hour mental health advice line)

Princess Margaret Hospital for Children

9340 8222

State Child Development Centre

9481 2203

Disability Services Commission

9426 9200/1800 998 214

Kids Helpline

1800 551 800

Sexual Assault Resource Centre

Counselling line

9340 1899/1800 199 888

Concerns for the safety and wellbeing of children and young people can be reported to the following agencies

Department for Community Development

(Refer to page 29 for local offices or the website.)

After hours

- **Child Abuse Services WA**
9223 1111/1800 199 008
- **Crisis Care**
9223 1111/1800 199 008 (24 hour telephone service for people in crisis and needing urgent help)

Western Australian Police

- 131 444 (General Enquiries and Police Attendance)
- 000 (Life threatening emergencies)



Notes

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Department for
Community Development

