



## POLICY ON ASSESSMENT AND INVESTIGATION PROCESSES

### POLICY STATEMENT

This policy sets out the requirements for assessing and responding to concerns for a child's wellbeing<sup>1</sup> and allegations of abuse and neglect.

### PURPOSE OF THE POLICY ON ASSESSMENT AND INVESTIGATION PROCESSES

This policy is to guide practice and promote consistency across districts when assessing and responding to concerns for a child's wellbeing and allegations of abuse and neglect.

### BACKGROUND

The assessment and investigation processes seek to improve the Department's differential response model, through better targeting of responses to children with increased vulnerability to abuse and neglect, children who have been harmed through abuse or neglect (but parents are protective) and children in need of protection who require intervention action.

The processes enable the assessment and recording of significant harm, or likelihood of significant harm, to children; identifying the person responsible or person assessed as causing significant harm; and the provision of support services in a range of situations, including:

- the mandatory reporting by doctors, nurses, midwives, teachers and police of child sexual abuse;
- joint response with the Western Australia Police in relation to physical abuse, sexual abuse and neglect of children where a criminal offence may have occurred;
- assessment of allegations of abuse of children in the care of the Chief Executive Officer; and
- assessment of the safety of specific children who have contact with a person convicted by the Courts or assessed by the Department to have harmed the child.

### Duty interactions

All concerns relating to high risk cases must be immediately assessed during the duty interaction stage.

The additional vulnerability of children aged five years and younger must be considered when assessing risk and determining the priority for response.

The Department can undertake the following tasks to determine if it has a role to promote or safeguard a child's wellbeing:

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<sup>1</sup> Wellbeing of a child includes the care, development, health and safety of the child (s.3 of the Act).

- clarify information with the referrer;
- check department records; and
- contact the person/s with parental responsibility.

Where possible and appropriate, the Department should engage with the parent (or person with parental responsibility) to seek their views on the concerns and obtain their consent for seeking information from external sources.

If the Department has an ongoing role, a safety and wellbeing assessment will be commenced as the next action. If the Department needs to make further inquiries to determine whether it has a clear role, the initial inquiries process is commenced as the next action.

The Department gathers information using the *Signs of Safety Duty and Intake Tool* to inform its decision making.

Initial inquiries – s.31 and s.33A of the Act (no more than 5 working days to commence a safety and wellbeing assessment or close the case)

The purpose of conducting initial inquiries is to determine whether the Department has an ongoing role and if action should be taken to safeguard or promote a child's wellbeing. This decision is based on clarifying information with relevant stakeholders such as the school, child health nurse or agencies who are working with the family.

The decisions from an initial inquiry could be:

- a safety and wellbeing assessment is required to further assess concerns relating to s.28(2)(a)(b)(c) or (d) of the Act;
- a safety and wellbeing assessment may be required to further assess if the concerns are likely to place the child at risk of significant harm in the future if joint work is not undertaken with the family;
- if there are no concerns for the child's wellbeing, then the Department may, as necessary, contact the family to provide information about support services (s.21 social services); or
- no further action.

Safety and wellbeing assessment

The purpose of a safety and wellbeing assessment is to clarify if:

- 1) the child has suffered significant harm, or is likely to suffer significant harm<sup>2</sup> as a result of abuse and/or neglect;
- 2) the child's parents have not protected or are unlikely or unable to protect the child from harm or further harm of that kind;
- 3) a safety plan is required; and

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<sup>2</sup> Harm, in relation to the child, includes harm to the child's physical, emotional or psychological development (s.3 of the Act).

- 4) the wellbeing concerns are likely to place the child at risk of significant harm in the future if joint work is not undertaken with the family.

For cases where the reason for contact relates to s.28(2)(a) or (b) of the Act, a safety and wellbeing assessment is completed to ascertain whether a suitable adult relative or other suitable adult can be found who is willing and able to care for the child. If no suitable adult relative or other suitable 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 can occur accordingly.

#### Assessing and recording harm

Within the safety and wellbeing assessment, the Department can record if abuse to the child has occurred. This will inform the Signs of Safety harm and/or danger statement. Assessment of the impact on the child is required for the following situations:

- where there may be significant harm or likelihood of significant harm relating to physical, sexual, emotional abuse, including family and domestic violence, or neglect; or
- the parent's capacity to protect is a concern or parental protectiveness is unknown; or
- allegations of abuse in care; or
- extra-familial child sexual abuse.

The purpose of assessing harm is to identify:

- 1) the nature and degree of harm;
- 2) the likelihood of further harm;
- 3) the evidence that led to the decision that harm occurred;
- 4) the person responsible or the person assessed as causing significant harm if known; and
- 5) the parent's capacity to protect the child.

The decision on whether harm is substantiated and the identification of a person responsible or person assessed as causing significant harm are separate decisions. In cases where the person responsible or person assessed as causing significant harm cannot be determined, the Department will record this decision and continue with the appropriate course of action.

Section 32(1)(d) is triggered in the following circumstances during a safety and wellbeing assessment:

- the parent/s refuse consent for the Department to interview their child and the Department needs to exercise statutory powers under s.34 (warrant access) or s.33 (access without informing the parent) to complete the safety and wellbeing assessment; or
- the child is interviewed without the parent's consent (s.33); or
- if there is a need to collect forensic evidence and statements.

In limited circumstances where s.33 or s.34 are not appropriate, warrant provisional protection and care (s.35) or provisional protection and care without a warrant (s.37) may need to be used during an investigation to

enable the child to be interviewed or medically examined without parental consent.

#### Actions arising from a safety and wellbeing assessment

The recording requirements for all safety and wellbeing assessments are:

- priority response timeframes;
- completion time frame – from the safety and wellbeing commencement date within 30 calendar days wherever possible;
- start and end dates;
- substantiation of significant harm or likelihood of significant harm, where appropriate;
- identification of person responsible or person assessed as causing significant harm, if possible;
- whether the child is sighted; and
- the parent's capacity to protect.

Actions from a safety and wellbeing assessment can include the following:

- no further action;
- the provision of social services - s.21(1)(a);
- the provision of child centred family support - s.32(1)(a);
- arranging or facilitating a meeting between key stakeholders to develop a plan to address the ongoing needs of the child - s.32(1)(b);
- entering into a negotiated placement agreement -s.32(1)(c);
- take, or cause to be taken, intervention action in respect of the child - s.32(1)(e);
- take, or cause to be taken, any other action in respect of the child that the Department considers reasonably necessary - s.32(1)(f); or
- further actions by the CEO before the child is born - s.33B(a)(b)(c).

#### Intervention action<sup>3</sup> s.32(1)(e)

If intervention action s.32(2),(a),(b) or (c) is being considered, the Department must clearly identify the basis for its decision. Under s.32(2)(a) and s.35 the Department can apply to a court for a warrant to take a child into provisional protection and care.

Under s.32(2)(b) and s.37 .the Department is able to take a child into provisional protection and care without a warrant if an authorised officer or police officer suspects, on reasonable grounds, that there is an immediate and substantial risk to the child's wellbeing. This action may be taken at any stage during the assessment process.

After action is taken, an investigation is generally required to gather further information about the current circumstances for the child. This is to determine whether to:

- proceed with a protection application; and/or

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<sup>3</sup> Intervention action means applying for a warrant (provisional protection and care) under s.35, taking a child into provisional protection and care under s.37 or making a protection application.

- return the child to the parent or a person who was providing the day-to-day care for the child at the time the child was taken into provisional protection and care or, with the consent of the parent, any other person.

These actions must be completed within the required timeframe according to s.38 of the Act.

### **LEGISLATIVE MANDATE AND PRINCIPLES**

The *Children and Community Services Act 2004* is the legislative basis that underpins 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 have not provided, or are unlikely or unable to provide, that protection and care.

### **RELATED POLICIES AND DOCUMENTS**

- *Signs of Safety Child Protection Practice Framework*
- Policy on Neglect
- Policy on Child Sexual Abuse

### **GUIDELINES**

Assessment and investigation guidelines are in the Casework Practice Manual.

### **EFFECTIVE DATE**

22 October 2014

### **REVIEW DATE**

22 October 2017

### **OWNER**

Executive Director, Policy and Learning