



POLICY STATEMENT

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

PURPOSE OF THE POLICY

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

BACKGROUND

Neglect represents the highest proportion of substantiated notifications in Western Australia¹. It 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 in care by parents or carers. Neglect often co-occurs with or results from substance misuse, mental health issues, family and domestic violence and gambling.

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 damaging. It is also important that the presence of chronic neglect does not obscure other forms of abuse². The short and long-term, as well as cumulative effects of neglect can be significant, whether there is intent by the parent to harm or not.

Well documented worker observations, assessments and safety plans, as well as a chronology of events are critical to inform current and future assessments.

OPERATIONAL DESCRIPTION OF NEGLECT

Omission of care

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 where the health or development of the child is significantly impaired or placed at serious risk.

Cumulative harm

The term 'cumulative harm' refers to the effects of patterns of circumstances and events in a child's life. 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. Cumulative harm may be caused by an accumulation of a single recurring adverse circumstance or event, or by multiple circumstances or events³.

¹ Australian Institute of Health and Welfare, *Child Protection Australia Report 2010-11*, Table A1.4, page 49.

² Department of Human Services Victoria (2010) *Cumulative harm*, page 21.

³ Department of Human Services Victoria (2010). *Cumulative harm*, page 5.

THE DEPARTMENT'S ROLE

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

- assess neglect notifications to ascertain if the Department has an ongoing role, taking into account all previous contacts;
- work with the parents and other relevant government and non-government agencies to enhance parental functioning;
- provide, facilitate or coordinate services to the child to ameliorate the effects of neglect;
- undertake safety planning when there is significant harm or likelihood of significant harm to the child; and
- make an application for a protection order to the Children's Court where the child may be 'in need of protection' due to neglect.

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

Childhood obesity in itself is not a child protection issue. Referrals should be made to the Department for medical neglect 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 failed to comply with medical recommendations, social factors prevent or diminish the parent's capacity to implement and manage positive lifestyle change, and/or there are existing health complications.

Referrals for chronic truancy alone are outside the Department's mandate. 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.

NEGLECT AND STRUCTURAL DISADVANTAGE

There are often particular challenges in remote locations such as service capacity and/or availability and/or structural disadvantage. In determining whether the Department has a role in communities where social and structural disadvantage is prevalent, consideration needs to be given as to whether the primary concern is neglectful parenting (i.e. the parent's actions or inactions have contributed to the harm) and the impact on the child. Where a child has or is likely to experience significant harm from neglect, this must be recognised and responded to, irrespective of whether or not inadequate parenting is exacerbated by structural disadvantage, or is the result of or a combination of both inadequate parenting and structural disadvantage.

A whole-of-government response is required to address social and 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.

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, 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.

Specific provisions relating to neglect are: s. 28(1) (definition of neglect when a child in need of protection), s.101 (failing to protect a child from harm) and s.102 (leaving a child unsupervised in a vehicle).

OTHER RELEVANT LEGISLATION

Section 263 of the *Criminal Code of Western Australia* makes it a criminal offence for the parent or guardian to neglect a child in their care. A referral to the WA Police should be made and consideration given to a joint response if a criminal offence may have occurred.

RELATED POLICIES AND DOCUMENTS

- Policy, Framework Paper and practice guidance on Signs of Safety Child Protection Practice Framework
- Policy and practice guidance on assessment and investigation processes
- Policy on Child Sexual Abuse
- Policy and practice guidance on family and domestic violence

GUIDELINES

Refer to the Casework Practice Manual Chapter 4.: Neglect.

EFFECTIVE DATE

September 2012

REVIEW DATE

September 2015

OWNER

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