

POLICY STATEMENT

Title: Response to children and young people sexually abused whilst placed in out-of-home care

Policy No. CPD627-1

Policy Statement:

The Department of Communities (Child Safety Services) has a legislative responsibility to ensure the safety, wellbeing and best interests of a child or young person in out-of-home care and to report any alleged harm to a child or young person involving the commission of a criminal offence to the police commissioner of the Queensland Police Service.

Child Safety Services has a responsibility to provide a response to children and young people who have been sexually abused whilst placed in out-of-home care, irrespective of who is responsible for the sexual abuse. For these matters, a holistic response is provided to the child or young person, including:

- An acknowledgement by Child Safety Services of the abuse the child or young person has experienced and the resulting harm. An expression of regret in accordance with the *Civil Liability Act 2003* may be provided to a child or young person taking into account the age and maturity level of the child or young person.
- A review of the case plan to reflect any significant change to the child's needs or safety and to include any actions necessary to respond to the sexual abuse.
- Facilitation of a referral for both the child and protective carer to relevant therapeutic support services including sexual abuse counselling.
- Facilitation of a referral for independent legal advice for children and young people to be informed of their legal rights and be assisted in pursuing legal remedy or compensation.

Principles:

- The safety, wellbeing and best interests of the child are paramount.
- Every child has a right to be protected from harm or risk of harm.
- Child Safety Services has a responsibility to provide out-of-home care that meets the child or young person's developmental, educational, emotional, health, intellectual and physical needs.
- Children and young people who have experienced, or are experiencing trauma, have the right to receive appropriate medical, therapeutic and behaviour support to meet their individual needs.
- Children and young people have a right to participate in decision-making in matters that affect them with due regard to their age, maturity and capacity to understand.
- Children and young people who are sexually abused in out-of-home care have a right to access support or assistance associated with the prosecution of a criminal offence.
- Children and young people who experience sexual abuse in out-of-home care have a right to access relevant legal remedies and resources to pursue compensation for harm suffered.
- Responses to children and young people will be provided in a sensitive, respectful and timely manner.

Objectives:

This policy aims to ensure that Child Safety Services staff provide a response to children and young people who have been sexually abused whilst placed in out-of-home care.

Scope:

This policy applies to children and young people who have experienced sexual abuse during the period that the child or young person was placed in out-of-home care by Child Safety Services. It is irrespective of who perpetrated the abuse and is not limited to abuse by a carer, member of their household, child safety staff or licensed care services staff. It also includes sexual abuse by other individuals such as an adolescent or adult family friend, teacher, sports coach or abuse by a parent or other family member during family contact.

This policy does not apply to adults who were former children in care. Consistent with the 1999 Queensland Government response to the recommendations of the *Commission of Inquiry into Abuse of Children in Queensland Institutions (Forde Inquiry)*, any claims for monetary compensation for past abuse and neglect in institutional and out-of-home care needs to proceed through ordinary legal processes.

Roles and Responsibilities:

The roles and responsibilities of Child Safety Services staff regarding case planning for children and young people in out-of-home care are outlined in the Child Safety Practice Manual, chapters 4 and 5 and associated practice resources. Child Safety Services staff should also consider chapter 10.21 'Victims of crime and the role of Victim Assist Queensland'. Staff are obligated to ensure that a child or young person has access to adequate information to allow them to contact Victim Assist Queensland.

The child safety officer is responsible for ongoing casework and case planning, including contacting Legal Services to access independent legal advice for a child or young person when required.

Legal Services Branch is responsible for providing advice to Child Safety Services when children and young people in out-of-home care wish to access legal advice, including legal remedies and resources. This includes arranging independent legal advice for the child or young person and providing information to staff about their potential involvement in criminal and/or civil proceedings.

Authority:

Child Protection Act 1999, sections 7(1)(m); 14; 22; 51ZD; 82; 122; and 159M.

Delegations:

Deputy Director-General, Communities Child Safety, Youth and Families

Associate Director-General, Regional Service Delivery Operations

Regional Executive Director

Regional Director, Child, Youth and Families

Manager, Child Safety After Hours Service Centre

Manager, Child Safety Service Centre

Senior Practitioner, Child Safety Service Centre

Team Leader, Child Safety After Hours Service Centre

Team Leader, Child Safety Service Centre
 Child Safety Officer, Child Safety After Hours Service Centre
 Child Safety Officer, Child Safety Service Centre

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Date of operation: 5 October 2011
Date to be reviewed: 5 October 2014

Office: Communities, Child Safety, Youth and Families
Help Contact: Child Protection Development – 3235 9411

Links:

Procedures:

Child Safety Practice Manual, chapters 5, 10.3 and 10.21.

Related legislation or standards:

Child Protection Act 1999

Commission for Children and Young People and Child Guardian Act 2000

Queensland Civil and Administrative Tribunal Act 2009

Children Services Tribunal Act 2000

Civil Liberty Act 2003

Related departmental policies:

Care agreements (415)

Structured Decision Making (407)

Intervention with parental agreement (343)

Information exchange and service delivery coordination (403)

Suspected Child Abuse and Neglect (SCAN) System (405)

Participation by children and young people in decision-making (369)

Crimes compensation for children and young people (30)

Case planning (263)

Forms/Resources:

Letter: Statement of regret

Linda A Apelt
 Director-General