

POLICY

Title: Response to children who have experienced significant detriment caused by the actions or inactions of Department of Communities, Child Safety and Disability Services

Policy No. 634-1

Policy Statement:

The Department of Communities, Child Safety and Disability Services has a legislative responsibility to respond to child protection concerns, where it is determined a reasonable suspicion exists, that a child is in need of protection.

Child Safety Services takes seriously, the significant detriment to children caused by its actions or inactions, and manages such matters in an accountable, transparent and meaningful way. Securing safety, enhancing well-being, and delivering what matters for Queensland's children and their families, remains Child Safety Services' primary concern.

Principles:

- The safety, well-being and best interests of the child are paramount.
- Every child has a right to be protected from harm or risk of harm.
- If a child does not have a parent who is able and willing to protect the child, the state is responsible for protecting the child.
- Responses to children who have experienced significant detriment caused by the actions or inactions of Child Safety Services will be provided in a respectful, sensitive and timely manner and children can expect:
 - to be provided with clear explanations about what Child Safety Services can and cannot do and any decisions or recommendations made
 - regular updates on the progress of their matter
 - not to experience any reprisals as a result of actions taken under this policy.
- A child who has experienced significant detriment caused by the actions or inactions of Child Safety Services has the right to:
 - receive appropriate medical, therapeutic and behaviour support to meet their individual needs
 - participate in decision-making in matters that affect them, with due regard to their age, maturity and capacity to understand
 - assistance in accessing relevant legal advice, remedies and resources to pursue compensation for harm suffered
 - access support or assistance associated with the prosecution of a criminal offence.

Objectives:

This policy aims to ensure that Child Safety Service staff provide a respectful and comprehensive response to children who have experienced significant detriment caused by the actions or inactions of Child Safety Services.

Scope:

This policy refers to children who have experienced significant detriment caused by the actions or inactions of Child Safety Services.

Significant detriment is defined as harm, injury or damage of a significant nature, experienced by children, leading to permanent incapacity.

Incapacity in children refers to the inability to learn, develop, work, live life normally or do what they had intended to do.

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:

It may be that as a result of significant detriment caused by the actions or inactions of Child Safety Services, matters of redress and potential compensation will need to be considered. Service centre and regional staff are required to consult with Legal Services, Department of Communities, Child Safety and Disability Services, to determine the nature of Child Safety Services' responsibilities in this respect.

Responsibilities will include arranging the child's access to independent legal advice where applicable and providing information to staff about their potential involvement in criminal or civil proceedings. Relevant officers will be kept informed as to the progress of any specific matter.

Child Safety Services staff should also consider the Child Safety Practice Manual, chapter 10.20 'Victims of crime and the role of Victim Assist Queensland'. Staff are obligated to ensure that children have access to adequate information to allow them, or another person acting on their behalf, to contact Victim Assist Queensland.

The following may also be provided to the child:

- An acknowledgement by Child Safety Services of the impacts upon the child.
- An expression of regret in accordance with the *Civil Liability Act 2003*.

For a child subject to ongoing intervention by Child Safety Services under the *Child Protection Act 1999*, including a support service case, a review of the support plan or case plan may be required to reflect any significant changes to the child's needs and the type of ongoing intervention provided by Child Safety Services.

Child Safety Services staff should be aware that other agencies, such as the Public Guardian, may be able to provide supports to children. Consideration should be

given to referring children to such agencies in addition to providing departmental support.

Authority:

Child Protection Act 1999, sections 7(1)(e)(m);14; 22; 51ZD; 82; 122; 159F,159M; 197, 246A, 246H, 247; Schedule 1 Section 74; Schedule 2.

Delegations:

Deputy Director-General, Child, Family and Community Services
 Regional Executive Director
 Regional Director, Child Safety
 Manager, Child Safety Service Centre
 Manager, Child Safety After Hours Service Centre
 Senior Practitioner, Child Safety Service Centre
 Senior Team Leader, Child Safety After Hours Service Centre
 Director, Legal Services

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Office: Child and Family Program Design
 Child, Family and Community Services
Help Contact: Child and Family Program Design

Links:

Complaints Management (295-5)
 Response to children and young people sexually abused whilst placed in out-of-home care (CPD 627-1)
 Child Death Case Review Policy and Procedures (361-4)
 Critical Incident Reporting (391-4)
 Positive Behaviour Support (CPD 604-3)
 Participation by children and young people in decision-making (369-3)
 Reporting and Managing Official Misconduct
 Discipline Policy (163-3)

Michael Hogan

Director-General