

## 7.14 Safety and Wellbeing Assessment - Safety and Wellbeing Concerns Regarding Children in the Care of the CEO

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### Policy

[Policy on Child Sexual Abuse](#)

### Purpose

This entry details the procedures to be followed by child protection workers in relation to safety and wellbeing concerns for a child in the care of the Chief Executive Officer (CEO) of the Department for Child Protection and Family Support (the Department). The term 'safety and wellbeing concerns' includes all forms of physical, sexual, emotional, psychological harm and neglect.

### Legislative Authority

[Children and Community Services Act 2004](#)

### Standards

[Better Care, Better Services - Standards for Children and Young People in Protection and Care](#)

### Practice Requirements

#### Safety and wellbeing assessment

- Where an allegation is made against an approved foster carer, the child protection worker must advise the senior child protection worker placement services and the team leader.
- With all safety and wellbeing concerns for children in the care of the CEO, the child protection worker, in consultation with the team leader, will assess whether any immediate action should be taken to ensure the child's safety, and that of any other children who are either in the placement or who may have had contact with the person alleged responsible.
- A safety and wellbeing assessment must be undertaken for all safety and wellbeing concerns where:
  - the concern identified is physical, emotional, psychological, sexual harm or serious neglect, and
  - the initial inquiry determines there are concerns about a child's wellbeing and further information is required.
- The safety and wellbeing assessment must be approved by a team leader.
- All safety and wellbeing concerns for children in the care of the CEO are assessed by the Department, including instances where children are placed in non-government agencies. Where the concern relates to a foster carer or employee, a carer investigation or misconduct investigation may also be required.
- Where there is a safety and wellbeing concern relating to an approved foster carer an immediate assessment of the safety of children currently in that placement must be undertaken.
- Response timeframes for the commencement of a safety and wellbeing assessment are:
  - Priority 1 (within 24 hours)
  - Priority 2 (within 2-5 working days)
- Where the Department has assessed that a safety and wellbeing assessment is required, all high risk cases and those involving children aged 5 years or younger should receive a priority 1 response.
- The priority of response should be assigned on the basis of the urgency to assess if the child is at risk and what actions are required to protect the child.
- The child protection worker must consult with Duty of Care Unit (DoCU) for all safety and wellbeing concerns for children in the care of the CEO and a 'Safety and Wellbeing Concern in Care' notification must be completed in Assist where the safety and wellbeing assessment determines that a child is at risk of harm or has been significantly harmed.
- Allegations of harm by an approved foster carer require a joint and concurrent safety and wellbeing assessment by the child protection worker and a carer investigation by DoCU - the carer's status should be changed from 'Approved' to 'Under Review'.
- When a foster carer is 'Under Review' no further children can be placed with that carer. An alert must be placed on Assist to record this.
- A safety and wellbeing assessment is to be completed within 30 calendar days of its commencement. In circumstances where this is not possible, an extension must be approved by the team leader.
- Individuals over 18 years of age who allege that they were harmed as children whilst in the care of the CEO should be encouraged to make a report to Western Australia Police Service (WA Police). However, a decision needs to be made on the appropriateness of the Department

to investigate the concern. This depends on factors such as: when the harm is alleged to have occurred; whether other children may still be at risk or were at risk; and whether an investigation is feasible. The adult's wishes should be taken into account in making all decisions.

#### Consultation and advice

- Any allegation of child sexual abuse, or allegation of serious physical abuse or neglect warranting police investigation, must be discussed immediately with the Child Assessment and Interview Team (childFIRST).
- ChildFIRST must be consulted if, at any stage during the assessment, it becomes apparent that the case involves sexual abuse or serious physical abuse or neglect likely to result in criminal charges being laid by the WA Police.
- When the Department receives safety and wellbeing concerns about a non-government placement agency carer, a senior officer of the placement agency must be advised immediately.
- Where a child has an Aboriginal background, department staff must consult with the Aboriginal practice leader or other relevant Aboriginal officers in the district for assistance in developing an effective client engagement, assessment, and a case management plan that takes into consideration cultural issues.
- All consultations must be recorded and saved in the case file and carer file. Record the:
  - date of the consultation
  - name of staff member(s) involved in the consultation
  - issues discussed and outcomes
  - if there is another document relating to the consultation include the Objective reference number.
- In cases involving families or children from a culturally and linguistically diverse (CaLD) background, specific language and cultural needs must be considered. Where possible, this information should be obtained from the child's family and community. Additional cultural information is available through the CaLD SharePoint Resource Library and the Reference Guide for Working with Culturally and Linguistically Diverse Families (links in related resources).
- Where the matter relates to safety and wellbeing concerns about an approved foster carer or a current Department employee, a joint and concurrent safety and wellbeing assessment must be undertaken by child protection workers, and a carer investigation must be undertaken by the DoCU - a misconduct investigation by Integrity Services Unit (ISU) may also need to be undertaken.
- Each investigation has a different purpose and consultation must occur between the child protection worker, DoCU and ISU before any investigation commences. The Misconduct Investigation determines staff misconduct.
- If the Department is aware of any person having been charged with, or convicted of, a Class 1 or a Class 2 offence, or any other offence that, in the Department's assessment, renders the person inappropriate to carry out child-related work, the Screening Unit must be notified. The Screening Unit must then notify the Working with Children Unit. While this is a general provision, it must also be observed in Department casework practice in relation to approved foster carers and department employees, and in regard to charges or convictions relating to harm in care.

#### **Process Map**

#### **Procedures**

##### [Overview](#)

[Response to safety and wellbeing concerns for a child in the CEO's care](#)

[Actions that can be initiated during safety and wellbeing assessment](#)

[Safety and Wellbeing Assessment](#)

[Safety and wellbeing concerns against an approved foster carer](#)

[Safety and wellbeing concerns against a Department employee](#)

[Safety and wellbeing concerns prior to entering care](#)

[Safety and wellbeing concerns after leaving care](#)

#### **Procedure - 7.14 Safety and Wellbeing Assessment - Safety and Wellbeing Concerns Regarding Children in the Care of the CEO**

##### **Overview**

The Department has a duty of care to ensure children are placed in a safe environment and are protected from further harm. The Department's response to safety and wellbeing concerns for children in the CEO's care is consistent with and informed by the safety and wellbeing assessment framework.

Safety and wellbeing concerns for a child in the care of the CEO may occur:

- outside the home
- in their placement
- at school, or
- on contact visits with family.

A child in the care of the CEO may allege they have been harmed by:

- another child or young person
- their carer
- a parent
- a step parent
- an adult family member or friend
- a Department employee, or
- an agency worker.

Safety and wellbeing concerns for a child in the CEO's care may be reported or identified in a variety of ways, including the following:

- child
- foster carer
- birth parents
- child protection worker
- duty officer
- other Department staff
- a non-government agency
- support workers, or
- any other person involved in the child's life.

The safety and wellbeing concerns may relate to harm which occurred recently, or some time ago and the child may have since left care.

[top](#)

#### **Response to safety and wellbeing concerns for a child in the CEO's care**

A safety and wellbeing assessment must be undertaken by the child protection worker for all safety and wellbeing concerns where the initial inquiry determines the child is at risk of significant harm. While generally the child's child protection worker will complete the safety and wellbeing assessment there are circumstances where it may be appropriate to allocate the task to another worker depending on any potential conflict of interest issues.

The safety and wellbeing assessment does not need to assess the parent's capacity to protect if the child is in the care of the CEO on a provisional protection and care order, protection order (time-limited) or protection order (until 18) because the CEO has parental responsibility.

Parental consent is not required to interview a child who is in the care of the CEO. The case plan should consider timing and need in relation to advising the parent/s of the concern.

The Department has a responsibility to children in the care of the CEO to consider the child's care arrangements as part of the safety and wellbeing assessment.

Forensic interviews and the gathering and analysis of forensic evidence, or full narrative statements that may be used and would be admissible in courts of law, will generally be conducted by the childFIRST.

All safety and wellbeing concerns about approved foster carers will be responded to as a Priority 1 by childFIRST and WA Police.

If the safety and wellbeing concern is about an approved foster carer who is a Department employee, a Misconduct Investigation may need to be undertaken by ISU.

The aim of the safety and wellbeing assessment for children in the care of the CEO is to:

- assess the safety and wellbeing of the child and form a view that harm or risk of harm has occurred
- assess and respond to any concerns in relation to the child's care arrangements, or those of any other children affected.

[top](#)

#### **Actions that can be initiated during safety and wellbeing assessment**

The Department will ensure that the child does not remain in a situation of risk pending completion of

the assessment. Where harm is alleged to have occurred between children living in the same house, the children may need to be placed separately. There may also be instances which involve removing the carer, or all the children in a family group home or residential care setting, rather than removing one child.

If the person alleged responsible is an approved carer, actions may include:

- implementing a safety plan to enable the child to remain in a placement while an assessment is undertaken
- removing the child or the person alleged responsible from a placement while an assessment is undertaken
- consideration of the safety and wellbeing of other children previously or currently placed with the foster carers including the foster carer's own child/ren.

If the person alleged responsible is a member of the carer's household, including another child in the placement or a carer's own child, the assessment should consider the response and protectiveness of the carer. A carer standard of care assessment or a carer investigation may be appropriate.

[top](#)

### **Safety and Wellbeing Assessment**

When a safety and wellbeing assessment is undertaken the following must occur:

- A 'Safety and Wellbeing Concern in Care' notification is recorded for the child and linked to the safety and wellbeing assessment.
- A 'Carer Investigation' notification is recorded for the foster carer (both foster carers if they are a couple) if they are the person alleged responsible for the harm of a child.
- The status of the foster carer amended to 'Under Review', pending the outcome of the foster carer investigation, and an 'Alert' is recorded on Assist. No additional children can be placed with a foster carer who is 'Under Review'
- Decisions about the substantiation of harm and recording of 'Person Responsible' (PR) and 'Assessed as causing significant harm' (ASH) are made and endorsed by the team leader and district director. The recommendations are informed by joint and concurrent carer investigations or employee misconduct assessments or investigations.
- The outcome of a safety and wellbeing assessment for a child in the CEO's care is recorded on Assist as 'No Further Action' or 'Social Services Support'. Child protection investigations and/or intervention actions cannot be taken if the child is already in the care of the CEO.
- A completed outcome report with casework recommendations addressing harm and care arrangement concerns. There are circumstances where care arrangement concerns cannot be completely addressed. When this occurs, a safety plan for the child should be implemented, and the decision and rationale endorsed by the district director.

[top](#)

### **Safety and wellbeing concerns against an approved foster carer**

Where a safety and wellbeing assessment regarding an approved foster carer determines that a child may have suffered harm, the district must consult immediately with the DoCU.

A safety and wellbeing assessment is undertaken by the child protection worker; at the same time, a carer investigation is undertaken by a senior investigation officer in the DoCU.

Each investigation has a different purpose. The safety and wellbeing assessment determines if harm has occurred, if it should be substantiated or not, and the recording of the PR or ASH. The carer investigation determines the foster carer's compliance with the foster carer competencies.

Each investigation will have its own outcome. The separate outcomes should be consistent, however substantiation of harm will not always warrant revocation of foster carer's approval or disciplinary action for an employee. Likewise an unsubstantiated safety and wellbeing assessment may result in revocation of foster carer's approval or disciplinary action where the carer is a Department employee, if the respective investigations determine that the foster carer competencies have not been met or a breach of the Public Service Management Act has occurred.

Where appropriate, foster carers should be kept informed, however, the assessment process may require that certain information is withheld from the foster carer. The foster carer should be advised that the amount and the timing of information released to them is dependent upon a number of factors, including the nature of the allegation and the police investigation if relevant.

The carer investigation should include interviewing the person alleged responsible in a timely manner and ensuring that he or she has support, is given the right of reply, and receives information about:



- the assessment outcome
- any decisions regarding recording the carer as PR or ASH, and
- opportunities for review.

This process informs the safety and wellbeing assessment. Refer to Chapter 9: Revocation of a Foster Carer's Approval.

[top](#)

### **Safety and wellbeing concerns against a Department employee**

If the person alleged responsible is a Department employee, prior to commencement of the safety and wellbeing assessment, the child protection worker must inform his or her team leader and district director. Where the foster carer works outside the district office, the district director will advise the employee's director.

Where appropriate, reportable misconduct is referred to the ISU via the employee's director. ISU, in consultation with the employee's director, will make a decision in relation to the employee's status, including their contact with child/ren while the parallel safety and wellbeing assessment and potential employee misconduct assessment and/or investigation is undertaken.

If the child protection worker remains concerned that the employee's work arrangements do not provide sufficient safety to the child, or are not in the child's best interests, then it is appropriate for the child protection worker to make alternate arrangements for the child.

A joint and concurrent safety and wellbeing assessment by the child protection worker and/or misconduct investigation by ISU may need to be undertaken. If the employee is also an approved foster carer, a carer investigation by the DoCU may also need to occur.

Each investigation has a different purpose and consultation must occur between the child protection worker, DoCU and ISU before any investigation commences.

- The safety and wellbeing assessment determines substantiation, or not, and the recording of the PR or ASH.
- The Misconduct Investigation determines staff misconduct.
- The carer investigation determines the carer's compliance with the foster carer competencies, and
- The safety and wellbeing with harm assessment determines if harm has occurred.

Each investigation has its own outcome. The separate outcomes should be consistent however, substantiation of harm will not always warrant revocation of a foster carer approval or disciplinary action for an employee. Likewise an unsubstantiated safety and wellbeing assessment may result in revocation of a foster carer's approval or disciplinary action, where the carer is a Department employee, if the respective investigations determine that the foster carer competencies have not been met, or a breach of the Public Service Management Act has occurred.

Refer to Chapter 9: Revocation of a Foster Carer's Approval.

[top](#)

### **Safety and wellbeing concerns prior to entering care**

If the concern relates to an incident prior to the child coming into the CEO's care (and the information was not already known to the Department), the child protection worker, in consultation with his or her team leader, should assess the concern to determine whether:

- a new intake and assessment is required, or
- the information should be recorded as a file note and saved in Objective.

Refer to Chapter 7: Managing the Legal Rights of Children in the Care of the CEO and Persons Formerly in the Care of the CEO.

[top](#)

### **Safety and wellbeing concerns after leaving care**

In some instances, young people under 18 years of age who have left care may disclose harm that occurred while they were in the CEO's care. Child protection workers, in consultation with their team leaders, should assess the concern to determine whether:

- a new intake and assessment is required, and if
- the concern raises safety and wellbeing concerns for children either currently or previously in the care of the person alleged responsible.

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7.14 Safety and Wellbeing Assessment - Safety and Wellbeing Concerns Regarding Children in the Care of the CEO

Safety and wellbeing concerns by a former child in the CEO's care who is over 18 years of age

A safety and wellbeing assessment cannot be undertaken for a person over 18 years of age and previously in the CEO's care, however, leaving care and/or other support services, and potential legal claims should be considered.

An adult reporting safety and wellbeing concerns when in care as a child can be recorded on Assist as a 'family support' case with the issue of 'post trauma support' (or any other relevant issue), and a notification can be lodged with the DoCU.

Refer to Chapter 7: Managing the Legal Rights of Children in the Care of the CEO and Persons Formerly in the Care of the CEO.

[top](#)