



INFORMATION KIT

on child protection
for professionals

Revised Feb 2020

Queensland
Family & Child
Commission



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Child protection is **everyone's** business.

The Information Kit on Child Protection for Professionals provides key facts about the Queensland child protection system for anyone who works with children or families. If you work with, or provide a service to, children or families, you have a role to play in protecting children. This guide aims to help you navigate the child protection system and work together with other professionals effectively so that we can all help keep children safe and well.

The Kit provides information you need to help meet children's protection and wellbeing needs. It provides information about how the child protection system works from prevention and early intervention to when Child Safety Services gets involved. It also contains tips on what to do if you are asked to participate in investigations, case planning or court proceedings.

This Information Kit includes a range of fact sheets, including:

- ▶ Child protection principles and rights
- ▶ Working together
- ▶ When you're worried about a child
- ▶ How Child Safety Services responds to concerns
- ▶ How Child Safety Services works with families
- ▶ Participating in child protection court processes
- ▶ Participating in case planning
- ▶ Young people transitioning to independence
- ▶ Advocacy, appeals and complaints

Each fact sheet in the Information Kit explains child



Key information in each fact sheet is highlighted in an orange box.



Tips on how you can implement the information in each fact sheet are highlighted in blue boxes.



Definitions are highlighted in green boxes.

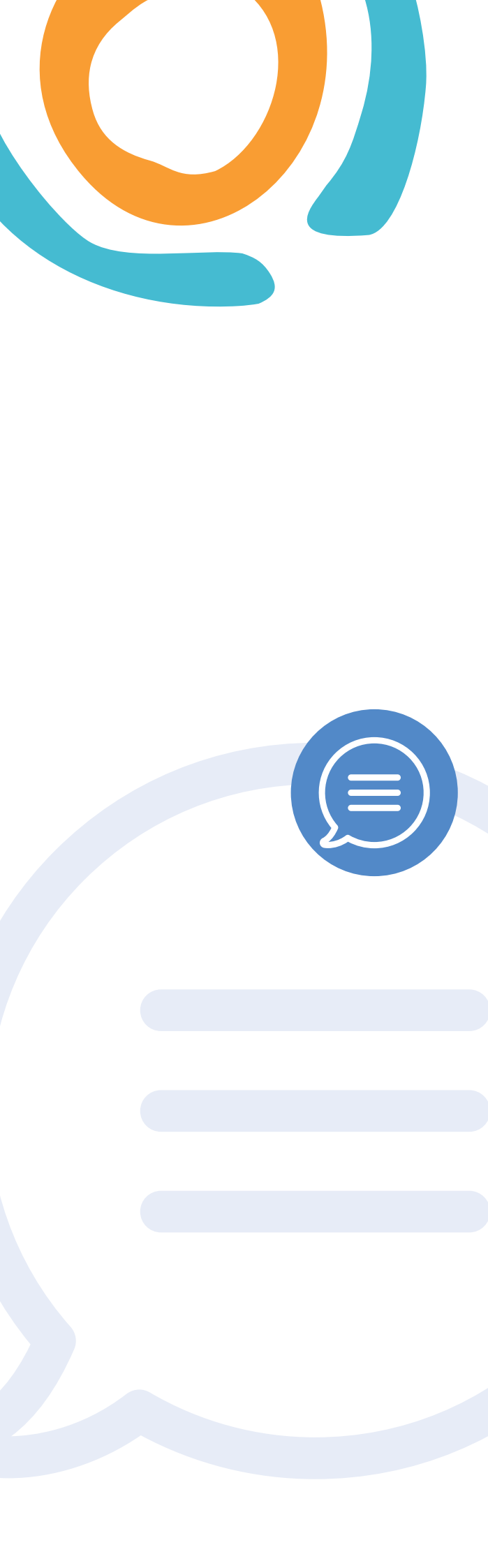


Links to other resources are highlighted in purple boxes.

protection concepts and processes simply.

Child protection is a rapidly evolving area. The Queensland Family and Child Commission aims to continuously update this resource to reflect best practice.

The information provided in the Information Kit is general information only which is current at the time of publication. It does not constitute legal advice and should not be relied upon as such. Appropriate legal advice should be obtained for actual situations.



Part One: Overview


CHILD PROTECTION PRINCIPLES AND RIGHTS

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In Queensland, most of the laws about protecting children can be found in the *Child Protection Act 1999* (the Act). The Act contains the overarching principles that guide how decisions should be made. When it is unsafe for a child to live at home, Child Safety Services may place them in out-of-home care. This fact sheet explains the main principles of the Act and the rights of children who live in out-of-home care.

The paramount principle

The paramount principle of the Act is the safety, wellbeing and best interests of children, both through childhood and for the rest of the child's life, must always come first. When making any decision involving a child, the child's safety, wellbeing and best interests are the most important consideration, and take priority over an adult's interests or the interests of any organisation. This does not mean the interests of a parent are not important, it just means they should not take priority over a child's.

 No matter who you are or what your role is, the child's safety, wellbeing and best interests is the most important consideration in any decision.

Sharing information in the best interests of the child

The paramount principle supports information sharing

when it is in the best interests of the child.

You can always share information with a colleague in your agency to decide whether to report concerns to Child Safety Services. If you provide services to children and families, you can also ask some agencies for information to help you decide whether to make a report.



For more information and practical support on understanding your obligations when sharing information, see: www.csyw.qld.gov.au/about-us/partners/child-family/information-sharing



You can always share information with Child Safety Services to make a report when you have a concern about a child's safety or wellbeing.

If you're working with a child or parent who has ongoing involvement with Child Safety Services, you can share information with other services to make plans for the child's health, educational or other care needs.



There are a number of questions you can ask to work out if a decision is in the best interests of the child:

1. Is there a risk the child may be harmed if I don't do this?
2. Will this help to meet the safety or care needs of the child if I do this?
3. Can I say I am doing this because I honestly and reasonably believe it will help protect the child?

The paramount principle is applied at all stages of the child protection system. Some situations include when:

- ▶ a professional is considering whether to refer a family to a support service or report concerns about a child to Child Safety Services
- ▶ a child safety officer is assessing how to respond to a notifier's concerns about a child
- ▶ an agency is deciding what information it should share with another agency about a family, in order to plan for a child's safety
- ▶ a child safety officer is assessing if a child is in need of protection
- ▶ a Child Safety Services team leader is making a decision about family contact arrangements for a child in out-of-home care
- ▶ a foster care agency is considering whether a particular foster carer is a good match for a child who is being placed in out-of-home care
- ▶ the Director of Child Protection Litigation (DCPL) is deciding whether to apply for a child protection order. DCPL is an independent agency in the Department of Justice and Attorney-General that conducts child protection legal matters.
- ▶ a judge or magistrate is deciding whether to grant a child protection order to keep a child safe.



You can assess a child's safety, wellbeing and best interests by considering factors such as:

- | | |
|---|---|
| ▶ the views and wishes of the child, parents and any other significant people in the child's life including professionals and extended family | ▶ contemporary research and best practice findings about how to support the child and family's individual needs |
| ▶ any risks to the child's safety and any significant harm that has occurred | ▶ legislation and how it applies to the child and his or her particular circumstances |
| ▶ any protective factors that will help keep the child safe | ▶ the child's and the parents' strengths and needs |

The paramount principle is supported by other principles in the Act that say:

- ▶ a child has a right to be protected from harm or risk of harm
- ▶ the preferred way of ensuring a child's safety and wellbeing is through supporting the child's family
- ▶ the government should help protect a child if their parents are unable or unwilling to do so
- ▶ children should know, explore and maintain their identity and values, including their cultural, ethnic and religious identity and values
- ▶ families, professionals, agencies and the community should consult with each other, work together and coordinate quality service delivery.

Other principles that guide decision making about children

The child's views and wishes

The views of the child affected by the decision should be sought and taken into account as appropriate. If required, children should be given help to understand a decision and their rights to respond to a decision.

Family preservation and reunification

Families have the primary responsibility for the upbringing, protection and development of the child and should be supported in this. The preferred way of ensuring a child's safety and wellbeing is through the support of their family. If a child is removed from their family, support should be given to the child and family to allow the child to return home if it is in the child's best interests.

A child should have stable living arrangements that provide a connection with their family and community, to the extent that is in the child's best interests, and meets their developmental, educational, emotional, health, intellectual and physical needs.

A child should be able to maintain relationships with their family and kin, where safe to do so, and to know, explore and maintain their identity and values including their cultural, ethnic and religious identity and values.

If an Aboriginal or Torres Strait Islander child is removed from their family, as a first option, consideration should be given to placing the child with kin and to the extent possible, children should be placed together with their siblings.

Fair and respectful decision-making

Decision-making should be done in a way that is open, fair and respectful of the rights of each person affected by the decision.

Privacy should be respected where possible.

Action that is warranted

The government should only take action that is warranted in the circumstances. This means intervention that is necessary for the child's protection and wellbeing.

Emotional security and stability

When making decisions about a child, their need for emotional security and stability is taken into account. This is particularly relevant when a court is making a decision about whether to grant an order for a child. Factors that might be relevant to emotional security and stability include the child's attachment to parents, their views and wishes about where they would like to live and how long they have been in a particular foster or kinship placement.



Kin are relatives who are significant to the child. It can also include anyone else significant to the child. For Aboriginal and Torres Strait Islander children, kinship care may include another Aboriginal person or Torres Strait Islander who is a member of, or is compatible with, the child's community or language group.



For more information about how someone is assessed to be a kinship carer, check out Child Safety Services' practice resource, *Assessment of kinship carer applicants*: www.csyw.qld.gov.au/resources/childsafety/practice-manual/practice-resource-kinship-assessment.pdf

Aboriginal and Torres Strait Islander children

When making a significant decision about an Aboriginal and Torres Strait Islander child, Child Safety Services and the Director of Child Protection Litigation must arrange for the independent Aboriginal and Torres Strait Islander entity to help the child and their family participate in decision making.

If the Childrens Court exercises a power in relation to an Aboriginal or Torres Strait Islander child, it must consider Aboriginal traditions or Torres Strait Islander customs relating to the child and may have regard to the views of the independent Aboriginal and Torres Strait Islander entity.

All consultations, negotiations, meetings and proceedings involving Aboriginal and Torres Strait Islander peoples are to be conducted in a way, and in a place, that is appropriate to Aboriginal tradition or Island custom.

An Aboriginal or Torres Strait Islander child should be cared for within their own community, if possible, and the child should be helped to maintain a connection with their culture to preserve and enhance the child's sense of Aboriginal or Torres Strait Islander identity.

Rights of a child

The *Charter of Rights for a child in care* can be found in Schedule 1 of the *Child Protection Act 1999*. It lists the rights that all children and young people should enjoy.

These rights are based on the United Nations Convention on the Rights of a Child, which is an international convention that Australia has signed. Fundamental human rights for children are also protected under the Human Rights Act 2019 (Qld).

The Charter states that all children and young people have the right to:

- ✓ be provided with a safe and stable living environment
- ✓ be placed in care that best meets their needs and is most culturally appropriate
- ✓ maintain relationships with their family and community
- ✓ be consulted about, and take part in making decisions affecting their lives (having regard to their age or ability to understand), particularly decisions about where they are living, contact with family, health and schooling
- ✓ be given information about decisions and plans concerning their future and personal history, having regard to their age or ability to understand
- ✓ privacy, including in relation to personal information
- ✓ regularly review their care arrangements if they are under the long-term guardianship of the Chief Executive
- ✓ have access to dental, medical and therapeutic services, necessary to meet their needs
- ✓ have access to education appropriate to their age and development
- ✓ have access to job training opportunities and help in finding appropriate employment
- ✓ receive appropriate help with the transition from being a child in care to independence, including help with housing, access to income support, training and education.



You can help to uphold a child's rights by offering them information or explaining what's happening, listening to their views and helping them to speak up if they are concerned about something.



For more information about children's rights, check out:

- ▶ the child friendly version of the United Nations Convention on the Rights of the Child: www.unicef.org.au/our-work/information-for-children/speak-up-for-child-rights
- ▶ Child Safety Service's *Charter of rights for a child in care*: www.csyw.qld.gov.au/child-family/foster-kinship-care/rights-responsibilities/charter-rights-child-care



Check out the information kit on child protection for children *Finding out about child protection in Queensland* for child friendly ways to explain the child protection system. Visit www.qfcc.qld.gov.au/find-resource/education-resources

TERMS IN CHILD PROTECTION

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When navigating the child protection system, you may come across terms you are unfamiliar with. These terms help create a shared language about child protection that makes working together to keep children safe easier and more effective.

It is important to know commonly used terms so you can work with others to help provide services or responses that will help keep children safe.

This fact sheet provides definitions of some common terms.

What's the difference between referring and reporting?

'Referring' a child or family is commonly used to describe the process of linking a child or family with a support service. You would normally refer a child or family for support when their needs would benefit from professional support. Although the child or family may need some help, the concerns for the child or family are not so serious that you would need to make a 'report' to Child Safety Services.

'Reporting' a child or family is commonly used to describe the process of notifying Child Safety Services of the concerns you have about a child. You would normally make a report to Child Safety Services when you hold concerns that meet the threshold for reporting.

What is a 'threshold for reporting'?



You should make a report to Child Safety Services if you reasonably and honestly suspect a child 'may be in need of protection'. This is sometimes referred to as a 'threshold for reporting'. It means that certain criteria must be met before making a report to Child Safety Services.

If you reasonably and honestly believe a child may be in need of protection you will be legally protected when sharing this information to make a report to Child Safety Services.

The criteria for determining whether a child 'may be in need of protection' are:

1. a child has suffered, is suffering or is at risk of suffering **significant harm** **and**
2. there **may** not be a parent able and willing to protect the child.



You are only required to determine whether there may not be a parent able and willing. It is Child Safety Services' responsibility to gather information to determine whether there actually is no parent able and willing to protect the child.

What is significant harm?

Harm is defined in the *Child Protection Act 1999* as 'any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing'. The *Child Protection Act 1999* specifies that it doesn't matter how the harm was caused but includes physical, emotional or sexual abuse or neglect as possible causes. It also recognises that harm can be caused by a single incident of abuse or be a cumulative impact of multiple incidents.

When considering whether a child has suffered, is suffering or is at risk of suffering 'significant harm', you may consider the impact of the harm on the child's body and psychological or emotional wellbeing. You can also consider the age of the child as very young children are more vulnerable to harm as they rely solely

on their caregiver. In determining whether the harm is significant, consider the nature and severity of the impact on the child's presentation, functioning or behaviour and the likelihood the impact will continue. This means it will have impacts on the child that are not minor or trivial and are more than just temporary.

Significant harm is so serious that it may warrant a response by the government, with or without the family's consent.

'Risk' of significant harm means the harm hasn't happened yet but you are aware of an incident or incidents, or actions or inactions, which are likely to result in significant harm in the future. For example, a parent may tell you they have stopped taking their medication against their doctor's advice to treat their diagnosed mental illness. You know they have a history of becoming physically abusive towards their children when they stop treating their mental illness. It would be reasonable to suspect the child is at risk of significant harm based on the behaviours of the parent and the known history.

Who is a 'parent able and willing' to protect the child from harm?

If a child has suffered, is suffering or is at risk of suffering significant harm, then the question to determine whether they are a child in need of protection is to consider if they have a parent who is both 'able' and 'willing' to protect them from harm.

A 'parent' is the child's mother, father or someone else who has or exercises parental responsibility for the child.

A parent of an Aboriginal or Torres Strait Islander child also includes a person who under Aboriginal or Torres Strait Islander tradition is regarded as a parent of the child.



If a child protection order is needed to help protect a child, the definition of parent is different. In this circumstance it means a mother, father or a person who is a parent under law.



The parent is able and willing to protect the child when they are aware of the concerns and are capable and willing to take action to ensure the child's safety and stability and to promote their health, wellbeing and development

A parent may be willing to protect their child, but not have capacity to do so (that is, they are 'not able'). This includes situations where the parents' inability is due to

ill health or because the actions or behaviour of another person prevent them from doing so, for example, they are a victim of domestic violence.

Alternatively, a parent may have the capacity and be able to protect their child, but may choose not to do so (that is, they are 'not willing'). This includes situations where a parent chooses an ongoing relationship with a person who has harmed their child.

If a parent is 'willing' but not 'able' then a plan may be developed in collaboration with Child Safety Services to build the parent's ability to protect the child from harm. This may include making referrals to services to help support the family. It may be that a parent needs to demonstrate that they are 'able' to protect for a period of time before Child Safety Services will cease involvement.

If one parent is 'willing' and 'able' then the child protection system may no longer need to be involved. This means, if you know one parent is protecting the child and able and willing to continue to protect the child, a report to Child Safety Services may not be needed. Instead, you could consider whether the family may benefit from other support services to help them to protect the child from harm in the future. Only if it is reasonably suspected there is **no** parent able and willing to protect the child from harm will Child Safety Services intervene. Family disputes about whose care the child should be in and parenting arrangements can be determined under the family law system (through the Family Court of Australia).



In some cases, the harm itself is so severe it indicates there may not be a parent able and willing to protect the child. For example, a child has significant bruising on his neck and tells you his mother tried to choke him last night because he didn't finish his dinner.



If in doubt about whether to report your concerns, refer to the Child Protection Guide: www.csyw.qld.gov.au/about-us/partners/child-family/our-government-partners/queensland-child-protection-guide

What is the difference between 'reasonable suspicion' and 'reportable suspicion' when reporting?

When services, especially government services, intervene in families' lives, it can have a significant impact on them. Therefore, any decision about whether to intervene needs to be considered seriously and needs to be based on a 'reasonable suspicion' that the child is in need of protection.

A **reasonable** suspicion is a suspicion that is reasonable in the circumstances. In other words, you have evidence, such as observations, information, or specialist training or experience, to inform and support your opinion. It means it is not just possible but it is likely.

For example, you may have formed a reasonable suspicion because you:

- ▶ have observed physical or emotional symptoms of harm in the child and believe this is detrimental to the child, **or**
- ▶ believe it is likely that the harm will continue, **or**
- ▶ are aware that the child is very young or vulnerable **and**
- ▶ there may not be a parent able and willing to protect the child.



Anyone can report concerns about a child to Child Safety Services.

A reportable suspicion is a reasonable suspicion formed by a mandatory reporter that the child:

- ▶ has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm caused by **physical or sexual abuse**; **and**
- ▶ may not have a parent able and willing to protect the child from the harm.

Mandatory reporters must inform Child Safety Services **in writing** if they have formed a reportable suspicion about a child.



If you are a mandatory reporter, you **MUST** report significant harm caused by physical or sexual abuse. However, you **SHOULD** report all significant harm to Child Safety Services because under the *Child Protection Act 1999*, children have a right to be protected from harm or risk of harm.

Who is a mandatory reporter?

Certain professionals, referred to as ‘mandatory reporters’, **must** make a written report to Child Safety Services if they form a reportable suspicion about physical or sexual abuse. However, mandatory reporters should also report a reasonable suspicion that a child is in need of protection caused by any form of abuse or neglect.

A mandatory reporter is:

- ▶ a doctor
- ▶ a registered nurse
- ▶ a teacher
- ▶ certain police officers
- ▶ a child advocate under the *Public Guardian Act 2014*
- ▶ an early childhood education and care professional
- ▶ Child Safety Services
- ▶ licensed care services.

What is Child Safety Services’ threshold for intervention?



A threshold for intervention simply means concerns about a child have to reach a certain level (threshold) before the government can respond (intervene).

Section 14 of the *Child Protection Act 1999* requires Child Safety Services to take action when it suspects a child is in need of protection. Sometimes this is referred to as a ‘threshold for intervention’. Child Safety Services must take action when there is a **reasonable suspicion** that a child is in need of protection because he or she:

- ▶ has suffered significant harm, is suffering significant harm or is at unacceptable risk of suffering significant harm **and**
- ▶ does not have a parent able and willing to protect the child from the harm.

Both of these criteria need to be met in order for concerns to reach the ‘threshold for intervention’.



A **reasonable suspicion** means it is ‘probable’, not just ‘possible’. This requires more evidence than what is required when making a report. This is because the assessment shifts from whether there ‘may’ be a child in need of protection to having a reasonable suspicion the child ‘is’ in need of protection.

Unacceptable risk means the harm hasn’t happened yet but is likely to in the future if the current risks aren’t addressed.

Who is a child in need of protection?

After Child Safety Services conducts an investigation, they will assess whether the child is 'in need of protection'. If the child is not in need of protection, Child Safety Services may end contact with the family and may refer the family to other services for support.



If a child is in need of protection it means Child Safety Services has assessed that the child has suffered, is suffering or is at risk of suffering significant harm, and there is no parent able and willing to protect the child from harm.

You may also hear terms such as '**substantiated**' or '**unsubstantiated**' used with '**child in need of protection**' and '**child not in need of protection**'. These terms are used together to describe the outcome of an investigation.

Substantiated means the child has suffered significant harm or the risk of significant harm occurring to the child is unacceptably high.

Unsubstantiated means the child is unlikely to have suffered significant harm.

'Child not in need of protection' means there is a parent able and willing to protect the child so Child Safety Services doesn't need to continue intervention.

Sometimes you may hear an investigation is substantiated but the child is not in need of protection. This means the child was harmed but there is a parent able and willing to protect the child.

Investigation and Assessment - Outcome Matrix

	Child in need of protection	Child not in need of protection
Substantiated harm	<ul style="list-style-type: none">▶ The child has suffered, is suffering or is at risk of suffering significant harm, and there is no parent able and willing to protect the child from harm.	<ul style="list-style-type: none">▶ The child has suffered, is suffering or is at risk of suffering significant harm, however there is a parent who is able and willing to protect the child from harm.
Unsubstantiated harm	<ul style="list-style-type: none">▶ This is not a possible outcome. If a child has not suffered, and is not at risk of suffering, significant harm the child would not need protection.	<ul style="list-style-type: none">▶ The child has not suffered, and is not at risk of suffering, significant harm so does not need protection.

Note: If Child Safety Services is already working with a family through ongoing intervention, investigation and assessment outcomes can vary because the ongoing intervention case continues regardless of whether new concerns about harm are substantiated or unsubstantiated. Put simply, the child is already in need of protection.

What are risk factors and protective factors?

A protective factor is something that reduces the likelihood of future harm by helping a parent to meet the child's protective needs. For example, a grandparent moves into the family home to help provide supervision of the children and mentor the parent.

A risk factor is something that increases the likelihood a child may be harmed in the future. For example, if there is ongoing parental drug use, this could be a risk factor.

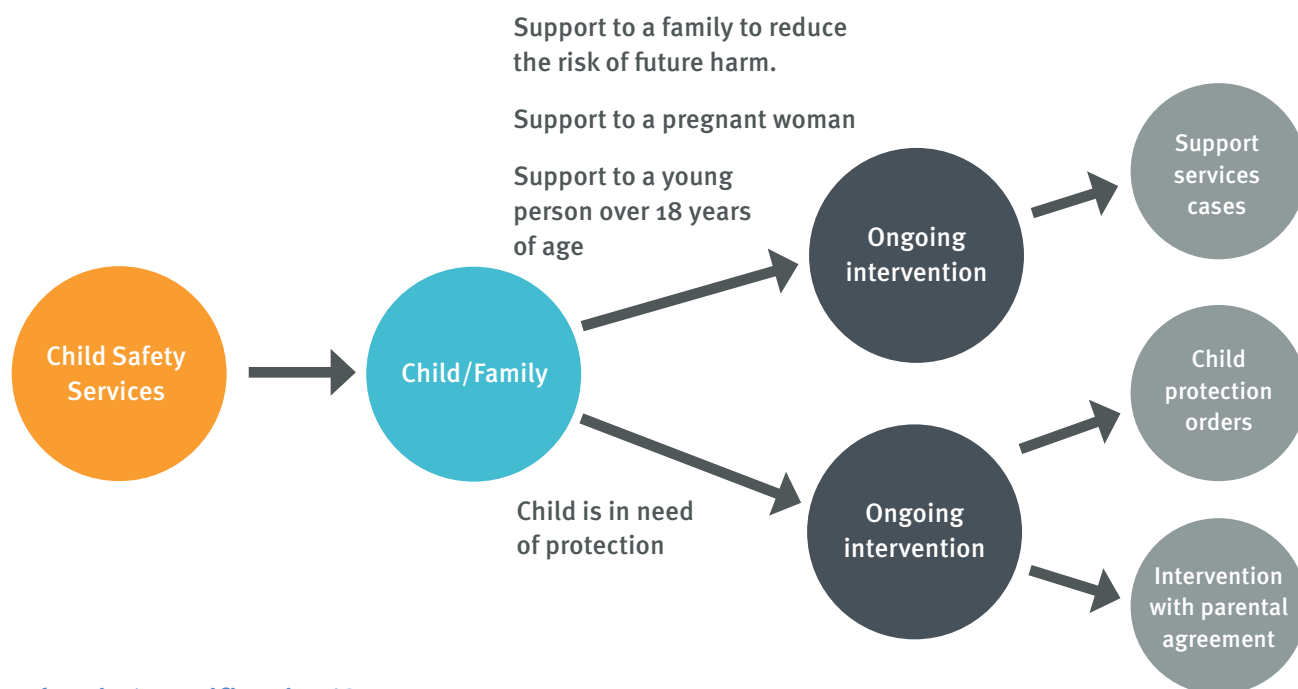


For more information about the assessment of risk and harm, check out Child Safety Services' *Practice Guide: The assessment of risk and harm*: cspm.csyw.qld.gov.au/resources

What is 'ongoing intervention'?

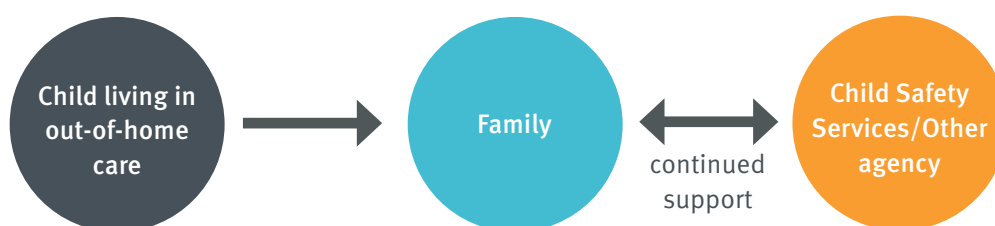
'Ongoing intervention' means Child Safety Services will work with the child and family after they have assessed the child is in need of protection. Sometimes the child is placed in out-of-home care if it is unsafe for the child to live at home. Child Safety Services can also provide ongoing intervention in some circumstances where a child is not in need of protection, such as to a young person who is over 18 years old.

The term 'ongoing intervention' can describe different types of intervention such as support services cases, child protection orders or interventions with parental agreement.



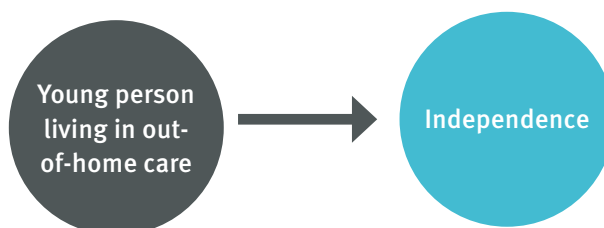
What is 'reunification'?

'Reunification' means the child is reunified to the care of their family from out-of-home care because the child's parents and safety support network have helped the child be cared for safely in their home. Child Safety Services may continue to provide support to the family for a short period of time to make sure everything is okay or may engage another agency to support the family once Child Safety Services is no longer involved.



What is 'transition to adulthood'?

Transition to adulthood, or transition to independence, is the process of supporting a young person's transition from living in out-of-home care to independence when they reach adulthood.



You may be asked to contribute to planning a child's transition to adulthood or to provide a service that will help the child to become more independent.

ABOUT CHILD ABUSE AND HARM

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Understanding child abuse and harm will help you to make good decisions when you're worried about a child. It's important to understand the relationship between abuse and harm.



Child abuse is an action or inaction that causes injury, death, emotional harm or risk of harm to a child. There are four forms of child abuse - physical abuse, sexual abuse, emotional abuse and neglect.

Harm is the detrimental impact on the child caused by the abuse. There are three types of harm: physical, emotional and psychological.

Any of the four types of abuse can cause any of the three types of harm. For example, physical abuse may result in physical harm but it can also result in emotional or psychological harm. Sexual abuse can result in physical, emotional or psychological harm but it cannot result in 'sexual harm' as that is not a recognised type of harm.

The relationship between abuse and harm

Abuse is defined as an action or inaction against a child while harm refers to the detrimental effect or impact of that action or inaction on the child.

Child Safety Services has created a table to show examples of the relationship between parental actions, behaviour or intent and the resulting harms for the child:

Types of abuse actions behaviours by parent/carer	Physical	Emotional	Sexual	Neglect
	Hitting Punching Scalding Domestic and family violence	Scapegoating Rejection Persistent hostility Domestic and family violence	Penetration Sexual exploitation Exposure to pornography	Failure to attend to medical needs Poor Hygiene / Nutrition Inadequate supervision
Resulting Harm impact experienced by the child	Physical <i>Refers to the body</i>	Emotional <i>Refers to the ability to express emotions</i>	Psychological <i>Refers to the mind and cognitive processes</i>	
	Bruising Fractures Internal injuries Burns	Depression Hyper vigilance Poor self-esteem Self harm Fear/ Anxiety	Learning and development delays Disorganised attachment Impaired self-image In infants, neurological changes in the developing brain	

Harm and significant harm

In order for the harm to be serious enough to warrant Child Safety Services intervention, it must be 'significant'. In deciding whether to intervene, Child Safety Services considers whether a child has suffered, is suffering, or is at risk of suffering significant harm and whether there is a parent able and willing to protect the child.



Harm is defined as any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.

Significant harm is harm that is not minor or trivial and may reasonably be expected to cause a substantial, negative impact on the child's safety, welfare or wellbeing.



For more information about the assessment of risk and harm, check out Child Safety Services' *Practice Guide: The assessment of risk and harm*: cspm.csyw.qld.gov.au/resources

What is child abuse?

Generally speaking, child abuse is the mistreatment of a child by a parent or caregiver. Child abuse can be a single incident or several incidents that take place over time.

Physical abuse

Physical abuse is when a child suffers physical trauma or injury that is not accidental. It doesn't always leave visible marks or injuries. Physical abuse can include hitting, shaking, throwing, burning, biting and poisoning.

Emotional abuse

Emotional abuse happens when a child's social, emotional or intellectual development is damaged or threatened. It can include constant rejection, teasing, bullying, yelling, criticism and exposure to domestic and family violence.

Neglect

Neglect occurs when a child's health and development are affected because their basic needs are not met. These include the need for food, housing, health care, adequate clothing, personal hygiene, hygienic living conditions, medical treatment and adequate supervision.

Sexual abuse

Child sexual abuse happens when an adult, a stronger child or a teenager uses their power or authority to involve a child in a sexual activity. The sexual activity does not always need to be a physical act; it can also be a non-contact abusive behaviour such as flashing, exposure to sexually explicit material or inappropriate sexual conversations.

Signs of child abuse or neglect

A child who has been, or could be, experiencing abuse or neglect may show behavioural, emotional or physical signs of stress and harm. Some general indicators include not reaching developmental milestones, behavioural difficulties such as hitting other children and having physical injuries.

Effects of harm

Harm experienced in childhood can have significant and lasting effects. No two children react in the same way to abuse or neglect.

Children may experience a range of emotional, psychological and physical problems as a result of being harmed, for example:

- ▶ difficulty forming relationships
- ▶ mental health disorders
- ▶ cognitive delays
- ▶ permanent physical injuries or death.



For more information about child abuse and effects of harm, check out Child Safety Services' resource, *Child abuse: What you need to know at*: www.csyw.qld.gov.au/child-family/protecting-children/what-child-abuse



Part Two: Working Together

WORKING TOGETHER

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Child protection is everyone's responsibility, which means everyone works together to keep children safe.

The child protection system can be complex and difficult for professionals to navigate because it's made up of many laws, policies, regulations and services. When professionals work together effectively, children and families are more likely to be supported in a seamless and coordinated way.

This fact sheet provides tips on how you and other professionals and services can work together to keep children protected and well supported.



Child protection is everyone's responsibility.



Prevention means providing support to stop problems before they happen.

Early intervention means offering support at the first signs of problems.

There are three levels of prevention and early intervention services:

- ▶ primary prevention services - universal services relevant to the whole of the community
- ▶ secondary prevention services - programs targeted to children and their families with identified risks
- ▶ intensive and specialist prevention services - available for children and their families who are at high risk of entering the statutory system.

The child's family, community and many individual professionals and services make up the **child protection system**, including:



early intervention and prevention services



health



mental health



education



community visitors



law enforcement



family support services



Child Safety Services intervenes when a child is in **need of protection**.

When Child Safety Services intervenes, it works with the child, family, members of the community and other professionals to develop a safety and support network to help a child's parents protect the child from harm.



Know **who** is in the child or family's safety and support network.

A safety and support network includes the child's family, community, professionals, agencies and anyone important to the child. A Circles of Safety and Support tool is useful to help everyone understand who supports the child, what their role is and how to contact them.



Be clear about the **goals** for the child or family.

Goals need to be clearly defined and everyone needs to have a shared understanding of, and commitment to, these goals. To help the family achieve the goals and safety for the child, actions clearly define what people in the safety and support network will do, and by when. If everyone is working towards shared goals, it will increase stability and consistency in support for children and families.



Understand the **roles and responsibilities** of everyone in the safety and support network.

Understanding each other's roles and responsibilities will help create realistic expectations about what support can and cannot be provided to a child or family. It is important to understand who is responsible for coordinating the support. Roles need to be clear to avoid duplication or gaps in support.



Good communication between everyone in the safety and support network is crucial.

Timely sharing of information helps other professionals to understand what is going on for the child or family at a certain point in time and will allow for supports provided by other professionals to be adjusted accordingly. It also supports positive relationships between agencies and professionals and helps avoid children or families 'falling through the gaps'.



Understand the **different types of organisations and professional roles** within the safety and support network.

Agencies and professionals have unique strengths and limitations that impact on how they carry out their work. Understanding these can prevent professionals feeling frustrated or dissatisfied with the way other professionals and services provide support and will support mutually respectful working practices. There are some common strengths and limitations in certain types of agencies.



Check out Child Safety Services' resource on the Circles of Safety and Support Tool: cspm.csyw.qld.gov.au/resources

Understanding roles and responsibilities

Child Safety Services is part of the Department of Child Safety, Youth and Women, a Queensland Government department. Child Safety Services is mandated to protect children and young people from harm or who are at risk of harm, and whose parents are unable or unwilling to protect them.

Child Safety Services' powers

The *Child Protection Act 1999* gives Child Safety Services the power to:

- ▶ investigate concerns about children
- ▶ place the child in out-of-home care with the parents' consent under a care agreement
- ▶ arrange support services to help prevent a family from entering the child protection system
- ▶ apply to the court for a 'temporary assessment order' or a 'court assessment order' to enable Child Safety Services to investigate concerns about a child and, in some circumstances, have custody of a child when a parent or guardian's consent has not been able to be obtained
- ▶ place children in out-of-home care under a child protection order or care agreement
- ▶ approve foster and kinship carers to provide out-of-home care to children
- ▶ licensed care services to provide out-of-home care to children.

The following are some of the staff members at Child Safety Service Centres. If you are working with Child Safety Services to support a child or family, you may wish to ask them their role so that you understand what matters they may be able to assist you with.

Child Safety Support Officer (CSSO)

CSSOs support and assist child safety officers and often work directly with families to develop their knowledge and skills to safely care for their children.

Child Safety Officer (CSO)

CSOs investigate and assess notifications received by Child Safety Services and provide support and protective intervention to families to ensure the safety and wellbeing of children who receive ongoing support. Usually, a child will have a CSO assigned to them. This person is usually your main point of contact with Child Safety Services.

CSOs report to the senior team leader.

Senior Team Leader

A senior team leader leads a team of CSOs. The senior team leader has the ability to make decisions about some day-to-day care decisions, placements and family contact.

Family group meeting (FGM) convenor

The family group meeting (FGM) convenor plans, prepares participants for and facilitates the family group meeting. They are independent of the case and do not have decision-making responsibilities for the child. This independence enables the FGM convenor to remain neutral, assist and enable all to participate, ensure that all attending feel safe throughout the process, and facilitate and resolve conflict. The convenor may record the case plan developed at a family group meeting. An FGM convenor may be an employee of Child Safety Services or a private convenor.



A family group meeting is held to develop a case plan for a child who is in need of protection. It provides an opportunity for the family, child and anyone who is significant to the child to participate in creating the plan for and responding to a child's protection and care needs. You can find information for children, families and services about family group meetings at: www.csyw.qld.gov.au/child-family/protecting-children/ongoing-intervention/family-group-meetings

Senior practitioner

The senior practitioner supports and monitors the quality of the child protection service provided to children, their families and the community through:

- ▶ a specialist knowledge of child protection practice
- ▶ building practice skills and knowledge of CSOs, CSSOs and senior team leaders
- ▶ supporting implementation of legislation, delegations, policies, procedures, standards and best practice
- ▶ providing support with complex or sensitive cases

Manager

The manager is responsible for all staff and operations at a Child Safety Service Centre and has the authority to make most decisions for children in out-of-home care.

Principal Child Protection Practitioner (PCPP)

PCPPs are employed by Child Safety Services to assist Family and Child Connect and Intensive Family Support services to make decisions about families who may require intervention by Child Safety Services.

Regional Intake Service (RIS)

RIS is the contact point for reporting your concerns about a child. There are seven RIS locations across Queensland. RIS receives incoming calls and reports, assesses the information and decides how to respond.

RIS operates during business hours from 9am to 5pm, Monday to Friday.

Child Safety After Hours Service Centre

Child Safety After Hours Service Centre is the after business hours contact point.



For Child Safety Services' contact details, visit: www.csyw.qld.gov.au/contact-us/departments-contacts/child-family-contacts/child-safety-service-centres/regional-intake-services

Office of the Public Guardian

The Office of the Public Guardian (OPG) is an independent statutory body that is responsible for protecting the rights of children and young people in foster care, kinship care, residential care and youth detention, and vulnerable adults with impaired decision-making capacity.

The OPG's responsibilities include advocating for children and young people in the child protection system, ensuring their needs are met and supporting them to express their views and wishes when decisions are made about their care arrangements.

Child advocates and community visitors work for the OPG to perform this role.



To find out more about the work the Office of the Public Guardian does with children and young people, visit: www.publicguardian.qld.gov.au/i-am-a-child-or-young-person

The Child Advocate

An Office of the Public Guardian child advocate is a lawyer who can assist a child who is in the child protection system by:

- ▶ ensuring the child's views are heard and taken into consideration when decisions are made that affect their care arrangements such as family group meetings, court hearings and tribunals
- ▶ providing support in court conferences and organising legal and other representation for the child
- ▶ applying to the tribunal or court about changes to a placement, a contact decision (contact with parents and siblings) or a change to a child protection order
- ▶ helping resolve disputes with others, including making official complaints to the Queensland Police Service, health authority or the Ombudsman
- ▶ helping resolve issues with the child's school regarding suspensions or exclusions from class.

Community Visitors

Community visitors (CV) visit children in foster and kinship care, residential care, mental health facilities, and children in detention or prison.

A CV will:

- ▶ listen to the child and support them
- ▶ help them to work through problems and issues
- ▶ check their needs are being met where they are living
- ▶ get information for them about people and services that can help.

CVs usually visit when a child first enters out-of-home care. A child can also request a visit by sending a text message to the OPG or sending a message through the OPG website.



If you are working with a child who is living in out-of-home care and they are worried about where they are living or the way they are being supported, you can encourage them to speak to their CV. The CV will make sure the child's concerns, views and wishes are listened to and considered seriously. To find out more, visit: www.publicguardian.qld.gov.au/i-am-a-child-or-young-person/protecting-the-rights-of-children-in-visitable-sites

Family and Child Connect (FaCC)

FaCC services can provide you with information and advice about how to support a child or family. Families can also contact a FaCC service directly for support.

A PCPP is based at each FaCC service to identify and respond to serious concerns that may need Child Safety Services intervention.

A specialist domestic and family violence practitioner also works with each FaCC service to advise and assist with domestic and family violence matters.

HOW DOES MY ROLE FIT INTO THE CHILD PROTECTION SYSTEM?

Revised February 2020

The child protection system is made up of families, communities, professionals and services. Child protection is everyone's responsibility.

A wide range of professionals and services are involved in the child protection system so understanding how your role fits in is important.

Facts about Queensland's child protection system:

- ▶ A child's family and community are key partners in all areas of the child protection system. This begins with early intervention and prevention and extends to a child placed in out-of-home care under a child protection order.
- ▶ How your role fits into the child protection system will depend on the type of support or service you offer.



The child protection system includes:

- ▶ The **child safety system** (tertiary/statutory) – services provided under legislation to protect children in need.
- ▶ The **family support system** (secondary system) – services provided by organisations to vulnerable families or children who have additional needs that, if unmet, are likely to lead to child safety intervention. These secondary services include services such as parenting and anger management programs, domestic violence, counselling and substance abuse programs.
- ▶ The **universal services** (primary services) - services provided to all children (e.g. education and health services).
- ▶ **Community** – individuals and networks important in the child's life including sports centres, neighbours, people who are from the same cultural background, people from the child's religious community and friends.

Children and families will remain at the centre of what we do and first response should come from community and universal service provision. However, some families require additional support and these are provided through specialist secondary support services and as a last resort, the tertiary service system.



Check out the Queensland Family and Child Commission's (QFCC) *Strengthening our sector strategy* for information on how the QFCC is helping the Queensland child and family support sector workforce: www.qfcc.qld.gov.au/sector/strengthening-sector-strategy-action-plan



Remember: A child's safety and wellbeing is everyone's responsibility! You must play a part in making sure children are more than safe.



More than safe is a way of working. There are three primary values you can adopt to help keep focused on the safety and wellbeing of children and young people. These include:

- ▶ **Be committed** - place children, families and communities at the heart of everything you do
- ▶ **Be connected** - work with others to achieve better outcomes for children and families
- ▶ **Be courageous** - lead and empower others to make change happen.

How you can help

How to support children and families	Things you may be able to do
Help your organisation be child safe	<ul style="list-style-type: none"> ▶ Have policies and procedures in your organisation for responding to concerns about a child and promote them ▶ Identify risks in your daily work with children and work out how to reduce those risks ▶ Talk to colleagues about how to promote safety for children
Support and monitor a child or family you have concerns about	<ul style="list-style-type: none"> ▶ Think about ways to support the child or family ▶ Keep checking in with the child or family and offering support ▶ Stay in touch with other people who know or are working with the family ▶ Link the child or family with a support service ▶ Connect with other agencies in your area who may be able to provide additional support
Talk with the child and family if you're worried	<ul style="list-style-type: none"> ▶ Be courageous - starting a conversation about your concerns may be difficult but it could make all the difference for a child ▶ Be non-judgemental, listen and empathise with their struggles ▶ Ask open-ended questions to encourage them to talk freely ▶ Offer practical help to relieve parenting pressures
Refer a family for support	<ul style="list-style-type: none"> ▶ Know your local services and what type of support they offer ▶ Speak with children and families you're worried about and link them with services ▶ Talk to parents about their strengths, what they do well, how they have kept their kids safe previously and what they've learned about protecting their children ▶ Check with Family and Child Connect for other strategies and services to support the child or family
Report concerns to Child Safety Services	<ul style="list-style-type: none"> ▶ If your concerns about the child's safety are very serious, report them to Child Safety Services ▶ Share information you know about the child and family with Child Safety Services



It is important to understand what contributes to a child safe organisation. This includes:

- ▶ listening to and empowering children to have their voices heard
- ▶ ensuring you have the ability and knowledge to recognise and appropriately respond to any threats to children in your organisation. Also taking ownership for seeking out further training if you are unsure
- ▶ knowing and understanding your organisation's policies and procedures, particularly when a child discloses possible harm or you suspect the child may have been harmed
- ▶ incorporating these policies and procedures into your everyday practice so being 'child safe' is part of the culture of your organisation
- ▶ shifting your focus from "what could I have done?" to "how can I make sure it doesn't happen?" Be proactive in preventing child harm.



To learn more about child safe organisations, check out the *Creating Child Safe Institutions* resources by the Royal Commission into Institutional Responses to Child Sexual Abuse: www.childabuseroyalcommission.gov.au/getattachment/5d0dc659-68c2-46f9-847b-fafd52f58673/Creating-child-safe-institutions

Check out these helpful tools to help build the culture of being child safe:

- ▶ Blue Card Services - Risk management learning portal
- ▶ Child and youth risk management strategy toolkit

Find them at: www.bluecard.qld.gov.au/risk-management.html



Try asking yourself whether *this* decision, this project or this action helps children to be more than safe.

The following diagram provides an overview of the child protection system and how Child Safety Services and other professionals can work together at each stage of the system.



Use the diagram to see how your role might be involved in the child protection system.

Child Safety Services' role	How you might be involved
<p>Child Safety Services delivers a range of services to support children and families</p>	<p>Early Intervention and Prevention</p> <ul style="list-style-type: none"> ▶ Providing early intervention and prevention services such as Intensive Family Support ▶ Making a referral to a support service, such as Family and Child Connect or Intensive Family Support
<p>Child Safety Services receives information about a child</p>	<p>Intake</p> <ul style="list-style-type: none"> ▶ Reporting concerns about a child to Child Safety Services ▶ Providing information to Child Safety Services when pre-notification checks are being conducted
<p>Child Safety Services investigates the information and makes an assessment about whether a child is need of protection</p>	<p>Investigation and Assessment</p> <ul style="list-style-type: none"> ▶ Providing information to Child Safety Services when an investigation and assessment is being conducted ▶ Participating in an investigation and assessment if invited by Child Safety Services
<p>The family agrees to work with Child Safety Services voluntarily</p>	<p>Ongoing intervention (assess, plan, implement, review)</p> <ul style="list-style-type: none"> ▶ Providing an assessment or report about a child, parent or family ▶ Attending a Family Group Meeting or other meeting such as a safety planning meeting ▶ Providing a service to a child, parent or family
<p>Child Safety Services provides information to DCPL when it is applying for a child protection order</p>	<ul style="list-style-type: none"> ▶ Providing an assessment or report about a child, parent or family ▶ Writing an affidavit or giving evidence in court ▶ Attending a Family Group Meeting or other meeting such as a safety planning meeting
<p>Child Safety Services works with the child and family</p>	<ul style="list-style-type: none"> ▶ Providing an assessment or report about a child or family ▶ Participating in case planning e.g. attending a Family Group Meeting ▶ Providing a support service to a child or family ▶ Encouraging the family to focus on reaching the case plan goal and remain engaged with support services ▶ Providing a service or support to a child living in out-of-home care ▶ Providing a service or support to a foster carer
<p>Child Safety Services reunifies the child</p> <p>Or</p> <p>The young person transitions to independence</p>	<p>Close</p> <ul style="list-style-type: none"> ▶ Providing support to a family to help them care for their child safely and/or continue to provide support once Child Safety Services is no longer involved ▶ Providing support to the young person such as help with learning independent living skills ▶ Encouraging the young person to identify people and services in their support network ▶ Linking the young person with community supports, particularly those they can access when Child Safety Services is no longer involved



If you feel that Child Safety Services is not working in a way that supports the child's safety, wellbeing or best interests, refer to the Queensland Family and Child Commission's fact sheet, *Advocacy, appeals and complaints* to find out what you can do: www.qfcc.qld.gov.au/find-resource/education-resources



Part Three: Worries about children



WHEN YOU'RE WORRIED ABOUT A CHILD

Revised February 2020

When you're worried about a child, there are many things you can do to help. You may be concerned about what to do and about the potential consequences for the child and yourself. The best thing to do will depend on the child's circumstances and how serious your concerns are.



There is support available to help you make a decision about how to respond when you have concerns about a child.

Key facts:

- ▶ You should always act reasonably and in the child's best interest.
- ▶ Depending on how serious your concerns are for the child, you may support the child and family and monitor the child's wellbeing, refer the family for support, or report the concerns to Child Safety Services.



If you're worried about a child and need help to decide what to do:

1. Refer to the Child Protection Guide: www.csyw.qld.gov.au/about-us/partners/child-family/our-government-partners/queensland-child-protection-guide
2. Talk to your supervisor or line manager
3. Call Family and Child Connect on 13FAMILY (13 32 64) for information and advice
4. Call your local Child Safety Services Regional Intake Service: www.csyw.qld.gov.au/contact-us/department-contacts/child-family-contacts/child-safety-service-centres/regional-intake-services

- ▶ There are many services available for families who need support. Oneplace can help you find services to help the family with their specific needs in their own local area.



If you think a family needs help, you can search the oneplace Community Services Directory at: www.oneplace.org.au

- ▶ Some professionals can refer families to Family and Child Connect or another service without the family's consent. This is because it is more important that assistance is offered early and things don't get worse for the child. These professionals are called prescribed entities.
- ▶ Anyone can contact Family and Child Connect for advice and support about a family and can refer a family with their consent.

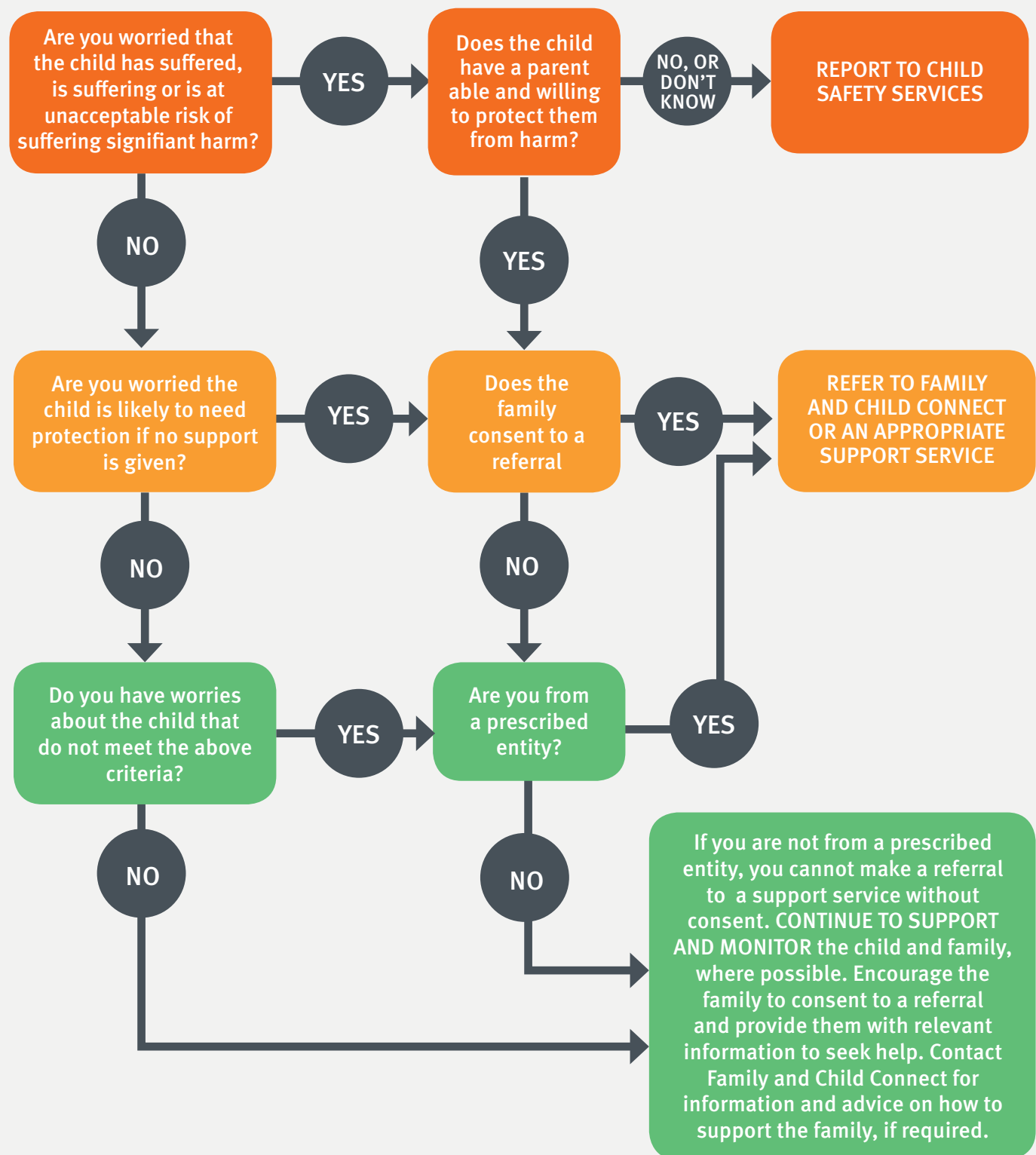


For more information about Family and Child Connect, check out Child Safety Services' fact sheets: cspm.csyw.qld.gov.au/resources

Or the Family and Child Connect website: www.familychildconnect.org.au

- ▶ Anyone can report to Child Safety Services. Only report to Child Safety Services if you suspect a child needs protection.
- ▶ You do not need the family's consent to report to Child Safety Services. In most circumstances, your identity will not be revealed to the family.

What should I do if I'm worried about a child?



See the Queensland Family and Child Commission's fact sheet *Terms in child protection* for more information about the terms used in this diagram: www.qfcc.qld.gov.au/find-resource/education-resources



If you have concerns about a child who Child Safety Services is working with, always contact Child Safety Services to provide information about your concerns. Child Safety Services will decide whether to address the concerns through ongoing case work with the family or commence a new investigation.

To decide whether you need consent to refer a child for support or report your concerns about a child, refer to the table below.

Do I need consent to refer or report?		
I am from	I want to refer or report to	Is consent required?
▶ Child Safety Services	▶ Family and Child Connect	NO
	▶ A support service	NO
▶ A prescribed entity	▶ Family and Child Connect	NO
	▶ A support service	NO
	▶ Child Safety Services	NO
▶ Family and Child Connect	▶ Child Safety Services	NO
	▶ Another Family and Child Connect	NO
	▶ An Intensive Family Support Service	NO
	▶ Another support service	YES where the service is not funded by the State or Commonwealth Government to provide a service to children and families AND licensed.
▶ A professional, support service, organisation or agency that is not State or Commonwealth funded to provide a service to children and families AND licensed.	▶ Child Safety Services	NO
	▶ Family and Child Connect	NO
	▶ A support service	YES where the service is not funded by the State or Commonwealth Government to provide a service to children and families



The information in the flow chart and table above can be found in Child Safety Services' guide *Protecting children and supporting families*. To read more, check out: www.csyw.qld.gov.au/child-family/protecting-children/resources-publications

Support and Monitor

If you have ongoing contact with a child, parent or family there is often a lot you can do to help. Speak to the family about the things you are worried about and ask whether they would like some help. You may be able to do some things to help the family yourself, even if it is simply checking with them more often to ask if things are okay. You may also be able to encourage them to seek the support of their family and friends or help them access a service in the community.



Parents find asking for help difficult. Research conducted by Ipsos Public Affairs shows people find it easier to offer support or accept support if offered. However, *asking* for support is more difficult. The research identified that 70% of parents worry they will be judged negatively if they struggle with parenting. This is one of the major barriers to seeking help. For more information check out the Queensland Family and Child Commission's *Talking Families* research report at qfcc.qld.gov.au/talking-families-research-report



You can always let a family know to contact **13FAMILY (13 32 64)** if they need help.

There are many services available that can provide support to children and their families. The oneplace Community Services Directory is an online directory of community services in Queensland. You can search the directory for local services that can help the family with their identified needs. The family may need your support to connect with the service.

When a family has two or more needs, this is referred to as 'complex needs'. For example, there may be support needs with drug use, parenting skills and material assistance. Family and Child Connect is a local community-based service that helps families to care for and protect their children at home by connecting them to the right services at the right time. Family and Child Connect works with families who have multiple needs but you can also contact Family and Child Connect for information and advice on how best to respond to the concerns you have about the child or their family.



You can contact Family and Child Connect by calling **13FAMILY (13 32 64)**

Intensive Family Support services also work with vulnerable families who have complex needs to prevent them from needing Child Safety Services involvement in the future. You can refer the family directly to this service.



A Principal Child Protection Practitioner (PCPP) is employed by Child Safety Services and assists Family and Child Connect and Intensive Family Support services to make decisions about families that may require intervention by Child Safety Services. For more information about PCPPs, visit: cspm.csyw.qld.gov.au/our-approach/roles-responsibilities-and-delegations

When parents don't consent to a referral

Some professionals, known as prescribed entities, can refer a family for support without their consent. This can only be done where the professional believes the family is at risk of needing Child Safety Services' intervention in the future. Other professionals can generally only refer a family for support if they consent, unless the referral is to a service that is funded by a State or Commonwealth Government AND licensed.

Sometimes parents may refuse to accept help or even deny there is anything wrong. There is still a lot you can do. If you have an ongoing professional relationship with the parents or child, keep connected and ask if everything is okay more often. You should also provide the family with information about available services. It is often the case that a family will contact a service when they are

ready. Speak with your colleagues or other community partners for ideas on how to encourage family consent.

Depending on how significant your concerns for the child are, you may like to consult the Child Protection Guide again to check if the parent's refusal to accept support results in a different outcome. This won't always be the case, especially where the concerns are not as serious. Remember, you can also call Family and Child Connect for advice about how to engage families.

Report



If you suspect a child needs protection, you need to contact Child Safety Services:

- ▶ During normal business hours - contact the Regional Intake Service.
- ▶ After hours and on weekends - contact the Child Safety After Hours Service Centre on 1800 177 135 or (07) 3235 9999. The service operates 24 hours a day, seven days a week.

You can also report to Child Safety Services by completing an online report form or using your own organisation's reporting form. Refer to your organisation's policy for more information.

If you believe a child is in immediate danger or in a life-threatening situation, contact Emergency Services immediately by dialling 000.

When you make a report to Child Safety Services or the police, your details are kept confidential and your identity is protected

Mandatory Reporting



Some professionals are required by law to report to Child Safety Services if they suspect a child needs protection resulting from sexual or physical abuse. In Queensland, this includes:

- ▶ teachers in schools
- ▶ doctors
- ▶ registered nurses
- ▶ some police officers
- ▶ an early childhood education and care professional
- ▶ officers of the Public Guardian
- ▶ Child Safety Services
- ▶ licensed care services.

HOW CHILD SAFETY SERVICES RESPONDS TO CONCERNS

Revised February 2020

When Child Safety Services suspects a child needs protection, it will respond to make sure the child is safe and decide what needs to happen next. Child Safety Services may work together with other professionals such as police and family support services.

Key facts

Child Safety Services responds to concerns in a structured way by gathering information about the child and family, assessing the information and deciding how to respond.

If Child Safety Services decides to investigate, it may work with other agencies to tailor a response that meets the needs of the child.

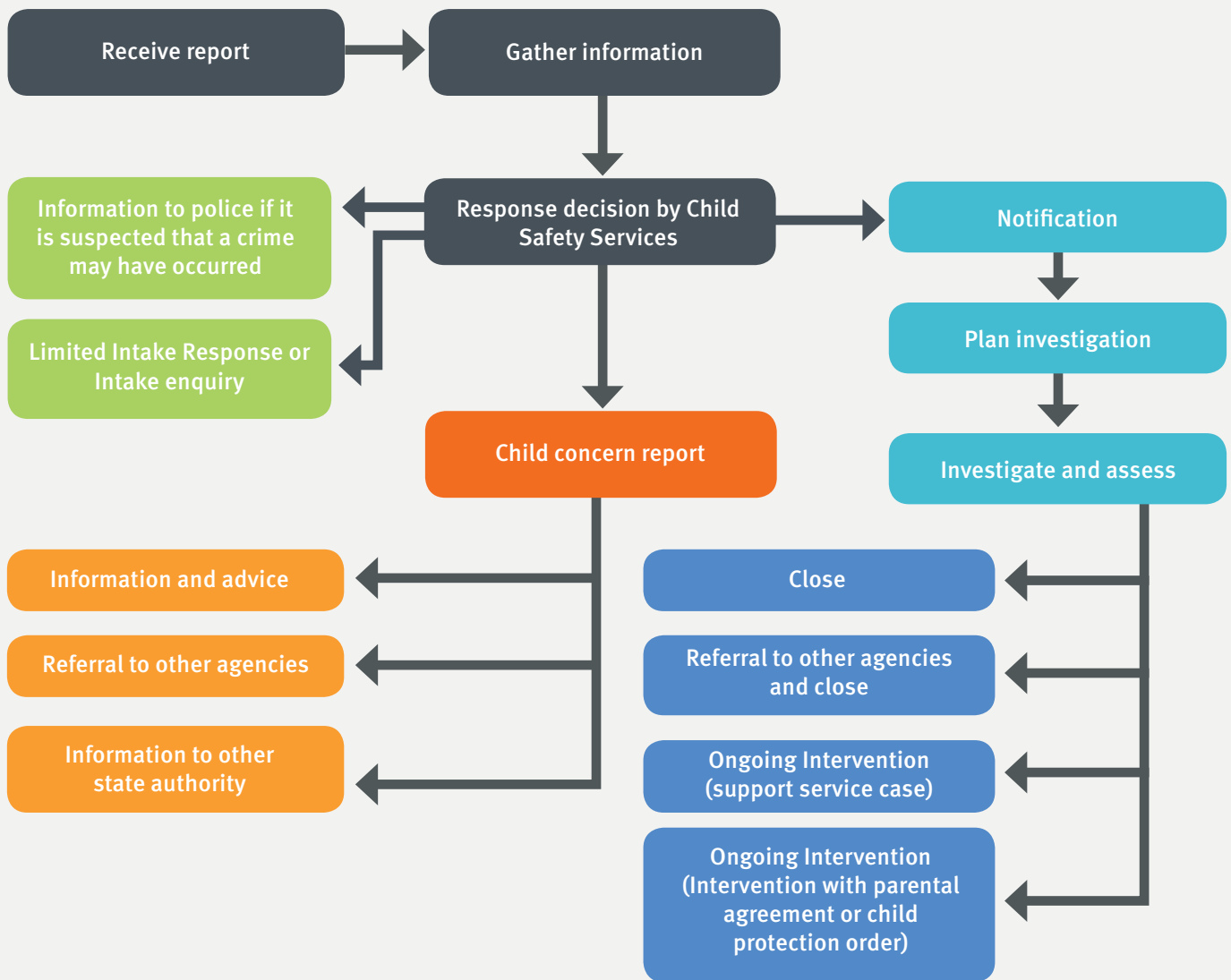
The *Child Protection Act 1999* enables sharing of information with Child Safety Services. Because a child's safety, wellbeing and best interests are paramount, their protection and care needs take precedence over the protection of an individual's privacy.

If you have reported your concerns to Child Safety Services, you can ask for information about the response, the rationale for the decision and if there is likely to be contact with the child or family.



Child Safety Services may ask you for information to decide how to respond to concerns or for your help if there will be an investigation and assessment. Child Safety Services may also ask you to help make sure the child is safe or to provide support to the child or family.

Child Safety Services' response process



Response

If Child Safety Services receives information that does not relate to allegations of harm or risk of harm to a child and no further action is needed, a Limited Intake Response is recorded. An Intake Enquiry can be recorded in some circumstances for example, when the information received does not relate to a child protection concern or the information relates to a child in another jurisdiction.

When someone gives information to Child Safety Services about harm or risk of harm to a child or an unborn child, a Child Safety Services intake officer may:

- 1 Gather and record the information
 - talk to the notifier to get the context
 - check previous child protection history, criminal history and domestic violence history
 - consult the independent Aboriginal and Torres Strait Islander entity if the child is Aboriginal or Torres Strait Islander
 - gather relevant information from other people and agencies.

- 2 Tell the Queensland Police Service if the concerns about the harm to the child could involve a criminal offence.
- 3 Critically analyse all the information known to Child Safety Services, and if required, use the intake 'Structured Decision Making' tool and consult with the team leader to decide how to respond.
- 4 If it's decided that a notification is the most appropriate response, a timeframe is assigned, which will be 24 hours, five days or ten days.

The response differs slightly when Child Safety Services receives information about concerns for a child who is already involved with Child Safety Services. In this circumstance, if the information does not require a new investigation, Child Safety Services will address the new concerns as part of its current investigation or case work with the child and family. If the information does warrant a new investigation, this will occur. In both cases, the new information may result in a review of the child's case plan to make sure their safety and care needs are being met.

Child Safety Services may respond to concerns about a child in one of the following ways:

- 1 INTAKE ENQUIRY**
the child and family will *not* be visited by Child Safety Services
WHEN: the concerns do not relate to a child's immediate family member or the child lives in another state, or, information and advice only is required
ACTION: Child Safety Services may refer the information to police if the concerns about harm to the child could involve a criminal offence or the interstate child protection authority in those cases.
- 2 CHILD CONCERN REPORT**
the child and family will *not* be visited by Child Safety Services
WHEN: there are child protection concerns but they are not serious enough to consider the child is likely to need protection
ACTIONS: A referral may be made to a family support service. The notifier may be given advice and information about how to access other support for the child.
Child Safety Services may refer the information to police if the concerns about harm to the child could involve a criminal offence or another state authority.
- 3 NOTIFICATION**
the child and family *will* be visited by Child Safety Services
WHEN: the concerns suggest a child may be in need of protection.
ACTIONS: Child Safety Services may refer the information to police if the concerns about harm to the child could involve a criminal offence.
Child Safety Services will commence an investigation and assessment.

When a notification is recorded, Child Safety Services will undertake an investigation and assessment. The purpose of an investigation is to assess whether a child is in need of protection and may include providing support to the family.

Investigations may be conducted jointly with police if it appears a criminal offence may have occurred or in partnership with another support service or professional if specific support needs have been identified. The role of police in a joint investigation is to investigate whether a crime has been committed against a child.

During an investigation, Child Safety Services will check that the child is safe, assess the risk of harm and assess the family's needs, connecting them to support services if required.

If Child Safety Services finds the child has suffered, is suffering or is at risk of suffering significant harm AND does not have a parent able and willing to protect them from harm, they will determine that the child is in need of protection.

If a child is assessed as being in need of protection, Child Safety Services will decide the best way to protect the child, which may include:

- ▶ moving the child to a safe place, either by agreement with the family or without their consent
- ▶ working with the family with their consent to help them to address the child protection concerns while the child remains in the care of their parents

- ▶ making an application for a short-term child protection order, and working with the family to address the child protection concerns so that the child can safely return to the care of their parents
- ▶ making an application for a long-term child protection order
- ▶ linking the family with support services.



Check out these resources for more information about the different types of support options available:

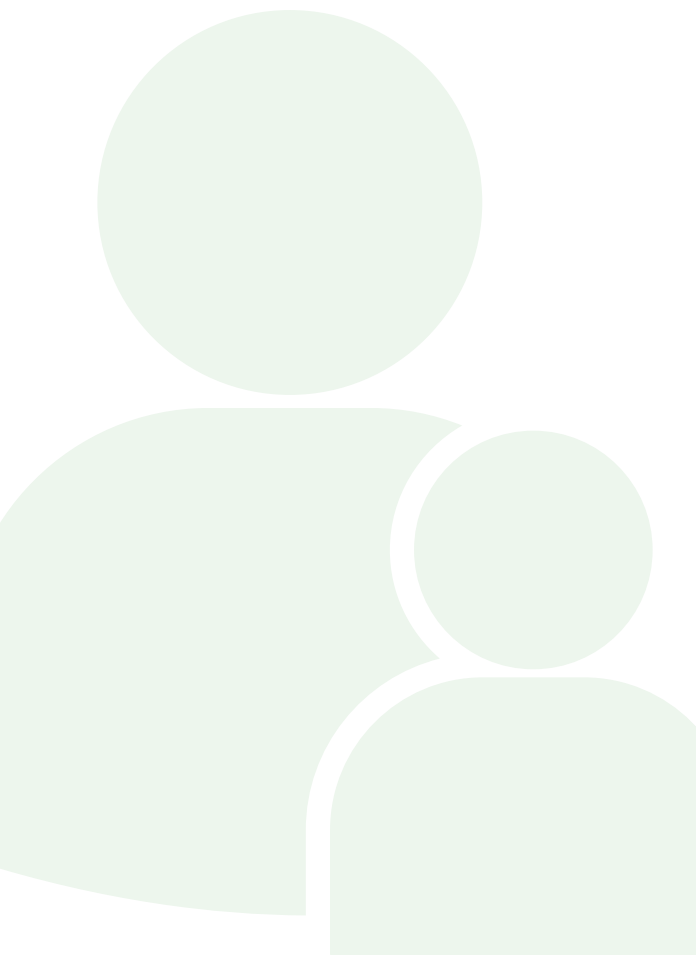
- ▶ *How Child Safety Services works with families:* www.qfcc.qld.gov.au/find-resource/education-resources
- ▶ *Protecting children* www.csyw.qld.gov.au/child-family/protecting-children



In all Child Safety Services responses, the safety, wellbeing and best interests of the child are the most important factors.



Part Four: Supporting children and families



HOW CHILD SAFETY SERVICES WORKS WITH FAMILIES

Revised February 2020

Families may experience challenges in parenting children safely. Some families are able to recognise the child protection concerns and seek or accept help. However other families may not understand or agree with the concerns so will be unwilling to engage with support.

In some cases it is safe for the child to remain in the home while the family is engaging with support services but other times, the child will be placed in out-of-home care until it is safe for the child to return home.

You may provide a service to a family who is receiving ongoing support from Child Safety Services so it's important to understand how Child Safety Services works with families to understand how your role fits in.



To meet the safety, wellbeing and best interests of children, Child Safety Services works with families in a variety of ways, including voluntarily and under court orders.

Key facts:

There are four main ways that Child Safety Services works with children and families:

1

Support services case

3

Intervention with parental agreement

2

Care agreement

4

Child protection order



When it is not safe for a child to live at home, Child Safety Services may place the child in out-of-home care while they work with the family on the safety concerns.

Types of intervention

Support services case

A support services case involves providing early intervention and support services to families, pregnant women and young people who consent to working with Child Safety Services. This is voluntary and is only offered to families if there aren't any serious concerns about the child's safety or to pregnant women to help reduce the risk of harm to the child once born. This type of support is offered to:

- ▶ families when Child Safety Services has investigated and found that a child is not in need of protection, however, they believe the family would benefit from some support to address child protection concerns
- ▶ pregnant women who will need support to parent the child safely once born
- ▶ children who are leaving care but will continue to need support for a short period of time.

Intervention with parental agreement

Intervention with parental agreement is a way for Child Safety Services to work intensively with a family with their agreement.



Intervention with parental agreement may be offered to a family when the child needs protection but there are no immediate safety concerns and the parents are able and willing to work with Child Safety Services.

Child Safety Services may consider working with parents under an intervention with parental agreement as an alternative to an application for a child protection order in court. Under this agreement, Child Safety Services will organise a meeting, called a family group meeting, to develop a case plan to address the needs of the child and how the child is to be protected from harm.

The child will usually remain in the family home for all or most of this type of intervention. Sometimes, a child may need to be placed in out-of-home care during the agreement.

Care agreement

A care agreement is a short-term agreement between the

parent and Child Safety Services for the child to be in the care of Child Safety Services temporarily. This means the parent agrees to give Child Safety Services the right to make all day-to-day decisions about the child, including where the child will live. There are two types of care agreements: 'assessment care agreement' and 'child protection care agreement'.

Child protection order

If a child has been harmed or is at risk of harm and requires protection, Child Safety Services may work with the Director of Child Protection Litigation to apply for a child protection order from the Childrens Court.



A child protection order is appropriate when the child is assessed as being in need of protection and there are concerns for the safety of the child if he or she remains in the home.

The Childrens Court can only make a child protection order if it is satisfied that the child is 'a child in need of protection' and that the order is needed for the child to be safe. Under some child protection orders the child is able to remain in the home.

The court can grant a child protection order for a variety of purposes but it is usually to allow Child Safety Services to place the child somewhere safe.

Immediate safety plans

An immediate safety plan contains detailed action steps that the family and their network will undertake immediately to protect the child from harm. They need to be developed collaboratively with the child, their family and their network and respond directly to Child Safety Services' worry statements.

The family and network need to be clear about what actions they will undertake to protect the child and who to contact if the plan is not working.

Immediate safety plans are short-term plans that can last for up to seven days. They need to be regularly monitored to ensure that everyone is doing what they agreed to do.

Custody and guardianship



A person who has custody of a child can make decisions about their day-to-day care, such as whether the child can have a haircut or attend a doctor.

A person who has guardianship of a child can make bigger, long-term decisions about their care, such as where they go to school.

If Child Safety Services or another person has custody of a child but the parents have guardianship, the parents retain the responsibility to make decisions about significant matters for the child.

Types of placements

When a child needs to be placed outside of their family home, Child Safety Services decides which type of placement option would be the most suitable to meet the safety, wellbeing and best interests of the child. A child must be placed in care that is culturally appropriate and family members or other people who have a significant relationship with the child must be considered first.

When placing an Aboriginal or Torres Strait Islander child in care, the Aboriginal and Torres Strait Islander Child Placement Principle prioritises options that support an Aboriginal or Torres Strait Islander child's ties to their family and culture.

Family based care

Foster and kinship care are types of family-based care for children who cannot live safely at home. Carers may provide emergency, short-term or long-term care for children in their own homes or provide short breaks for other foster or kinship carers, which is called respite care.

Foster carers provide care for children who they are not related to biologically.

Kinship carers provide care for a relative, family member, close friend, or a member of the child or young person's community.

For Aboriginal and Torres Strait Islander children, a kinship carer may be a person who is a member of a similar family group, community, clan, tribe or community that is similar to the child's clan, or from the same language group.

Residential / licensed care services

These services are licensed and they usually provide care for a group of children who are in the custody or guardianship of the Chief Executive of Child Safety Services. There are a range of residential care services that provide care for a group of children. Some residential care services cater for children with specific needs, such as therapeutic and intensive placement and are staffed by paid or contracted workers.

Supported independent living services

These services provide accommodation with support workers that visit the child but do not usually stay overnight. This placement option is best suited to a young person aged from 15- 17 years who is in the process of transitioning from care.

Respite care

A temporary placement with a carer or care service intended to provide time-limited support to enhance a carer's ability to continue in their role as a child's full-time carer and to sustain the caring relationship.

WHAT GUIDES CHILD SAFETY SERVICES' PRACTICE?

Revised February 2020

Child Safety Service's practice is guided by the vision that Queensland children are cared for, protected, safe and able to reach their full potential.



The Framework for Practice and Structured Decision Making tools support professionals to make decisions about and work effectively with children and families.

The Framework for Practice

The *Strengthening Families Protecting Children* Framework for Practice is a strengths-based and safety-oriented framework for practice designed to help everyone involved with the child, including the parents, extended family, community, child protection worker, supervisors and managers, non-government organisations (NGOs), lawyers and magistrates, to focus on enhancing the child's safety during the child protection process.



The framework outlines the required values, principles, knowledge and skills required to work with vulnerable children and families. The framework also includes practice tools and processes that professionals can use in everyday work with children and families. To find out more information about the Framework for Practice and supporting tools and processes, visit: cspm.csyw.qld.gov.au/our-approach/principles

You can access the Framework for Practice tools to use in your own work with children and families.

Each of the tools help to make some of the difficult aspects of engagement, assessment, planning and process easier.

Collaborative Assessment and Planning (CAP) Framework

The Collaborative Assessment and Planning (CAP) Framework is used in partnership with children, their family and networks to assess harm, risk and safety, and to identify goals and action steps to build safety, belonging and wellbeing for a child. The framework is used to build the case plan and informs most planning discussions with the family and professionals.

The following questions guide how Child Safety Services develops case plans with families. Many meetings with Child Safety Services are structured using these questions.

What are we worried about?

Statements of harm

It is important to be specific about what the harm or risk of harm is that Child Safety Services is concerned about, the impact of the harm on the child and exactly what actions or lack of action by the parents contributed to that harm.

While they can be confronting to hear, these statements make clear what needs to be addressed in a case plan and what doesn't, and prevent the goal posts moving in the future.

Complicating factors

This section is about other issues that make it more difficult for the parents to protect the child from harm. They should be separated from the issues that have previously caused the harm, so that it is clear what needs to be addressed in the plan for the future.

What's working well?

This section focusses on the things that are happening in the family or have happened in the past that are positive and contribute to the safety, wellbeing and belonging of the child.

These are the building blocks for protection in the future and recognising them creates hope and energy for the family to be able to address the child protection concerns.

Protection and belonging

Protection and belonging identifies specific times when the parents have taken action or made decisions to keep the child safe and well and protect them from harm. These actions of protection and belonging are exceptions to the problems - times when the child could have been harmed but were kept safe by the actions or decisions of the parents.



A protective factor is a characteristic that lowers the risk of harm occurring or reduces the negative impact of a risk factor. Some protective factors parents may demonstrate include having a strong attachment to the child and understanding child developmental milestones.



For more information about protective factors, visit: www.aifs.gov.au/cfca/publications/risk-and-protective-factors-child-abuse-and-neglect

Strengths and Resources

The family's strengths and resources considers things that have happened in the family, or resources that the family has, that make things better for children.



Strengths-based practice is the way Child Safety Services works with children and families. Being strengths-based means assuming all people, even if they are experiencing problems, have some strengths and resources they can draw on to make positive change.

Strengths-based approaches are more effective in identifying the skills and experiences a family has, increases their motivation to actively engage with services and can lead to more hope that they can change their behaviours.



For more information about strengths-based practice, check out Child Safety Services' Practice Paper: *Engaging with families*: www.csyw.qld.gov.au/resources/childsafety/practice-manual/pp-engaging-with-families.pdf

What needs to happen?

This is about developing a good plan for the future. A common piece of feedback from parents working with Child Safety Services is that the workers constantly 'shift the goal posts' or fail to define the 'goal posts'. Clear 'worry statements', 'goal statements' and 'action steps' are designed to prevent that.



For more information on the CAP Framework and other tools that guide Child Safety Services' practice, visit: cspm.csyw.qld.gov.au/resources?secondarytypes=tool

Structured Decision Making

Structured Decision Making tools help Child Safety Services focus resources on families that are the most likely to abuse or neglect their children. The tools assist Child Safety Services to organise facts and evidence to make consistent and valid assessments and decisions.



Structured Decision Making tools are based on research or evidence to support Child Safety Services to make consistent and valid assessments and decisions. The tools are used together with professional judgement.

Child Safety Services may contact you for information when gathering evidence to complete the tools.

Professional judgement

Professional judgement is using sound, unbiased methods to interpret and analyse information, identify problems and evaluate different possible solutions. Professional judgement means practising reflective thinking processes, taking into account your own professional knowledge, the context in which decisions are being made, the nature and level of evidence available, methods used and a variety of other factors.



Professional judgement means drawing on the following when you make assessments or decisions:

- ▶ formal knowledge, for example, theory, legislation, policy
- ▶ practice wisdom, for example, experiences, social norms
- ▶ emotional wisdom, for example, impact of work on oneself and others
- ▶ personal and professional values, for example, drawing on an ethical framework for practice
- ▶ reasoning skills, for example, ability to critically reflect on practice and reason from personal experience and knowledge.

Aboriginal and Torres Strait Islander children

The Aboriginal and Torres Strait Islander Child Placement Principle underpins the right for Aboriginal and Torres Strait Islander children to grow up culture safe and strong. Any decision made must uphold the five core elements: prevention, participation, partnership, placement, and connection.

When making a significant decision about an Aboriginal or Torres Strait Islander child, Child Safety Services must give an independent Aboriginal or Torres Strait Islander entity an opportunity to participate in the decision-making process. All consultations, negotiations, meetings and proceedings involving Aboriginal and Torres Strait Islander people are to be conducted in a way and in a place that is appropriate to Aboriginal tradition or Island custom. Independent Aboriginal and Torres Strait Islander entities provide culturally appropriate family advice regarding Aboriginal and Torres Strait Islander children.

Examples of key decisions include:

- ▶ the outcome of an investigation and assessment
- ▶ whether to seek a child protection order for a child
- ▶ case planning for the child's safety
- ▶ placements and carers.



Check out these resources that provide more information about the Aboriginal and Torres Strait Islander Child Placement Principle and Our Way Strategy:

Aboriginal and Torres Strait Islander Child Placement Principle: www.qatsicpp.com.au/images/ATSICPP_book.pdf

Our Way Strategy and Action Plan: www.csyw.qld.gov.au/child-family/our-performance/representation-aboriginal-torres-strait-islander-children/our-way-strategy-action-plan

PARTICIPATING IN CASE PLANNING

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Case planning is a process that Child Safety Services undertakes when working with a family to address child protection concerns. Child Safety Services may delegate functions, such as developing a case plan, for Aboriginal and Torres Strait Islander children to a 'prescribed delegate'. This is the Chief Executive Officer of an appropriate Aboriginal or Torres Strait Islander entity.



A case plan outlines the goals for the child, what needs to be done and who helps to make sure actions are completed. It is a written document that provides a clear statement about why a child is in need of protection, provides key information about the child and records the roles and responsibilities of all participants in addressing the child's protection and care needs.

A case plan must be developed and regularly reviewed for a child in need of protection in accordance with the *Child Protection Act 1999*.

You may be invited to participate in developing a case plan for a child.

Key facts:

- ▶ Case plans identify the overall goal for the child, the specific goals that need to be achieved and the actions to be undertaken by everyone involved.
- ▶ Usually, the goal of the case plan will be 'reunification' however the case plan goal may also be to provide long-term, stable and safe out-of-home care for the child.



Reunification means returning the child to the family home. Reunification happens when the family has successfully addressed the child protection concerns.

- ▶ Case planning is a participative process which means that Child Safety Services actively encourages the child and people who play an important role in the child's life to participate in planning and decision making.



Child Safety Services encourages the people who play an important role in the child's life to participate in case planning and decision making. Therefore, you may be asked to participate in case planning.

- ▶ Usually, a case plan is developed in a family group meeting (FGM), especially if the case plan is being developed for court purposes.
- ▶ In many cases, an FGM convenor will prepare participants and facilitate the FGM.
- ▶ An FGM is a facilitated process to develop a case plan. The child, family, extended family, services and support people may all participate in an FGM.
- ▶ The first FGM must be held within 30 days of the decision that a child is in need of protection and must be regularly reviewed to check progress and make sure the plan still reflects the needs of the child.

Participating in case planning

You may be invited to participate in case planning by attending an FGM or by providing information by other means such as in writing, via a telephone conversation, or in an informal meeting.



The type of information you may be asked to contribute during case planning includes:

- | | |
|--|---|
| ▶ identifying who is in the child's family and support network | ▶ any worries you may have about the child's safety |
| ▶ strengths and needs of the child and parents | ▶ information about the child's cultural needs |
| ▶ the child's educational needs | ▶ the child's medical, health or mental health needs |
| ▶ the child or parent's progress with supportive interventions | ▶ supports that could help protect the child's safety and wellbeing |
| ▶ supports that could help the parent to care for the child safely and promote their wellbeing | ▶ how you and the other parties participating in case planning can best work together to support the child and family's needs |

If you are involved in a case plan you should be given a copy or information about the actions that affect you. If you don't think the case plan is correct or reflects what was agreed to, advise the child safety officer as soon as possible.

Sharing information



Participating in case planning requires sharing information. Under the *Child Protection Act 1999* you are allowed to share information with Child Safety Services without a person's consent if it is in the child's best interests to do so.

However it is best practice to seek consent from a child or family before sharing information about them.



You are protected by legislation if you share information with Child Safety Services about a child or family that you honestly believe is in the child's best interests to share.



For more tips on sharing information, see: www.csyw.qld.gov.au/about-us/partners/child-family/information-sharing

Child health passports

The child health passport refers to a process, as well as a document.

The child health passport process commences with the collection of a child's essential health information, when a child is placed in out-of-home care. The child health passport process includes:

- ▶ gathering essential health information about the child
- ▶ preparing the child's health care file
- ▶ deciding whether a health or dental appraisal or assessment is required
- ▶ arranging a health or dental appraisal or assessment
- ▶ consideration of the involvement of child, parents and carers in the health assessment
- ▶ preparing the child health passport folder

- ▶ arranging required follow up appointments and assessments, if applicable
- ▶ including information about a child's identified health and dental needs when completing the child's strengths and needs assessment and developing or reviewing a case plan
- ▶ collecting non-essential health information.

The child health passport is also a folder, containing a copy of relevant documents applicable to the child's health. It is provided to the child's carers to enable them to adequately respond to the child's health needs for the duration of the out-of-home care placement. It must begin no later than 60 days after a child enters out-of-home care.

Education support plans

In Queensland, every child who is in out-of-home-care and subject to a child protection order that grants guardianship or custody to the Chief Executive (the Director-General of Child Safety Services), and is of compulsory school age or enrolled in a state or non-state school, should have an education support plan.

An education support plan aims to improve the educational experiences and outcomes for a child in out-of-home care. The plan outlines goals, strategies and the accessibility of services and programs that will help children reach their academic potential.

The school principal will finalise an education support plan within one month of an eligible student's enrolment.

The education support plan is a working document and is reviewed and updated as the needs of the child change. It must be reviewed at least once a year or when the child changes school.



For more information about Child Safety Services' practices, check out:
cspm.csyw.qld.gov.au/

YOUNG PEOPLE TRANSITIONING TO INDEPENDENCE

Revised February 2020

Transition to independence is the process of supporting a young person who is leaving care and transitioning to adulthood. Young people leaving care are often confronted by issues such as reconnecting with their families and communities, coming to terms with the reasons why they came into care or finding themselves alone, without the security of a family to fall back on.



A well-planned, gradual and flexible process for transitioning a young person to independence is very important, including the potential provision of support for a period of time after they have left care.

You may be asked to contribute to this planning or provide a service to a young person transitioning to independence.

Key Facts:

- ▶ Young people living in out-of-home care have the same developmental needs as those who are not in care, but they also face unique issues and circumstances that need particular support during this time.
- ▶ Learning about new things and gaining new skills to be independent are crucial factors for a young person's transition to be successful.
- ▶ Young people experience a range of different emotions – from uncertainty to excitement, confusion to confidence. This is a time when their view of the world will change.
- ▶ Transition to independence starts from the year a child turns 15 and is recorded in a case plan.
- ▶ Young people are not obligated to live independently before 18 years of age but if they do, this is called transitioning to independent living.
- ▶ Young people may decide to move out before they are 18 years of age and live in a place that does not have a carer or worker. However some independent living accommodation may have support workers available.



There is no standard age that a young person has to leave care. Some young people may continue to live in out-of-home care after they turn 18 years old, particularly if they are still finishing high school, want to enrol in further studies or have a close relationship with their carers. Young people are eligible to receive support up to the age of 25 years old in certain circumstances.

Planning

Planning for a young person's transition to independence commences when they turn 15 years old. Child Safety Services will work with the young person and other services to develop a transition from care plan that includes the young person's goals and dreams. This is part of the young person's case plan.



You may be able to support a young person transitioning to independence by helping them with:

- ▶ deciding what they want to do when they finish school
- ▶ being positive, excited and optimistic about this new phase in their life
- ▶ organising or paying for study or training
- ▶ getting their drivers licence
- ▶ learning life skills such as cooking or budgeting
- ▶ living independently or in semi-supported accommodation, such as accessing the Federal Government Transition to Independence Living Allowance (TILA), which is a payment to assist people 15 to 25 years old to make the transition to independent living
- ▶ accessing support services
- ▶ finding out why they entered care
- ▶ maintaining or connecting with their culture.



If a young person you are working with is concerned about their transition from care plan, you can advocate for them or support them to contact their Community Visitor. The Community Visitor will listen to their concerns, views and wishes and make sure they are considered seriously. To find out more, visit: www.publicguardian.qld.gov.au/child-advocate/child-community-visiting

Services that support young people transitioning to independence

There are community-based services that can support young people to transition to independence and after they have left out-of-home care.

- ▶ **CREATE Foundation** is the national peak consumer body representing the voices of children and young people with an out-of-home care experience (including kinship care, foster care and residential care).
- ▶ **Next Step After Care** service provides help to children and young people in Queensland aged 15-25 years, who have been in care. The service can assist with brokerage (monetary aid), or tailored individual support. There is a free 24/7 state-wide phone number that children and young people can call or text for assistance: 1800 NEXT STEP (1800 639 878).



Resources:

- ▶ CREATE Foundation has resources for young people transitioning to independence: www.create.org.au/resources/transitioning-from-care
- ▶ Next Step After Care has a website that has links to local Next Step After Care services and a blog with stories from young people who have accessed the service: www.nextstepaftercare.com.au

If you have questions about a young person's transition to independence case plan or are worried that they don't have one, speak with the young person or contact their child safety officer (CSO).

ADVOCACY, APPEALS AND COMPLAINTS

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It is the right of every child engaged in the child protection system to be heard. Children should be supported by adults to ensure this happens. Sometimes a child may prefer a trusted adult they have a positive relationship with to speak on their behalf and protect their rights. It can be difficult for children to fully understand the child protection system, which may limit their ability to express their views to decision makers.

Children may not know how to appeal or complain about decisions if they disagree with them. Families may also not be aware how to take action if they don't agree with a decision or may not have the skills or ability to effectively advocate for themselves.



Professionals working with children and families are in a unique position to hear a child's or family's concerns and either advocate for them or support them to appeal or make a complaint.

Similarly, professionals working with Child Safety Services may not always agree with the way decisions are made or how services are provided.

This fact sheet provides you with tips on how to advocate for children and families, support children and families to effectively challenge decisions and how to make a complaint about Child Safety Services.

Advocating for a child or family

The term 'advocacy' has many different definitions. However, generally it means being on someone's side, being concerned about their needs and wishes and helping them to speak up.



You can advocate for a child or family by:

- ▶ listening to their views and concerns and offering support
- ▶ helping them to work through problems and issues
- ▶ giving them information (especially about the rights of parents and children to be heard) or linking them with other supports
- ▶ helping them identify their own strengths and needs
- ▶ helping them to understand the different roles of professionals who are supporting them
- ▶ helping them to speak up or speaking up on their behalf, if they have asked for or consented to your support

Appealing decisions

Children and families have the legal right to challenge a variety of decisions made by Child Safety Services and the courts.

Any person affected by a government decision has the right to complain to the government agency about the decision or seek a reversal of the decision. Also, the Queensland Civil and Administrative Tribunal (QCAT) has the specific power to review a number of administrative decisions made by Child Safety Services. All decisions made by courts can be challenged on appeal to higher courts.



You can support a child or family to appeal a decision by letting them know their rights and how they can appeal.

Child Safety Services' decisions:

There are a number of Child Safety Services' decisions that can be reviewed. These are called 'reviewable decisions' and include:

- ▶ who the child should live with
- ▶ whether the parents are told where the child is living and who is caring for them
- ▶ the amount of contact a child has with the family
- ▶ not reviewing a case plan on the request of the child, parent or long-term guardian.



For a full list of reviewable decisions and who can seek a review of these decisions, check out Schedule 2 of the *Child Protection Act 1999*: www.legislation.qld.gov.au/Acts_SLs/Acts_SL_C.htm

A child or family can seek a review of a decision in a number of ways. The following steps should be followed to help the complaint to be resolved as quickly as possible:

1. telephoning or writing to the child safety officer or the team leader
2. asking for a meeting with the child safety officer, team leader and/or manager
3. requesting an internal review of the decision by the Department of Child Safety, Youth and Women
4. making a complaint about the decision to the Complaints Unit
5. making a complaint about the decision to

the Ombudsman

6. asking QCAT to review the decision. There is no fee for a child making an application to QCAT and people do not need a lawyer to go to QCAT. QCAT processes are much less formal than appeals to courts.

There is support available for a child to seek a review of a decision including:

- ▶ their parent, carer or other person in their support network
- ▶ the Youth Advocacy Centre
- ▶ their Community Visitor
- ▶ the Child Advocate – Office of the Public Guardian

Childrens Court's decisions:

A child or parent can appeal the making of any order, including temporary assessment orders (TAOs). If someone wishes to lodge an appeal, they should do so as soon as possible after the decision is made by contacting the District Court Registry or seeking legal advice about lodging an appeal. Strict time limits apply to appeals.

Making a complaint about Child Safety Services

You or any other person can make a complaint about Child Safety Services. Complaints can be made about a range of issues, for example:

- ▶ a decision Child Safety Services made or you feel should have made but didn't
- ▶ a service Child Safety Services has or has not provided
- ▶ a service that is funded by Child Safety Services, included a funded agency
- ▶ the behaviour of a Child Safety Services employee



For a full guide to making a complaint, visit: www.csyw.qld.gov.au/contact-us/compliments-complaints

How to make a complaint

Providing feedback or following a complaints process may assist in resolving issues you have with Child Safety Services.



Before making a complaint, consider:

- ▶ What would you like to see happen?
- ▶ What is the outcome that you are seeking?
- ▶ Would you like something specific to happen, or would you like to help change the way Child Safety Services does things more generally?

When making a complaint:

- ▶ Decide what time limit is reasonable for a response or action from Child Safety Services. If you commence a formal complaint process, response times will be guided by Child Safety Services' complaints management guidelines.
- ▶ Be specific about the action you want addressed or decision you want to change.
- ▶ Make sure any agreement between you and Child Safety Services is in writing and that you get a copy of it.



For more tips on how to make an effective complaint and a complaint template letter, visit the Queensland Ombudsman's website: www.ombudsman.qld.gov.au/how-to-complain/the-complaints-process/complaining-to-the-organisation-involved

Ways to provide feedback and make a complaint

Locally

- ▶ You may be able to resolve the problem by speaking to the staff member, or the team leader or manager.

- ▶ Write a letter or email to the child safety officer, team leader or manager of the Child Safety Service Centre explaining the problems you have and what you want to happen. Keep copies of the letter or email.
- ▶ Ask for a meeting to discuss the complaint face-to-face.

Internal review

If you're unhappy with the way your complaint was managed, you can write to or call Child Safety Services' Complaints Unit. They may investigate the complaint and will keep you informed of the actions that they take.

Complaints and Review Unit

Department of Child Safety, Youth and Women

Locked Bag 3405, Brisbane Qld 4001

Email: feedback@csyw.qld.gov.au

Phone: 1800 080 464



Tips about complaints and feedback:

- ▶ Always keep good records of your conversations with Child Safety Services.
- ▶ If your calls aren't being returned, record the number of times you've attempted to make contact.
- ▶ Ask for paperwork and keep it!
- ▶ If you receive written communication from Child Safety Services that you don't agree with, it is important that you reply in writing too, clearly stating your side of the story and setting out any inaccuracies.

Queensland Ombudsman

If you're unhappy with the outcome of the Internal Review, you can take your complaint to the Queensland Ombudsman. The Queensland Ombudsman has general powers to investigate and make findings about the actions and decisions of Queensland public agencies and staff that may be unlawful, unreasonable, unfair, improperly discriminatory or otherwise wrong.

They also help improve government practices by:

- ▶ making recommendations based on investigations
- ▶ conducting training on good decision-making and complaints management
- ▶ providing advice and other assistance.

The Ombudsman's findings are not binding on Child Safety Services, but they can help to improve systems and address unjust situations.



For more information about how to make a complaint to the Queensland Ombudsman, visit: www.ombudsman.qld.gov.au/how-to-complain

Queensland Civil and Administrative Tribunal

The Queensland Civil and Administrative Tribunal (QCAT) can review some decisions made by Child Safety Services including:

- ▶ a child's care arrangements
- ▶ not letting a child see his or her family
- ▶ moving a child away from a carer.

If a child or parent feels one of the above decisions is wrong, they can apply to QCAT for a review.



If you'd like more information about how children and parents can apply to QCAT for a review of a Child Safety Services' decision, visit: www.qcat.qld.gov.au/matter-types/children

Aboriginal and Torres Strait Islander Legal Service provides civil law representation, advice and other services for Aboriginal and Torres Strait Islander peoples throughout Queensland. Any Aboriginal or Torres Strait Islander child automatically satisfies the means test for support. Assistance includes filling in forms or drafting letters to legal representation. For more information visit: www.atsils.org.au or call 1800 012 255.

Ministerial Complaints

If your complaint is taking a long time or isn't resolved to your satisfaction, you may also complain to the Minister for Child Safety, Youth and Women or to your local State Member of Parliament.

Support for children

A child can ask for support to make a complaint from the following:

- ▶ Parent, carer or other person in their support network
- ▶ Youth Advocacy Centre: www.yac.net.au
- ▶ Community Visitor
- ▶ Child Advocate – Office of the Public Guardian



If a child is unhappy about something they can let Child Safety Services know. You can help a child to have their say by supporting them to complete the child friendly complaint form. Visit: www.csyw.qld.gov.au/contact-us/compliments-complaints



Letter writing and tips

It's important to write your complaint as simply and clearly as possible by:

- ▶ working out what your main problems are (e.g. that your calls aren't being returned or an issue you're worried about hasn't been resolved)
- ▶ being specific about how you would like the complaint to be resolved and how you would like the person to help
- ▶ making sure you get the right email or postal address either by ringing the Child Safety Service Centre or getting the details from the website
- ▶ putting the child's full name and date of birth at the start so it's easy for Child Safety Services to know who the matter is about
- ▶ focusing on the child's best interests

See the following page for an example of how to write a letter to Child Safety Services.

Example letter

{Manager}

Ipswich Child Safety Service Centre
PO Box 437
IPSWICH QLD 4305

Ring and find out the manager's name and put it in here.

11 October 2016

VERY important to date the letter.

Dear {Mr/Ms Manager's surname}

RE: JAMES ADAM SMITH {DOB 01/01/2008}

Putting in who you are and what you do helps the manager to understand your role.

I am the {role} at {organisation} for the above child. I provide {type of support} to James as part of his case plan.

James is currently under a short-term custody expiring 14 September 2011. He lives with Mr and Mrs Jones (foster carers) in Ipswich.

I have a number of concerns I would like to raise:

- I have attempted to contact and discuss my concerns with Child Safety Officer, Ms Katrina Nguyen, six times over the last two week period. Unfortunately she has not returned my call.
- James currently requires specialist therapy which the carers state they cannot afford. The therapy is part of his case plan so I would like the Child Safety Officer to consider making a Child Related Costs application to cover the cost of this.
- The last case plan meeting was held about seven months ago. I understand that a case plan must be held at least every six months. I would like this to be organised as soon as possible.

Dot points help to make each of your issues clear.

I would like you to help by responding to me via letter within seven days about how you will address the concerns I have raised. If I do not hear from you within this time, I intend to pursue a complaint with the Child Safety Complaints Unit.

Don't forget to put your contact details in so the manager knows how to contact you back.

Yours Sincerely

Kym Smith
Role
Organisation
Contact details {phone number, email address, postal address}



Part Five: Court

PARTICIPATING IN COURT PROCESSES

Revised February 2020

When Child Safety Services is worried a child is not safe with their parents, it may seek help from a court to keep the child safe. Child Safety Services will tell the court why there are worries about the child's safety and wellbeing and the court will decide what should happen.

You may be asked to participate in the court process because you have information that could help the court to make a decision about the application.

Key facts:

When a child is in need of protection, Child Safety Services works with the Director of Child Protection Litigation to apply to the Childrens Court for a child protection order.

A child protection order authorises the Chief Executive (Child Safety Services) to have custody or guardianship of a child.

Child Safety Services presents evidence to the court to support the application.



When an application for a child protection order is made, you may be asked to provide information in a written affidavit or by giving evidence to a court in person.

You may be asked to participate in other court related processes such as a social assessment report or a family group meeting.

The court process

The court process happens slightly differently each time, but the general process is:

APPLICATION FILED

Application filed in the Childrens Court along with supporting documents such as affidavits.



FIRST MENTION



First mention at the Childrens Court. This is where the court first reviews the case, and finds out whether the child protection order is accepted by a parent.

FAMILY GROUP MEETING

Family group meetings to make or review a case plan, if one hasn't occurred.



COURT ORDERED CONFERENCE



If one or both parents disagree with Child Safety Services about how to protect the child, there may be a court ordered conference to discuss this. The social assessment report is often discussed in the court ordered conference.

ANOTHER MENTION

Another mention at the Childrens Court. This is likely to make sure everything that needs to be done before the hearing is done.



HEARING (OR TRIAL)



Hearing (or trial). This is where people get to test each other's evidence by asking questions of witnesses. The court makes a decision and final orders are given to all parties.

Children participating in child protection proceedings

The *Child Protection Act 1999* states that wherever possible, children should be encouraged to participate in decisions affecting their lives. Meaningful participation by children may include:

- ▶ parties and decision-makers actively listening to them
- ▶ children receiving support to express their views
- ▶ having their views taken into account and recorded
- ▶ being involved and present if they wish to be in decision-making processes.

Children may want to participate in different ways and the magistrate can make directions about how a child can participate in child protection proceedings.

Children may be involved by:

- ▶ Attending family group meetings, court ordered conferences and other meetings
- ▶ Recording their views and wishes with a child safety officer or an independent person, such as a child advocate from the Office of the Public Guardian, a separate representative or a social assessment report writer
- ▶ Having a child advocate give their views and wishes to the court
- ▶ Instructing a lawyer (direct representative) to represent them in court and advocate for them with Child Safety Services
- ▶ Writing a letter to the magistrate or judge
- ▶ Drawing a picture for the magistrate or giving the magistrate their 'three houses' drawing
- ▶ Addressing the magistrate personally (with or without all parties present)
- ▶ Giving evidence in an affidavit (but only if they are 12 years old or over, represented by a lawyer and agree to give evidence). Note that if a child gives affidavit evidence it may mean that they can be cross-examined by other participants in the proceedings.

Words you might hear:

Affidavit

An affidavit is the main way evidence is presented to the court in child protection matters. It is a written statement of facts.

Adjournment

An adjournment is where the court puts off the session to a later date.

Closed court

A closed court means the public and media cannot enter the room. Cases heard in the Childrens Court are always held in a closed courtroom to protect the child's identity.

Contested matter

If the parents do not agree with an application for a child protection order, they can challenge it in court. This type of case is called a 'contested matter' because the parents contest the making of the order.

Court ordered conference

Court ordered conferences are meetings that are held if a party contests the application made by Child Safety Services. An independent chairperson runs the meeting, and the aim is to try to resolve the matters that are in dispute in the proceeding. Usually, if a party is not consenting to the order then a conference must be held, or reasonable attempts to hold a conference must be made before the court can make a child protection order.

Family group meeting

A family group meeting is an inclusive and participative process for developing a case plan with the child, family, Child Safety Services and service providers.

Hearing or trial

A hearing or trial is where the court hears the evidence about the matter and makes a decision.

Interim order

If a court makes an adjournment, the court can also make an interim order to make sure something important happens until the next hearing. For example, an interim custody order might authorise Child Safety Services to continue placing the child in out-of-home care until the next court date.

Mention

A mention is where the case is reviewed by the court, and the court can then move the case to the next stage.

Party

A party is a person or agency that is involved in a court case. In an application for a child protection order, the parties are:

- ▶ the child, who may be represented by a lawyer called a direct representative
- ▶ the applicant, who is the Director of Child Protection Litigation and
- ▶ the respondents, who are the parents.

A separate representative, who is a lawyer appointed by the court to independently assess what is in the child's best interests, is not technically a party but has the same rights as a party.



A 'party' to a child protection proceeding can:

- ▶ stand at the bar table and talk to the magistrate
- ▶ receive court documents and request (or 'subpoena') documents and information about the case
- ▶ provide information ('statements' or 'affidavits') to the court. The affidavits may be written by the party or another witness. If the party is calling witnesses they must be available for cross-examination by the other parties on the hearing date
- ▶ cross-examine other parties' witnesses in a hearing
- ▶ make submissions. Submission are spoken or written arguments about what the court should decide. The parties usually make submissions near the end of a hearing.

Social assessment report

A social assessment report provides the court with an independent opinion about the best way to protect a child's best interests. It is written by an accredited social worker, psychologist or other professional considered by the court or tribunal to be an independent expert in child protection.

Submissions

Whereas affidavits contain the evidence on which a party relies on to make its case, 'submissions' contain arguments for why the magistrate should make the child protection order. Submissions may be written or oral.

Subpoena

A subpoena is an order to give written or verbal information to the court.



To find out more about child protection court processes, check out these resources:

- ▶ Child Safety Practice Manual: cspm.csyw.qld.gov.au/
- ▶ Legal Aid Queensland: www.legalaid.qld.gov.au/Find-legal-information/Relationships-and-children/Child-protection-overview
- ▶ Queensland Family and Child Commission: www.qfcc.qld.gov.au/find-resource/education-resources
- ▶ Hub Community Legal: www.hubcommunity.org.au/community-legal-centre

CHILD PROTECTION ORDERS

Revised February 2020

When Child Safety Services assesses a child is in need of protection it may work with the Director of Child Protection Litigation (DCPL) to apply for a child protection order.

A child protection order is a direction from a court requiring or authorising someone to do or not do something, such as giving Child Safety Services the custody or guardianship of a child and authority to place a child in out-of-home care.

If the court agrees the child may be or is in need of protection, it may make an order that sets out what should happen. There are different types of orders.

Key facts:

- ▶ Child Safety Services staff can apply to the court for an order in specific, urgent situations, for example, a temporary assessment order.
- ▶ DCPL must apply and present evidence to the Childrens Court for a child protection order.



When an application for a child protection order is made, you may be asked to provide information in a written affidavit or by giving evidence to a court in person.

You may be asked to participate in other court related processes such as a social assessment report or a family group meeting.

- ▶ A child protection order authorises the Chief Executive (Child Safety Services) to have custody or guardianship of a child or take other action such as to arrange a medical examination for the child.



Custody is the right to a child's daily care and the right and responsibility to make decisions about a child's daily care.

Guardianship is all the powers, rights and responsibilities in relation to a child that would otherwise sit with the child's parents, including custody of the child.

- ▶ The court must be satisfied that an order is in the best interests of the child.

Types of orders

There are a number of different types of child protection orders. Some may direct a parent to do specific actions or require Child Safety Services to supervise a child's care while they remain at home in the care of their parents. Other types of orders can grant custody or guardianship of a child to Child Safety Services, a family member or other person for the duration of the order.

Summary of child protection orders

Type of order	Purpose of order	Who has custody?	Who has guardianship?	Maximum duration
Temporary Assessment Order (TAO)	<p>This order is sought when Child Safety Services is still assessing if the child is in need of protection and whether a child protection order is required.</p> <p>It can provide for the immediate custody of the child, authorisation of medical treatment and restriction of contact with a parent until an application for a Court Assessment Order or child protection order may be made to the court.</p> <p>They can also authorise a police or child safety officer to enter and search a premises, have contact with a child or take a child into care.</p>	Child Safety Services, if requested and granted	Parent	Three days, and may be extended once only by up to three business days if DCPL intends to apply for another order
Temporary Custody Order (TCO)	The purpose of a TCO is to authorise the action needed to meet the immediate safety needs of the child while the most appropriate action to meet the child's ongoing protection and care needs is being decided (such as applying for a child protection order).	Child Safety Services, if requested and granted	Parent	Three days, and may be extended once only by up to three business days if DCPL intends to apply for another order
Court Assessment Order (CAO)	<p>This order is sought when Child Safety Services is still assessing if a child is in need of protection and whether a child protection order is required.</p> <p>This order can:</p> <ul style="list-style-type: none"> ▶ allow Child Safety Services to have contact with the child ▶ grant custody of the child to Child Safety Services ▶ direct how much supervised time a parent/other person can have with the child ▶ authorise a child to undergo medical treatment or examination <p>A party has 28 days from the time the order is made to appeal against the court's decision to grant a CAO.</p>	Child Safety Services, if requested and granted	Parent	<p>28 days after the day the hearing is first brought before the court.</p> <p>An application to extend the order for up to 28 days can only be made once.</p>
Directive Order (DO)	This is the 'least intrusive child protection order'. A DO directs a parent to do or not do something to protect the child. This order can also direct a parent or other person to only have supervised time with the child.	Parent	Parent	1 year
Protective Supervision Order (PSO)	This order allows Child Safety Services to supervise the child's wellbeing and protection while the child remains in a parent's care.	Parent	Parent	1 year
Transition Order (TO)	<p>In some but not all circumstances Child Safety Services can make an application to the court to facilitate the child's transition from out-of-home care to their parent's care.</p> <p>It enables the child's gradual transition from out-of-home care to their parents' full-time care and allows time to make sure the family is protecting the child before the child protection order ends.</p>	Child Safety Services	Parent	28 days

Short-Term Custody Order (STC)	<p>This order grants custody of the child to Child Safety Services or a suitable family member.</p> <p>This order is suitable when the case plan goal is to reunify a child with their family.</p>	Child Safety Services	Parent	2 years, unless it is in the best interests of the child or reunification with their family is achievable within the longer time frame.
Short-Term Guardianship Order (STG)	<p>This order grants short-term guardianship to Child Safety Services.</p> <p>This order is suitable when the case plan goal is to reunify a child with their family but the family is unable or unwilling to make significant decisions about the child's care.</p>	Child Safety Services	Child Safety Services or a suitable family member	2 years, unless it is in the best interests of the child or reunification with their family is achievable within the longer time frame.
Long-Term Guardianship Order (LTG)	<p>This order grants long-term guardianship to Child Safety Services, a suitable family member or other person.</p> <p>Long-term guardianship orders are appropriate when the child cannot be safely reunified with their parent within a timeframe appropriate to the child's age and circumstances and long-term out-of-home care would best protect and care for the child.</p>	Child Safety Services	Child Safety Services, a suitable family member or other suitable person	Until the child is 18 years old
Permanent Care Order (PCO)	<p>This order grants permanent care of the child to suitable person who is willing and able to meet the child's ongoing protection and care needs on a permanent basis. This order is appropriate when the child has been in the care of the proposed guardian under a custody or guardianship order for at least 12 months. In exceptional circumstances the court may make a PCO if the child has not been with the proposed guardian for 12 months if it is in the best interests of the child.</p>	The permanent guardian	The permanent guardian	Until the child is 18 years old

The decision to apply for a child protection order

If Child Safety Services decides it's necessary to apply for a child protection order, it will prepare a 'brief of evidence' for DCPL.

A brief of evidence contains affidavits, reports and other evidence that will be relied on to prove there should be a child protection order.

DCPL then decides whether to apply for an order and, if so, what type and length of order to apply for.

The Office of the Child and Family Official Solicitor

The Office of the Child and Family Official Solicitor (OCFOS) is a unit of the Department of Child Safety, Youth and Women.

OCFOS is a team of legal officers who usually work in Child Safety Service Centres and provide legal advice and assistance to child safety officers.

They are usually the applicant in short-term and emergency orders such as Temporary Custody Orders, Temporary Assessment Orders and Court Assessment Orders.

OCFOS refers a matter to DCPL if an application for a child protection order is required. OCFOS does not make the final decision about whether or not DCPL applies for an order, or the type of order.

The Director of Child Protection Litigation

DCPL is responsible for preparing and applying for child protection orders and conducting child protection order proceedings in the Childrens Court. This office is independent of Child Safety Services and sits within the Department of Justice and Attorney General.

The purpose of having an independent office applying for child protection orders is to increase accountability, improve oversight of Child Safety Services and to improve the quality of the evidence on which child protection decisions are made.

What the court considers before making an order

When deciding whether to grant a child protection order, the court considers all the information presented by the family, Child Safety Services, DCPL and any other parties such as separate representatives and the independent Aboriginal and Torres Strait Islander entity.

The court can only grant a child protection order if one is necessary to ensure the child's safety and it's in the child's best interests.

The court considers:

- ▶ Evidence about whether the child is in need of protection and whether an order is "appropriate and desirable" for the child's protection. Evidence might include things like affidavits (witness statements) from Child Safety Services and independent experts, a parent's criminal history, domestic violence history,

traffic history and reports by Child Safety Services (and other relevant reports about adult members of a child's household)

- ▶ Whether the parent/s have been given the court documents (or reasonable attempts have been made by Child Safety Services to do this)
- ▶ Whether an appropriate case plan has been made and given to the court
- ▶ If the order has been contested, whether a court ordered conference has been held (or reasonable attempts to hold a conference have been made) and whether the child's wishes or views have been made known to the court, which should happen wherever possible
- ▶ Whether the protection of the child can be achieved by less intrusive terms. This means asking questions such as: does the order have to be for two years or is one year enough time for the family to address the child protection concerns?
- ▶ When considering whether to make a long-term guardianship order, the court must be satisfied that there is no parent able and willing to protect the child in the foreseeable future and that the order will meet the child's need for emotional security. Emotional security may be an important factor for a child who, for example, has been with the same foster or kinship carer for a substantial period of time, from a young age or has developed a significant attachment to the carer.
- ▶ When determining whether to grant a permanent care order the court has further considerations, including whether the proposed guardian is suitable on a permanent basis and committed to preserving the child's identity and connection to culture of origin.'

Least intrusive

'Least intrusive' means that it is the most appropriate option, taking into account all the circumstances. The least intrusive option is the one that will cause the least disruption to a family while still protecting the safety of the child. Sometimes the least intrusive order is still the most serious one because it's the minimum level of intervention required to keep the child safe.



To find out more about court orders, check out these resources:

- ▶ Child Safety Practice Manual: cspm.csyw.qld.gov.au/
- ▶ Legal Aid Queensland: www.legalaid.qld.gov.au/Find-legal-information/Relationships-and-children/Child-protection-overview
- ▶ Hub Community Legal: www.hubcommunity.org.au/community-legal-centre

SUBPOENAS

Reviewed February 2020

A subpoena (pronounced "suh-pee-nuh") is a request for information or evidence that is issued by the court during a child protection matter.



A person who is involved with a court case, called a 'party', can ask you to provide documents or evidence for the court. If you refuse or are unable to give evidence, the party can request that the court compel you to do so by issuing a subpoena.

Key facts:

► There are three types of subpoenas:

1

a subpoena to produce

2

a subpoena to give evidence

3

a subpoena to produce and give evidence.

- You must comply with a subpoena. The term "subpoena" literally means "under penalty" so if you do not comply, a court may issue a warrant for your arrest, order you to pay any costs caused by your non-compliance or charge you with contempt of court.
- Sometimes the terms 'summons' and 'subpoena' can be confused. Both require a person to appear before a legal proceeding however, a summons is issued to someone who has been named in a civil lawsuit or who faces criminal charges, while a subpoena is issued to someone who can help strengthen a case for another person or 'party'. For example, you could receive a summons to appear in court because you have been charged with a criminal offence and you could receive a subpoena to give evidence as a witness in a case about someone else who's been charged with a criminal offence.



If you have been served with a subpoena in your capacity as an employee, speak with your manager or your organisation's legal department for advice on how to respond to the subpoena.

How to comply with a subpoena

If you've received a subpoena to *give evidence*, you must attend court on the date specified in the subpoena and provide evidence in person.

If you've received a subpoena to *give evidence and produce*, you must:

- ▶ attend court on the date specified in the subpoena to provide evidence in person AND
- ▶ produce the documents set out in the schedule of the subpoena by:
 - attending the court registry office on or before the date and time for production, as set out in the subpoena, or
 - posting or delivering the documents not less than two days before the date fixed for production in the subpoena.

To comply with a subpoena to *produce*, you must provide the documents set out in the subpoena by:

- ▶ attending the court registry office on or before the date and time for production, as set out in the subpoena, or
 - ▶ posting or delivering the documents not less than two days before the date fixed for production in the subpoena.
- "Documents" can include things like reports, assessments, closed circuit television (CCTV) footage, photographs, emails, websites, social media, records about a child or family, CDs, DVDs, objects etc.



Do not send documents to the person who asked for the subpoena to be issued. The documents must be provided to the court.

You can provide copies of documents unless the subpoena specifically requires the production of the original documents.

When producing subpoenaed documents you can ask the court to destroy the documents instead of returning them to you. Otherwise, the court must return documents in accordance with the terms set out in the subpoena.

How to object to a subpoena

If you object to a subpoena, you may make an application to the court to have the subpoena set aside in whole or in part. Acceptable reasons may include:

- ▶ the documents are not in your possession
- ▶ disclosing the information could cause harm or danger to the person or to others
- ▶ numerous irrelevant documents are requested in a short time frame
- ▶ the documents are privileged, for example, documents which came into existence as a result of a lawyer/client relationship, or
- ▶ the information requested is very broad or not specific.



Objecting to a subpoena

If you want to object to a subpoena and have a valid reason to, you must:

- ▶ contact the court registry to ask what information you will need to provide the court to evidence your reason for objecting
- ▶ complete the notice of objection form attached to the subpoena
- ▶ file the notice, a copy of the subpoena and any evidence the court registry has requested at the court registry before the 'date for production' set out in the subpoena.

Consent to share information



If you don't have grounds for objecting to a subpoena, it is **not** a breach of confidentiality to comply, even if you don't have consent from the person to share the information.



If you think certain information requested is sensitive but you do not have grounds for objecting, you can mark the specific information as sensitive and ask that the court consider limiting the disclosure of this information. For example, the court may rule that only the lawyers for a party can view the documents, before the actual party requesting the documents can have access.

I have already provided this information to Child Safety Services

Child Safety Services may ask you for information for various purposes, such as making a decision about whether a child is in need of protection, and for case planning. However, when you are subpoenaed for information in a child protection matter, the purpose is to assist the court to make an informed decision about the child. So while it may seem like you are supplying the same information, it's for a different purpose and a different audience.



If you have any legal questions about subpoenas, you should get legal advice from:

- ★ your manager
- ★ your organisation's legal department
- ★ a Legal Aid Queensland office
- ★ a community legal centre
- ★ a private law firm.

Court staff can help you with questions about court forms and the court process but cannot give you legal advice.

WRITING AN AFFIDAVIT

Revised February 2020

An affidavit is a written statement prepared by a party or witness to a child protection matter. It is the main way evidence is presented to the Childrens Court.

You may be asked to write an affidavit because information you know could assist the court to make a decision about a child protection matter.

Key facts:

- ▶ You may be asked to write an affidavit by any party to a child protection matter, including the Director of Child Protection Litigation, a separate representative for the child, or a parent.



An affidavit is a written statement, which sets out the facts in numbered paragraphs and is sworn under oath or affirmation.

- ▶ Unless you have been asked to write the affidavit as an expert witness, your affidavit should contain only what you saw or heard, rather than “hearsay” evidence or “opinion” evidence. Although in child protection matters these rules about evidence do not strictly apply, they will affect the amount of weight the magistrate or judge gives to that evidence in making his or her decision.



You may be asked to attend a hearing to answer questions about the content of your affidavit. This is to ensure the facts presented about the matter are correct.

- ▶ Affidavits allow for the person who has first-hand knowledge of the child, parent or family to give their information directly to the court. Although Child

Safety Services may present information from another professional in their own affidavit, this should only be done if it's unreasonable to get the information from a source first-hand. This is because first-hand information is given more importance by the court.

How to write an affidavit

If you have been asked to write an affidavit:

- ✓ Ensure you understand who is asking for the affidavit, what information they want you to include in it and when it must be lodged by.
- ✓ Use the correct form.
- ✓ Include your information, or facts, accurately and truthfully.
- ✓ Include all relevant facts in short, numbered paragraphs.
- ✓ Structure your affidavit, such as setting the facts out chronologically or under themed headings. You may choose to include all your information within the affidavit or you can provide brief information in the affidavit and attach the bulk of your evidence, such as a report, as an exhibit.
- ✓ You should include in the first paragraph of your affidavit, your qualifications and professional title.
- ✓ Attach relevant documents to your affidavit and label them as ‘Exhibit A’, ‘Exhibit B’, etc
- ✓ Once you have completed your affidavit, you must lodge it with the court. If you haven't already been provided with instructions on how to lodge your affidavit, contact the registry office for information on how to do this.



To find the correct form to use for your Childrens Court affidavit, go to: www.courts.qld.gov.au/about/forms

Tips for good writing:

BE PRECISE

Avoid using words such as 'usually', 'many' or 'not often'. It is better to use actual dates or times, refer to people using their full names and professional roles if applicable and specify the number of times something has occurred.

DON'T USE JUDGEMENTAL WORDS

Try not to use judgemental words such 'unfortunately' which could cause your information to appear biased or unprofessional.

PRESENT PROFESSIONAL OPINIONS

Do not include irrelevant information that does not add anything to the substance of your evidence.

Your affidavit should only include your professional opinions, do not include personal opinions.

KEEP EVIDENCE QUALIFIED

Do not include professional opinions that you are not qualified to give. For example, opinions about medical conditions should only be provided by suitably qualified professionals such as a doctor.

PROTECT YOUR PERSONAL INFORMATION

Do not include your own personal information in the affidavit as this will be accessible to everyone in the court. For example, do not include your residential address unless this is the same as your business address.



For more tips about writing an affidavit, check out the Child Safety Services' practice resource: *Writing an affidavit*: cspm.csyw.qld.gov.au/forms-templates

GIVING EVIDENCE IN COURT

Revised February 2020

You may be asked to attend court to give evidence if you have information that will help the court come to a fair decision. You may have seen or heard something relevant to the case or were involved in the events in some way. For example, you may have worked with the family so may have completed an assessment about them or have information about their progress in addressing child protection concerns.

Key facts:

- ▶ You can be asked to give evidence by any party to the proceedings, including the Director of Child Protection Litigation, a parent, or a lawyer for one of the parties.
- ▶ You can be asked questions about what you know by lawyers for any of the parties. This is to ensure the facts presented about the matter are correct.
- ▶ If you have documents relevant to the case you may be asked to bring these with you too.
- ▶ You may be asked to give evidence as a witness of fact or as an expert witness.



You may be asked informally to give evidence or you may be compelled to by an order of the court called a subpoena.

What is an 'expert witness'?



If you have been asked to be a witness because of your specialist knowledge, this is called being an expert witness.

In some cases a party in a child protection matter may request a person, such as a doctor or psychologist, who is a specialist in a subject to provide their expert opinion on an aspect of the case. Such people may become an expert witness if they are qualified in their area of expertise, training and specialised knowledge.

You may be asked to go to court as an expert witness to provide specialist advice about the evidence presented.

What is a 'witness of fact'?



A witness of fact is a person who has information that could be useful in a case being heard in court.

This information is called evidence. Giving evidence is sometimes called testifying.



You may be asked to be a witness of fact in the Childrens Court if you have seen or heard about an event which is related to a child protection matter and you are able to say how it happened.

Preparing to attend court

If you have been asked to attend court as a witness:

- ▶ consider obtaining legal advice from your organisation, a community legal centre or a private law firm
- ▶ understand why you are going and what information you will be asked about. If in doubt, speak with the child safety officer (CSO) or the legal representative of the party who has asked you to give evidence
- ▶ find out what time the case will be heard and in which courtroom and court
- ▶ consider taking with you notes about what you want to say and/or a copy of your affidavit if you have written one. You will be asked questions about your affidavit and have a chance to have your say.

Attending court

When you attend court:

- ▶ dress professionally such as wearing:
 - a suit or jacket (but not essential)
 - collared button up shirt (make sure it is buttoned to an appropriate point)
 - pants or a skirt at or below knee level
 - clean closed in shoes
- ▶ arrive before the scheduled time so you can find the court room and meet with anyone you need to speak to such as the legal representative of the party that asked you to give evidence
- ▶ do not enter the courtroom until you are called to give your evidence as child protection matters are heard in closed courts. You can wait outside or somewhere known to the legal representative of the party that asked you to give evidence
- ▶ don't talk to other witnesses about the case before you, and they, have given evidence as this could prejudice the proceedings
- ▶ turn your mobile phone off.

In the court room

When you have been asked to enter the court room:

- ▶ stand at the doorway and bow your head to the Coat of Arms behind the judge or magistrate as a sign of respect when entering or leaving the courtroom
- ▶ someone will show you where to sit in the witness box
- ▶ be prepared to either swear or affirm that you will tell the truth

- ▶ call the magistrate or judge 'Your Honour'
- ▶ always act in a way that reflects the dignity of the court and the seriousness of the matter
- ▶ stand quietly whenever the magistrate or judge is entering or exiting the courtroom
- ▶ remember that the court is focused on what is in the best interests of the child.



If you don't understand something, you can ask the magistrate or judge to explain it to you.



Be aware that anything you say may be used to make the final decision about the child.

Tips for giving evidence

The lawyers for each party may ask you questions about what you know.



If you have written an affidavit, they can only ask you questions about information contained within your affidavit unless you raise other information voluntarily.

Only answer the questions they ask you, take your time, keep calm and answer each question clearly.

If you don't understand a question or you didn't hear it properly, ask them to repeat it.

If you feel upset or distressed, pause; you can ask for a break if you need to. Continue with your evidence only when you are ready. It's important everyone in the court hears and understands your evidence.

Always tell the truth when you answer questions. It is a crime—perjury—to lie in court.

When you finish giving evidence you will be released from your oath, and asked to stand down and leave the witness box.



For more information about court processes, check out the Queensland Family and Child Commission's fact sheets *Subpoenas* and *Participating in court processes* at: www.qfcc.qld.gov.au/find-resource/education-resources

