

CHAPTER 7

Fatal assault and neglect

This chapter provides details of child deaths from assault and neglect.

KEY FINDINGS

- Nine children died as a result of suspected or confirmed assault and neglect in Queensland during 2015 – 16 at a rate of 0.8 deaths per 100 000 children aged 0–17 years. The number of child deaths from assault and neglect recorded over the 12 years since 2004 ranges from 4 to 14 with an average of 8.6 per year.
- Six children were alleged to have been killed by a family member during 2015 – 16 and 2 children were alleged to have been killed by a non-family member. The category for the remaining death was yet to be determined. Over the last three reporting periods, 25 of the 29 fatal assault and neglect cases were classified as intra-familial (86%).
- Of the 6 children alleged to have been killed by a family member, 5 of these deaths were identified as domestic homicide. There was insufficient detail to determine whether the other death was domestic homicide, fatal child abuse or fatal neglect.
- Of the 2 children alleged to have been killed by a non-family member, these deaths were identified as peer or acquaintance homicides.
- None of the children who died from assault or neglect during 2015 – 16 were Aboriginal or Torres Strait Islander. Over the last three reporting periods, the rate of fatal assault and neglect for Indigenous children is 10 times the rate for non-Indigenous children. This is greater than the historical level of over-representation, due to a single incident involving multiple fatalities from a prior year.
- Four of the children who died as a result of assault or neglect during 2015 – 16 were known to the child protection system in the 12 months prior to their death.

FATAL ASSAULT AND NEGLECT 2013 – 16

An expanded version of Table 7.1 containing data since 2004 is available online at www.qfcc.qld.gov.au.

Table 7.1: Summary of deaths from assault and neglect of children and young people in Queensland 2013 – 16

	2013 – 14		2014 – 15		2015 – 16		Yearly average
	Total n	Rate per 100 000	Total n	Rate per 100 000	Total n	Rate per 100 000	Rate per 100 000
All assault and neglect deaths							
Fatal assault and neglect	6	0.5	14	1.3	9	0.8	0.9
Sex							
Female	3	*	4	0.7	6	1.1	0.8
Male	3	*	10	1.7	3	*	0.9
Age category							
Under 1 year	5	7.8	2	*	1	*	4.3
1–4 years	0	0.0	4	1.6	1	*	0.7
5–9 years	0	0.0	5	1.6	2	*	0.7
10–14 years	1	*	3	*	3	*	0.8
15–17 years	0	0.0	0	0.0	2	*	*
Aboriginal and Torres Strait Islander status							
Indigenous	4	4.7	9	10.4	0	0.0	5.0
Non-Indigenous	2	*	5	0.5	9	0.9	0.5
Geographical area of usual residence (ARIA+)							
Remote	1	*	0	0.0	2	*	*
Regional	3	*	12	2.9	1	*	1.3
Metropolitan	2	*	2	*	6	0.9	0.5
Socio-economic status of usual residence (SEIFA)							
Low to very low	5	1.1	12	2.7	2	*	1.4
Moderate	1	*	0	0.0	2	*	*
High to very high	0	0.0	2	*	5	1.1	0.5
Known to the child protection system							
Known to the child protection system	4	2.4	1	*	4	4.7	..
Category of fatal assault and neglect							
Intra-familial	6	0.5	13	1.2	6	0.5	0.7
<i>Neonaticide</i>	1	*	1	*	0	0.0	*
<i>Fatal child abuse</i>	4	0.4	3	*	0	0.0	0.2
<i>Domestic homicide</i>	1	*	9	0.8	5	0.4	0.4
<i>Fatal neglect</i>	0	0.0	0	0.0	0	0.0	0.0
<i>Other intra-familial assault</i>	0	0.0	0	0.0	1	*	*
Extra-familial	0	0.0	1	*	2	*	*
<i>Intimate partner homicide</i>	0	0.0	0	0.0	0	0.0	0.0
<i>Peer homicide</i>	0	0.0	0	0.0	1	*	*
<i>Acquaintance homicide</i>	0	0.0	1	*	1	*	*
<i>Stranger homicide</i>	0	0.0	0	0.0	0	0.0	0.0
<i>Other extra-familial assault</i>	0	0.0	0	0.0	0	0.0	0.0
Yet to be determined	0	0.0	0	0.0	1	*	*

Data source: Queensland Child Death Register (2013 – 16)

* Rates have not been calculated for numbers less than four.

.. Average across the three-year period has not been calculated due to the break in series (see note 3).

1. Data presented here is current in the Queensland Child Death Register as at August 2016 and thus may differ from those presented in previously published reports.
2. Rates are based on the most up-to-date denominator data available and are calculated per 100 000 children (in the sex/age/Indigenous status/ARIA+ region/SEIFA region) in Queensland each year. Rates for the 2013 – 14 period use the ERP data as at June 2013 and rates for the 2014 – 15 and 2015 – 16 periods use the ERP data as at June 2014.
3. For 2013 – 14, the number of children known to the child protection system represents the number of children whose deaths were registered in the reporting period, who were known to the DCCSDS within the three-year period prior to their death. From 2014 – 15 on, this relates to the deaths of children known to the DCCSDS within the one-year period prior to their death. The denominator for calculating rates is the number of children aged 0–17 who were known to the DCCSDS, through either being subject to a child concern report, notification, investigation and assessment, ongoing intervention, orders or placement, in the one-year period prior to the reporting period.
4. Yearly average rates have been calculated using the ERP data as at June 2014.

DEFINING FATAL ASSAULT AND NEGLECT

Deaths are categorised as fatal assault or neglect. This includes suspicious deaths where information available to the QFCC indicates a homicide investigation was initiated, or where an alleged perpetrator was charged, or the alleged perpetrator is known but deceased.

‘Fatal assault’ is defined in this report as a death where a child dies at the hands of another person who has inflicted harm to them through some means of force or physical aggression.³⁸ ‘Fatal neglect’ is defined as a death where a child who is dependent on a caregiver for the basic necessities of life dies owing to the failure of the caregiver to meet the child’s ongoing basic needs.

The definitions are intended to be child-focused insofar as the perpetrator’s intention is not relevant—the definition includes instances of violence or neglect leading to the child’s death even though the perpetrator may not have intended such an outcome—as well as instances where the perpetrator intended to kill the child.³⁹

It is important to note that assault and neglect are not necessarily exclusive categories. For example, a child’s death may be the culmination of a series of violent and neglectful acts perpetrated against them. Where more than one type of fatal assault and neglect was identified for the child at the time of death, a primary type of fatal assault or neglect in relation to the cause of death is identified for the child for reporting purposes.

The online supplementary materials (Abbreviations and definitions) provides definitions for the various categories of fatal assault and neglect, which are listed in Table 7.1.

Coronial findings and criminal proceedings

At the time of reporting, there were no coronial findings for any of the 9 child deaths in 2015 – 16. Criminal proceedings were underway for 4 of the deaths and for 3 deaths the alleged perpetrators had suicided in conjunction with the deaths.

Screening criteria have been used to establish the level of confirmation of fatal assault and neglect that applies to relevant child deaths.⁴⁰ Of the 9 fatal assault and neglect deaths, 6 were assessed as confirmed, 2 were assessed as probable and 1 was assessed as possible. The level of confirmation is subject to ongoing police and coronial investigations and is dependent upon information available to QFCC at the time of reporting.

38 Deaths where a person has been charged with driving offences resulting in the death of a child are currently excluded from the definition of fatal assault and neglect (with the exception of murder charges). These cases are counted in Chapter 3, Transport.

39 These definitions have been adapted from Lawrence, R. (2004). ‘Understanding fatal assault of children: a typology and explanatory theory’, *Children & Youth Services Review*, 26, 837–852

40 See the online supplementary materials for further details regarding the fatal assault and neglect screening criteria.

FATAL ASSAULT AND NEGLECT: FINDINGS 2015 – 16

During 2015 – 16, 9 deaths of children and young people from confirmed or suspected assault or neglect were registered in Queensland, at a rate of 0.8 deaths per 100 000 children aged 0–17 years. The number of child deaths from assault and neglect registered since reporting commenced in 2004, ranges from 4 to 14 per year, with an average of 8.6 per year.⁴¹

Six children in 2015 – 16 were alleged to have been killed by a family member (intra-familial) and 2 children were alleged to have been killed by a non-family member (extra-familial). The category for the remaining death was yet to be determined. Over the last three reporting periods, 25 of the 29 fatal assault and neglect cases were classified as intra-familial (86%).

Of the 6 children alleged to have been killed by a family member during 2015 – 16, 5 deaths were identified as domestic homicide. The other death was identified as 'other intra-familial', as there was insufficient detail to determine whether the death was domestic homicide, fatal child abuse or fatal neglect. Of the 6 children alleged to have been killed by a family member, the alleged perpetrator was a parent or carer in 5 cases.

Of the 2 children alleged to have been killed by a non-family member during 2015 – 16, these deaths were identified as peer or acquaintance homicides.

Sex

During 2015 – 16, there were 6 deaths of female children from assault and neglect, compared to 3 male children. Over the last three reporting periods, 16 of the 29 children who died from assault or neglect were males (55%).

Age

The fatal assault and neglect deaths in 2015 – 16 were spread across all age categories. Over the last three reporting periods, the rate of fatal assault and neglect for infants was considerably higher than for all other age groups, (4.3 deaths per 100 000 children aged under 1 year, compared to rates lower than 0.9 deaths per 100 000 for children from the other age groups), reflecting a greater degree of vulnerability.

Aboriginal and Torres Strait Islander status

Of the 9 child deaths from assault and neglect during 2015 – 16, none were of Aboriginal and Torres Strait Islander children.

Over the last three reporting periods, the average annual rate of fatal assault and neglect for Indigenous children was 10.0 times the rate for non-Indigenous children (5.0 deaths per 100 000 Indigenous children aged 0–17 years, compared to 0.5 deaths per 100 000 non-Indigenous children). Over-representation of Indigenous children can be observed in the 12 years since reporting commenced. However over-representation for the current three-year period is substantially greater than the historical level due to a single incident involving multiple fatalities in 2014 – 15.

⁴¹ Tables with data for 2004 – 16 are available online at www.qfcc.qld.gov.au

Geographic area of usual residence (ARIA+)

Of the 9 child deaths from assault and neglect during 2015 – 16, 2 were of children who resided in remote areas of Queensland, 1 was of a child from a regional area and 6 were of children from metropolitan areas.

Socio-economic status of usual residence (SEIFA)

Of the 9 child deaths from assault and neglect during 2015 – 16, 2 were of children who resided in low to very low SES areas of Queensland, 2 were of children from moderate SES areas and 5 were of children from high to very high SES areas.

Children known to the child protection system

Of the 9 child deaths from assault and neglect during 2015 – 16, 4 were of children known to the Queensland child protection system within the year before their death.

WHEN A CHILD IS MISSING

In November 2015, the Premier requested the QFCC undertake a whole-of-government systems review into children missing from out-of-home care following the disappearance and death of Tiahleigh Palmer. The Premier asked two things when calling for this review - could more have been done when concerns were first raised about Tiahleigh's disappearance and how can systems be improved to provide timely and appropriate information that is actioned responsively when critical incidents occur.

The review⁴² examined current legislative frameworks, policies and guidelines for key government agencies in sharing information and responding when a child in out-of-home care is missing or absent from their placement. The QFCC worked closely with government agencies including, the Queensland Police Service, the DCCSDS, the Department of Education and Training, Queensland Health, the Office of the Public Guardian and the Department of Science, Information Technology and Innovation. The QFCC also worked with non-government agencies throughout the review, specifically Bravehearts, CREATE Foundation, Foster Care Queensland, the Family Inclusion Network and the Queensland Aboriginal and Torres Strait Islander Child Protection Peak.

The review contains 29 recommendations to achieve whole-of-government system improvements in responding to children missing from out-of-home care. The recommendations are designed to provide quality systems and improved responses through revised policies and procedures, a marked cultural shift across agencies, enhanced media campaigns and improved information sharing between agencies. Work is underway to implement the recommendations under the oversight of the QFCC.

42 The State of Queensland (QFCC). *When a child is missing: Remembering Tiahleigh—A report into Queensland's children missing from out-of-home care* (2016)

VULNERABILITY CHARACTERISTICS

Vulnerability characteristics in relation to the deceased child, their family and the alleged perpetrator are presented in Table 7.2. This table presents data in relation to the 8 assault and neglect death incidents from 2015 – 16, rather than the 9 individual child deaths.

Table 7.2: Types of vulnerability characteristics for fatal assault and neglect 2015 – 16

Vulnerability characteristics	Incidents <i>n</i>
Of the child	
Mental health issues of the child	0
History of alcohol or drug use of the child	1
Behaviour or school engagement issues of the child	0
Criminal history of child	1
History of self-harm of the child	1
History of physical/emotional abuse or neglect of the child (unknown to the child protection system)	0
History of sexual abuse of the child (unknown to the child protection system)	1
Intellectual or physical disability of the child	0
A known serious medical condition of the child	0
Of the child's family	
The child was known to the Queensland child protection system within 1 year of their death	4
The child was in out-of-home care at the time of their death	2
At least one of the child's parents or carers had history of mental health issues	0
At least one of the child's parents or carers had a history alcohol or drug abuse	1
The child's family had a domestic violence history	1
At least one of the child's parents or carers had a criminal history	0
At least one of the child's parents or carers had an intellectual or physical disability	0
At least one of the child's parents or carers had a pre-existing medical condition	1
A sibling is known to have died in the same incident as the child	1
A sibling is known to have previously died from a similar category of death to the child	0
Of the alleged perpetrator/s	
Alleged perpetrator/s had a mental health issue	1
Alleged perpetrator/s used drugs and/or alcohol immediately prior to the incident	0
Alleged perpetrator/s had a domestic violence history	1
Alleged perpetrator/s had a criminal history	0
Alleged perpetrator/s had an intellectual or physical disability	0
Alleged perpetrator/s had a pre-existing medical condition	1

Data source: Queensland Child Death Register (2015 – 16)

1. Vulnerability characteristic findings are based on information available to the QFCC at the point in time that analysis was conducted. The absence of evidence of vulnerability characteristics in the information relied upon does not mean that vulnerability characteristics were not present.
2. A history of a particular vulnerability characteristic refers to any known history of that characteristic and does not mean that the behaviours were active at the time of the death incident.
3. The presence of a mental health issue does not indicate the perpetrator meets the threshold for any consideration of presence of state of mind in any criminal charges or court matters relating to the death incident.