

Appendix 1 Child protection processes in States and Territories

Overview and explanatory notes for Appendix 1

Appendix 1 presents information gathered relating to child protection processes in Australian States and Territories in graphical and table formats.

Table A1.1 provides information about the tasks that constitute an investigation in each jurisdiction. The data presented were gathered in a brief survey instrument provided to each NCPASS member. Members were presented with a list of tasks and asked to identify if the task was performed before or during the investigation stage. Members were also asked if the frequency of the task being performed was 'Never', 'Sometimes' or 'Always'. Responses are presented in the table. The survey also asked NCPASS members to identify those components that usually constituted an investigation and also the minimum components that would constitute an investigation. Table A1.2 shows the usual and minimum components of the investigation process for each jurisdiction.

Figures A1.1–A1.8 are representations of the child protection systems in each State and Territory, presented in the proposed generic framework discussed in Chapter 3, separated into stages under the proposed generic labels. Each diagram is accompanied by a description of the processes undertaken during each stage in each jurisdiction, incorporating the terminology used in that jurisdiction.

Table A1.1: Tasks that constitute an investigation in each jurisdiction

Components of an investigation		New South Wales		Victoria		Queensland		Western Australia		South Australia		Tasmania		Australian Capital Territory ^(a)		Northern Territory	
		Stage	Freq.	Stage	Freq.	Stage	Freq.	Stage	Freq.	Stage	Freq.	Stage	Freq.	Stage	Freq.	Stage	Freq.
1	Check information systems for previous client contact	Before	A	Before and During	A	Before	A	Before	A	Before	A	Before	A	Before	A	Before and During	A
2	Obtain information regarding child/family from other agencies or individuals	During	S	Before and During	S	During	A	During	S	Before	S	During	A	Before and During	S	Before and During	S
3	Take part in discussions – obtain input from other relevant agencies	Before	S	Before and During	S	During	S	During	S	Before and During	A	During	S	Before and During	S	During	S
4	Interview/sight subject child	During	A	During	A	During	A	During	A	During	A	During	A	During	U	During	A
5	Identify injuries and determine risk of injury	During	A	During	A	During	A	During	A	During	A	During	A	During	A	During	A
6	Interview parents	During	A	During	A	During	A	During	S	During	A	During	S	During	U	During	A
7	Assess situation of all family members in the house	During	S	During	A	During	A	During	S	During	A	During	S	During	S	During	S
8	Assess protective needs of the subject child and other family members	During	A	During	A	During	A	During	A	During	A	During	S	During	A	During	A

(a) The Australian Capital Territory survey response recorded a frequency of 'usually' (U) in some questions. This value was not within the list of values requesting frequency.

Notes

1. Stage: Before investigation = Before; During investigation = During.
2. Frequency: Always = A; Sometimes = S; Never = N.

Table A1.2: Usual and minimum components of an investigation in each jurisdiction

State/Territory	Usual components	Minimum components
New South Wales	2,3,4,5,6,7,8	2
Victoria	1,2,3,4,5,6,7,8	1,2,3,4,5
Queensland	1,2,4,5,6,7,8	1,4,5,6,8
Western Australia	1,2,3,4,5,6,7,8	1,4,5,8
South Australia	3,4,5,6,7,8	3,4,5,6,7,8
Tasmania	1,2,3,4,5,6,7,8	1,2,4
Australian Capital Territory	1,2,3,4,5,6,7,8	1,2
Northern Territory	1,2,4,5,6,7,8	1,4,5,6,8

Notes

- 1 = Check information systems for previous client contact.
- 2 = Obtain information regarding child/family from other agencies or individuals.
- 3 = Take part in discussions—obtain input from other relevant agencies.
- 4 = Interview/sight subject child.
- 5 = Identify injuries and determine risk of injury.
- 6 = Interview parents.
- 7 = Assess situation of all family members in the house.
- 8 = Assess protective needs of the subject child and other family members.

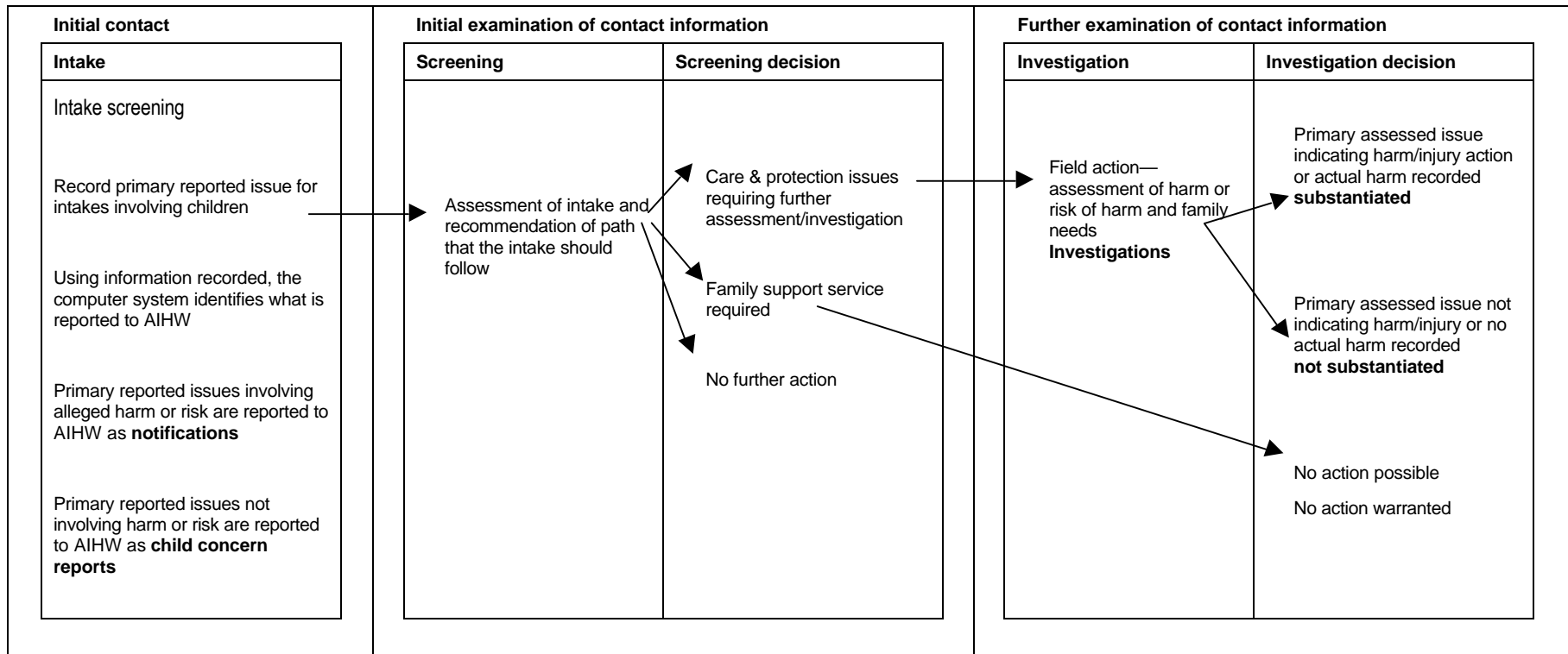


Figure A1.1: New South Wales processes

New South Wales

Initial contact

Intake

The initial contact with the agency results in intake screening. For intakes involving children a primary reported issue is recorded. The primary reported issues are classified by the agency computer system into those where harm/injury to the child is alleged or where there is a risk. These intakes are reported to AIHW as notifications.

Other intakes involving children where the primary reported issue is not categorised as alleging harm or a risk of harm are reported to AIHW as child concern reports.

Initial examination of contact information

Screening

The assessment of intakes involves obtaining available information from the caller, other agencies and/or professionals to determine the validity of the allegation and to assist in determining the path the intake should follow.

Screening decision

Where the assessment identifies that the alleged harm or risk of harm is likely to have occurred, continuing involvement will be deemed necessary in the form of field actions. Cases where the assessment identifies that family support services are required will be directed along that path and in some instances the assessment will identify that no further action is required.

Further examination of contact information

Investigation

Where care and protection issues for further assessment and investigation are identified they are subjected to field action which involves the officer making attempts to see the subject child and caregiver to determine actual (assessed) harm or risk of harm and to enable appropriate actions to ensure the comfort and safety of the child. These intakes are reported to AIHW as investigations.

Investigation decision

The field action leads to the recording in the agency information system of primary assessed issue, as well as harm or actual injuries. Where primary assessed issue indicates a harm/injury action or if an actual harm is recorded, it is reported to AIHW as substantiated. Where the primary assessed issue does not indicate harm or injury and where no actual harm is recorded, it is reported to AIHW as not substantiated.

A further outcome dealt with by other means is reported only by New South Wales. It is derived not from primary assessed issues or actual harm recorded but from outcome information with respect to the assessment/investigation.

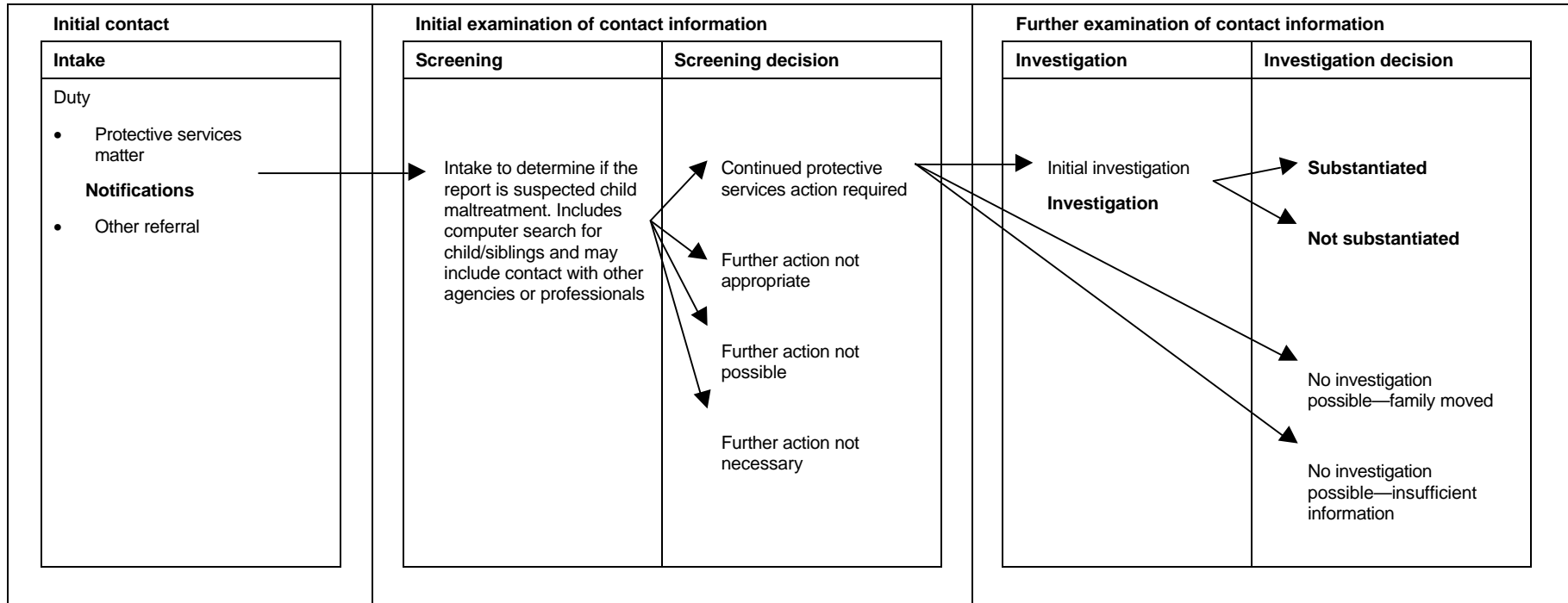


Figure A1.2: Victorian processes

Victoria

Initial contact

Intake

The first point of contact between an individual and the agency is referred to as 'duty'. Duty is usually undertaken by a child protection duty worker and results in the contact being designated as a 'protective services referral' or an 'other referral'. All duty classified as protective services referrals are reported to AIHW as notifications.

Initial examination of contact information

Screening

The initial action referred to as 'intake' involves an intake worker discussing the notification with the inquirer to determine if the report is suspected child maltreatment (circumstances fall within legal definition) or not. The information system is also searched for the child or their siblings and contact with other agencies may also take place.

The goal of this stage is to determine if continued protective services are warranted.

Screening decision

Where the intake identifies that the notification does not fit within the definition of maltreatment, an outcome of 'further action not appropriate' is recorded. Where the intake worker was unable to obtain from the caller the identity of the child, an outcome of 'further action not possible' is recorded. Where it is determined that the protective concerns identified at intake are minor and can be managed through community supports and/or specialised services, an outcome of 'further action not necessary' is recorded.

Intakes that require continued protective services involvement are directed towards an initial investigation.

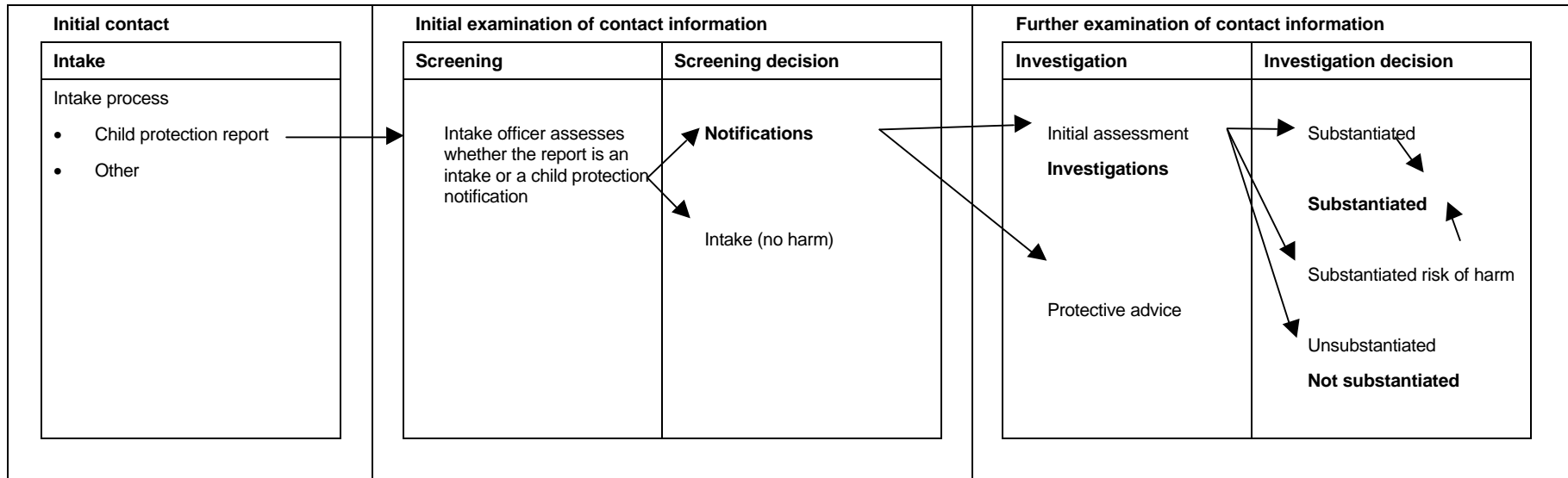
Further examination of contact information

Investigation

The initial investigation involves a departmental officer in direct contact with the child subject of the notification and their family. The objective is to investigate the child's situation and to determine the best way to ensure their safety and wellbeing. Contact with other agencies may also be involved. Initial investigations are reported to AIHW as investigations.

Investigation decision

The initial investigation can lead to 'substantiated' or 'not substantiated' outcomes. Both of these are reported to AIHW. In instances where an investigation was not possible because the family involved had moved or insufficient information meant they could not be located, outcomes of no investigation possible – family moved, or no investigation possible – insufficient information, would be recorded.



Note: Initial contact and initial examination of contact information are considered to be a single process in Queensland.

Figure A1.3: Queensland processes

Queensland

Initial contact

Intake

The intake process records the referral of a client or a client's request for a service and involves the gathering of information from the client or referee. All intakes are subjected to an initial assessment to determine if they are to become notifications.

Initial examination of contact information

Screening

The assessment information determines if the child/children involved in the referral have suffered harm or are at risk of suffering harm. This determination is made from the information provided at intake. No external checking is undertaken at this stage.

Screening decision

Where the assessment has determined that a child/children have been harmed or are at risk of harm, these are recorded as notifications and are reported to AIHW as notifications.

Where no concerns about harm or risk of harm are identified through the assessment, the referral or request is designated as intake (no harm).

Further examination of contact information

Investigation

A senior officer studies details of notifications and determines, based on the level of harm or risk of harm to the child/children, if the notification is to be subjected to an initial assessment or if protective advice only will be offered. Initial assessments are reported to AIHW as investigations.

Investigation decision

The initial assessment can lead to three types of outcomes. Substantiated outcomes encompass substantiated and substantiated risk of harm and are reported to AIHW as substantiated. The second outcome type is unsubstantiated and is reported under that title to AIHW. Thirdly, there are a number of administrative outcomes where investigations could not be completed or undertaken, etc.

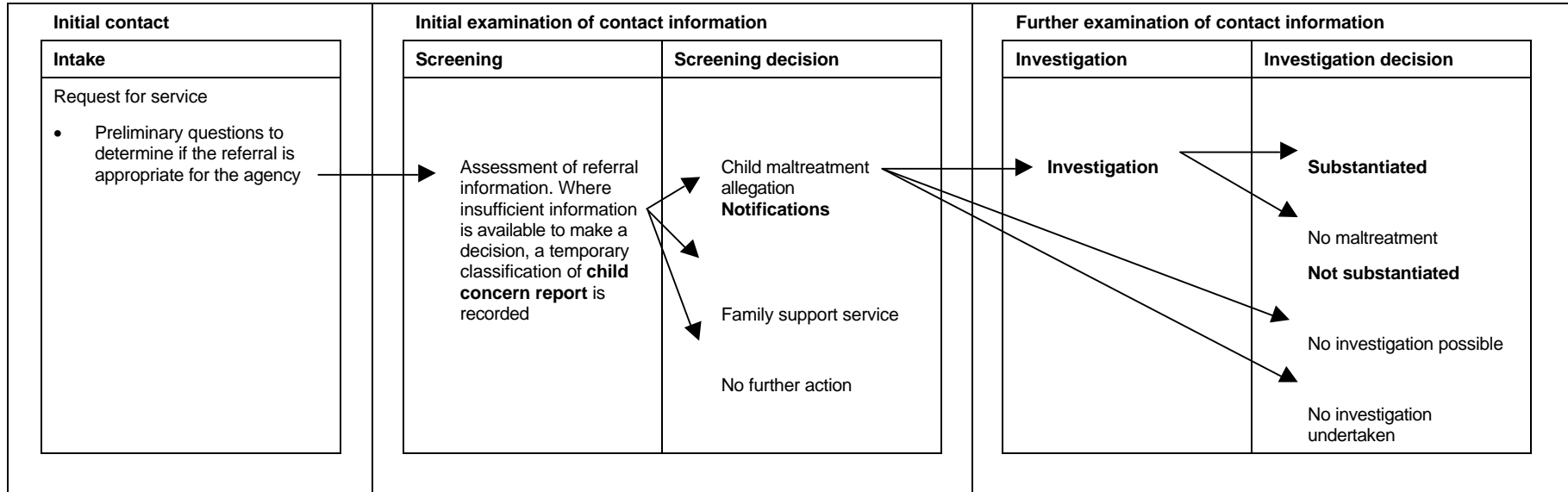


Figure A1.4: Western Australian processes

Western Australia

Initial contact

Intake

A request for service results in an experienced intake officer asking questions of the client or caller to establish if the referral is appropriate for the agency or if it should be redirected.

Initial examination of contact information

Screening

This stage is referred to as assessment and involves the obtaining of further information from other sources, such as school, hospital, departmental records, to build a full understanding of the case. An urgency of required response is also determined. The assessment leads to the classification of the contact into a departmental reason for contact.

During the assessment stage in instances where insufficient information is available on which to make any decision about the classification of a contact, it can be temporarily classified as a child concern report pending further assessment. However, the outcome of this temporary classification must be that it become a child maltreatment allegation, it be classified as a family support contact, or no further action be taken. The percentage of child concern reports that become child maltreatment allegations is quite small (less than 10% in 1997–98). Child concern reports are reported to AIHW under that title.

Screening decision

The assessment results in one of three outcomes. Where the assessment has identified that the child/children have been subject to, or are at risk of maltreatment and the severity of which has, or is likely to, result in significant harm, a classification of child maltreatment allegation reason for contact is made. Child maltreatment allegations are reported to AIHW as notifications.

The second outcome that can result from an assessment is for the contact to be allocated a reason relating to family support. It is possible also for no further action to be taken following the assessment.

Further examination of contact information

Investigation

Further action is referred to as an investigation and usually involves seeing the child and the child's parents/guardian, assessment of harm or risk of harm, assessment of the safety of the child/children and the assessment of family needs. These cases are reported to AIHW as investigations.

Investigation decision

The investigation leads to outcomes of substantiated or no maltreatment. These are reported to AIHW as substantiated and not substantiated respectively. Other outcomes for a notification could be where a decision was made that there would be no investigation, referred to as no investigation undertaken, or where an investigation was deemed to be appropriate but could not be undertaken, which are designated no investigation possible.

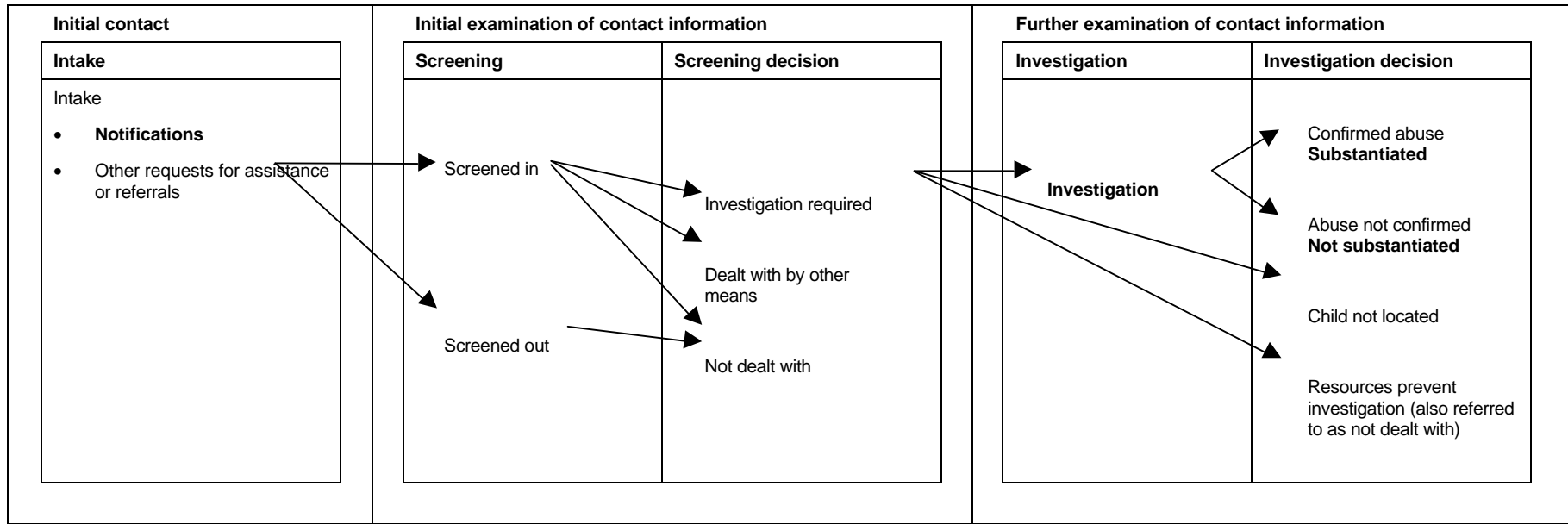


Figure A1.5: South Australian processes

South Australia

Initial contact

Intake

The intake process results in some requests for assistance or referrals to the agency being designated as a child protection referral. All referrals involving children where the caller believes there are child protection issues are recorded as notifications. The total notifications for a reporting period are reported to AIHW.

Initial examination of contact information

Screening

A Central Intake Team operates 24 hours a day, staffed by qualified social workers with child protection experience. This structure results in a high quality initial assessment of child protection notifications. Two tools are used to undertake the assessment and identify safety requirements. The assessment results in notifications being either screened in for possible further action or screened out. Screened out notifications are those where the Central Intake Team does not accept that the information provided by a caller amounts to a child protection referral requiring departmental action. These are designated as 'notifier concerns'.

Screening decision

Notifications screened in are allocated a tier classification identifying the urgency of required response at field level. Of those referrals screened in, Tier 1 and Tier 2 notifications follow an investigation path. Those screened in deemed dealt with by other means, Tier 3, follow an alternative response path. Some referrals may be considered to be extra-familial, which require police follow-up rather than departmental follow-up.

Screened out notifications, deemed not dealt with, are referrals where there are no grounds for departmental investigation (i.e. the child is safe and the parents are protective). It is possible in some circumstances for screened notifications in Tiers 1, 2 and 3 not to be dealt with but this is rare.

Further examination of contact information

Investigation

Further action includes investigation or family meeting. Although intake is a central process, all investigations are undertaken by field officers. Tier 1 notifications require a further detailed safety assessment as part of the investigation and, where identified as appropriate, the assessment is completed for Tier 2 cases also. Tier 1 and Tier 2 notifications where an investigation has been/is being undertaken are reported to AIHW as investigations.

Investigation decision

Investigation outcomes are abuse confirmed, or abuse not confirmed, reported respectively as substantiated and not substantiated to AIHW. In instances where an investigation is required but the department is unable to locate the child, an outcome of child not located is recorded. For some notifications where the intake process has identified that an investigation is warranted, no investigation is undertaken due to lack of resources. An outcome is recorded to reflect this.

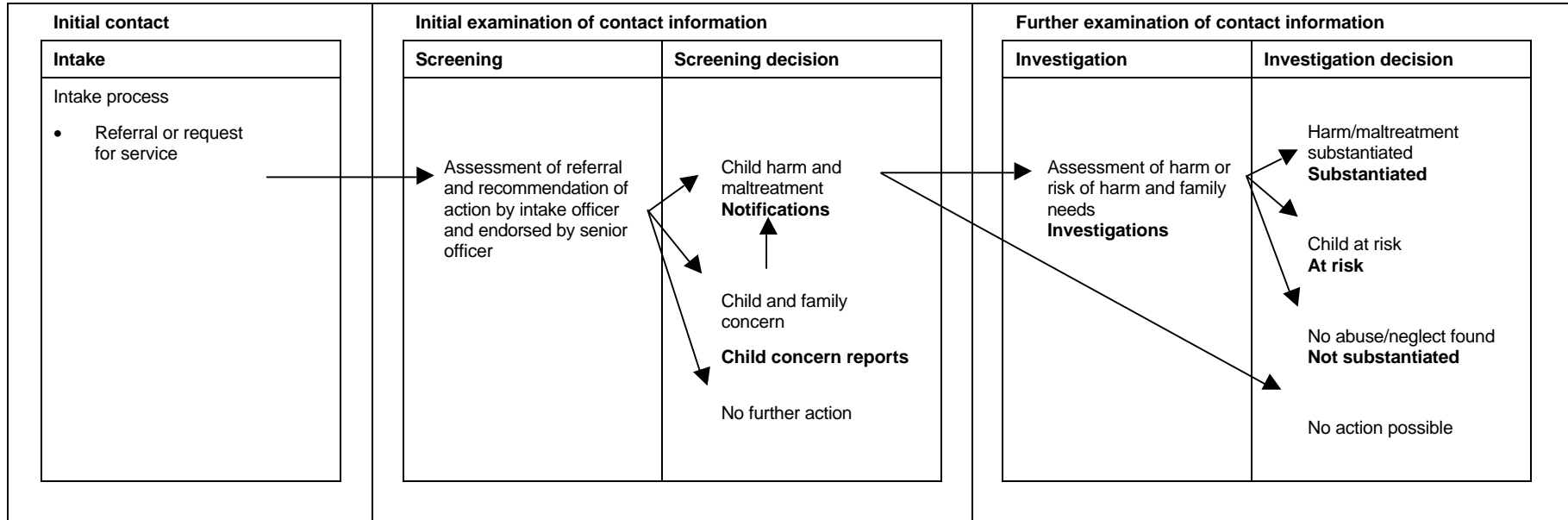


Figure A1.6: Tasmanian processes

Tasmania

Initial contact

Intake

The intake process records the referral of a client or a client's request for a service. No decision is made with respect to a referral being a notification at this stage, only whether it is appropriate to be dealt with by the agency.

Initial examination of contact information

Screening

All requests for assistance or referrals are subjected to an initial assessment. The initial assessment is conducted by an experienced staff member and includes a decision about classification of the request/referral, a decision about urgency of response and a recommended plan for action. All of these decisions are endorsed or amended by a senior officer.

Screening decision

The initial assessment results in one of three outcomes. Where the initial assessment has identified the need to determine whether or not maltreatment has occurred and of protecting the child, it is recorded as child harm and maltreatment. All child maltreatment and harm requests and referrals are reported to the AIHW as notifications.

Where concerns about the welfare of the child are raised or where the precise nature of the issue or problem is not clear and requires further assessment, an outcome of child and family concern is recorded. Child and family concerns can lead to child harm and maltreatment outcomes on further assessment. Request and referrals with the child and family concern outcome from the initial assessment are reported to AIHW as child concern reports. Initial assessment can also result in an outcome of no further action.

Further examination of contact information

Investigation

Further action is referred to as assessment of harm or risk of harm, assessment of the safety of the child/children and the assessment of family needs. These cases are reported as being investigations to AIHW.

Investigation decision

Assessment of harm or risk of harm can result in outcomes of harm/maltreatment substantiated which are reported to AIHW as substantiated, child at risk reported to AIHW as at risk, and no abuse/neglect found which are reported to AIHW as not substantiated.

For some cases where the initial assessment has resulted in a child harm and maltreatment outcome, no assessment of harm or risk of harm can be undertaken. These have an outcome of no action possible recorded.

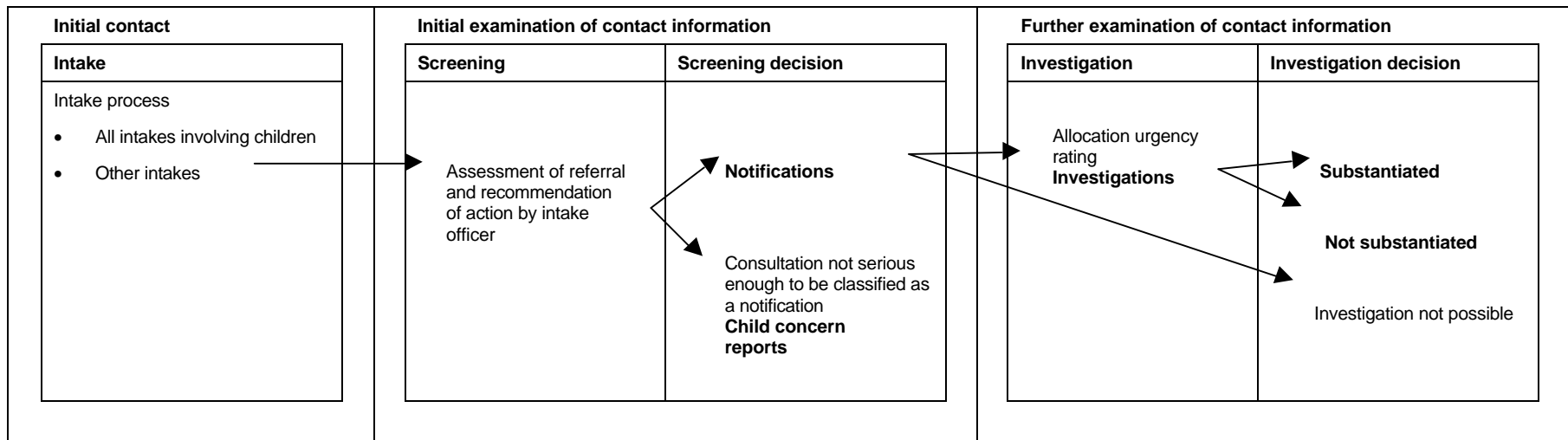


Figure A1.7: Australian Capital Territory processes

Australian Capital Territory

Initial contact

Intake

The intake process records the referral of a client or a client's request for a service and involves the gathering of information and the checking of the client's previous history with the agency. No decision is made with respect to a referral being a notification at this stage.

Initial examination of contact information

Screening

The intake worker makes an appraisal of the information and recommends whether the information will be recorded as a formal notification of child abuse and neglect, or will remain classified as a consultation. Most consultations are less serious and do not involve further action.

Screening decision

For those cases where statutory involvement is warranted, an outcome of notification is recorded. These intakes are reported to AIHW as notifications.

In instances where the intake officer assesses that statutory involvement is not required, an outcome of consultation is recorded. The intakes that result in a consultation outcome are reported to AIHW as child concern reports.

Further examination of contact information

Investigation

A supervisor studies recommendations regarding intakes and, for those which are recorded as notifications, determines if an investigation is to take place and also allocates an urgency of response rating. Those notifications investigated involve the gathering of further information and are reported to AIHW as investigations.

Investigation decision

Investigation leads to outcomes of substantiated or not substantiated, both of which are reported to AIHW.

Notifications not subjected to an investigation can result in outcomes of investigation not possible.

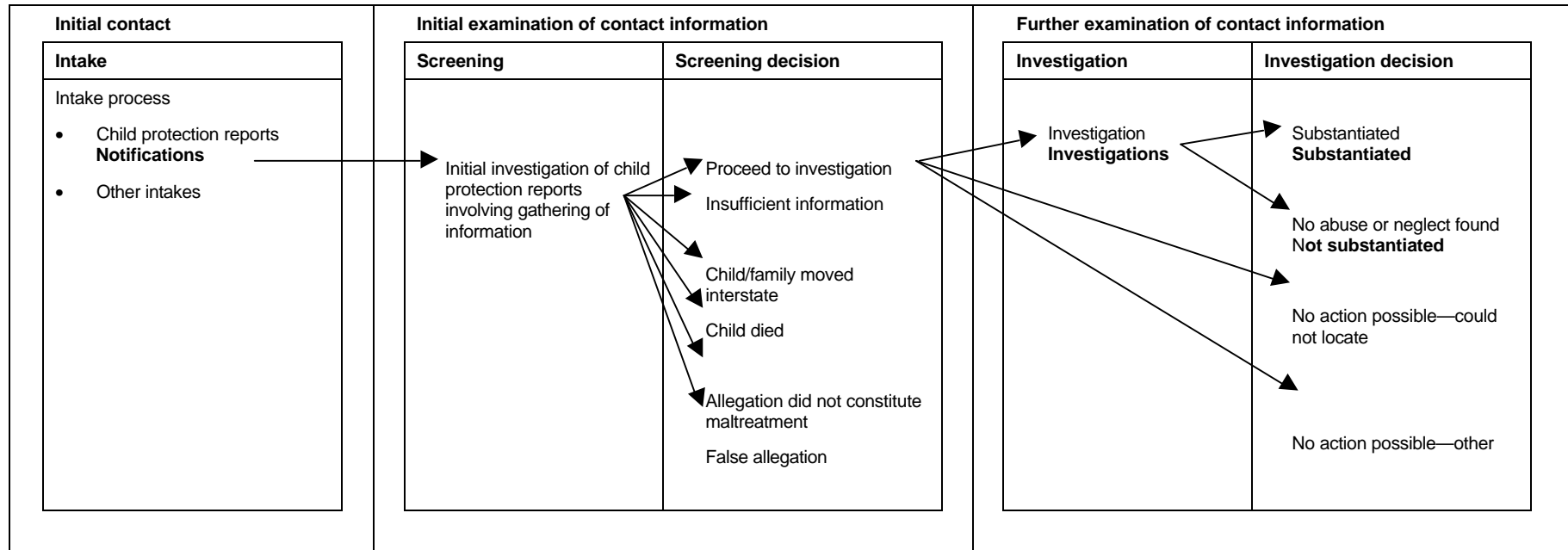


Figure A1.8: Northern Territory processes

Northern Territory

Initial contact

Intake

The intake process involves an informal screening to determine if the reported referral is appropriate for the agency to deal with. In all instances, where the reporter informs of a child protection referral it becomes a child protection report. Child protection reports are reported to AIHW as notifications.

Initial examination of contact information

Screening

The initial investigation is undertaken to identify if the child protection report is an authentic report of child maltreatment. The reporter is questioned and further information is obtained. Other agencies and professionals can be contacted at this stage also.

Screening decision

The initial investigation of a child protection report can result in a decision that the report should proceed to investigation. These are reported to AIHW as investigations. Other possible outcomes from this stage are insufficient information and child/family moved interstate.

Two other outcomes can be recorded, the allegation did not constitute maltreatment or the allegation was deemed, following initial investigation, to be false. An outcome can also be recorded indicating that the child died.

Further examination of contact information

Investigation

The investigation involves a departmental officer in direct contact with the child subject of the child protection report. The objective is to investigate the child's situation and to determine the best way to ensure their safety and wellbeing. Contact with other agencies may also be involved. Investigations are reported to AIHW as investigations.

Investigation decision

The investigation can lead to 'substantiated' or 'no abuse or neglect found' outcomes. Both of these are reported to AIHW, as substantiated and not substantiated respectively. In instances where an investigation was not possible because the family involved had moved, an outcome indicating that the child could not be located is recorded. A further possible outcome is no action possible – other.

Appendix 2 Definitions of abuse and neglect

Table A2.1: Definitions of types of abuse and neglect for each State and Territory

State/Territory	Definition of physical abuse
New South Wales	Physical abuse refers to non-accidental injury to a child by a parent, caregiver or another person responsible for the child. It includes injuries which are caused by excessive discipline, severe beatings or shakings, bruising, lacerations or welts, burns, fractures or dislocation, female genital mutilation, attempted suffocation or strangulation and death.
Victoria	Physical abuse consists of any non-accidental form of injury or serious harm inflicted on a child by any person. Physical abuse does not mean reasonable discipline though it may result from excessive or inappropriate discipline. Physical abuse can include beating, shaking, and assault with weapons. Physical injury and significant harm to a child may also result from neglect by a parent/caregiver. The failure of a parent/caregiver to adequately ensure the safety of a child may expose the child to extremely dangerous or life threatening situations which may result in physical injury and significant harm to the child. Physical abuse also includes Munchausen's Syndrome by Proxy.
Queensland	The terms 'abuse and neglect' are not used. Types of harm are categorised as physical, emotional, sexual, neglect. The 'actions of causing harm' are also recorded separately.
Western Australia	Physical maltreatment describes significant harm or injury experienced by a child as a result of severe and/or persistent actions or inactions. It includes deliberate denial of a child's basic needs such as food, shelter and supervision to the extent that injury or impaired development is indicated.
South Australia	Physical abuse is any non-accidental act inflicted upon a child which results in physical injury to the child.
Tasmania	Physical maltreatment describes significant physical harm or injury experienced by a child as a result of severe and/or persistent actions or inactions. Physical maltreatment also includes the deliberate denial of a child's basic needs such as food, shelter or supervision to the extent that injury or impaired development is indicated.
Australian Capital Territory	Physical abuse refers to non-accidental injury to a child. It includes any injury caused by excessive discipline, severe beatings or shakings. Physical abuse may result in a range of injuries, from soft tissue injuries to dislocations and fractures. It may also include poisoning, attempted suffocation or strangulation and death. Physical abuse also refers to assaults to parts of the body which result in serious or life threatening injury, e.g. head, kidneys, throat, abdomen.
Northern Territory	Any non-accidental injury or harm inflicted on a child by any person having custody, care or charge of the child, or where there is substantial risk of serious bodily harm.
State/Territory	Definition of sexual abuse
New South Wales	Sexual abuse is any sexual act or sexual threat imposed on a child. Adults or adolescents who perpetrate child sexual abuse exploit the dependency and immaturity of children. Coercion which may be physical or psychological is intrinsic to child sexual abuse and differentiates such abuse from consensual peer sexual activity.
Victoria	A child is sexually abused when any person uses their authority over the child to involve the child in sexual activity. Child sexual abuse involves a wide range of sexual activity including fondling genitals, masturbation, oral sex, vaginal or anal penetration by a finger, penis or any other object, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.
Queensland	The terms 'abuse and neglect' are not used. The types of harm are categorised as physical, emotional, sexual, neglect. The 'actions of causing harm' are also recorded separately.
Western Australia	Sexual maltreatment occurs when a child has been exposed or subjected to sexual behaviours or acts which are exploitative and/or inappropriate to his or her age or developmental level. Harm which results from sexual maltreatment includes significant emotional trauma, physical injury, or impaired development, although in some circumstances harm may not be identifiable.
South Australia	Sexual abuse is any sexual behaviour imposed on a child. The child concerned is considered to be unable to alter and/or understand the perpetrator's behaviour due to his or her early stage of development and/or powerlessness in the situation.
Tasmania	Sexual maltreatment occurs when a child has been exposed or subject to sexual behaviours or acts which are exploitative and/or inappropriate to his or her age or developmental level.
Australian Capital Territory	Child sexual abuse refers to any sexual behaviour between a child and an adult or an older or bigger person, for that person's sexual gratification. The range of sexual behaviours that are considered harmful to children is very broad. It includes: any form of sexual touching; any form of sexual suggestion to children, including the showing of pornographic videos; the use of children in the production of pornographic videos or films; exhibitionism; and child prostitution.

Table A2.1 (continued): Definitions of types of abuse and neglect for each State and Territory

State/Territory	Definition of sexual abuse
Northern Territory	Sexual abuse is the involvement of a dependent and developmentally immature child or adolescent in the sexual activities of an older person/adult where the younger person is used for the gratification of sexual desires or needs of the older person, where social taboos or family roles are violated, or where the child's caregivers are unable or unwilling to protect the child from sexual abuse or exploitation.
State/Territory	Definition of emotional abuse
New South Wales	Emotional abuse encompasses a range of behaviours that harm a child. It is behaviour by a parent or caregiver which can destroy the confidence of the child resulting in significant emotional deprivation and trauma. It involves impairment of a child's social, emotional, cognitive, intellectual development and/or disturbance of a child's behaviour.
Victoria	Emotional abuse occurs when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired.
Queensland	The terms 'abuse and neglect' are not used. The types of harm are categorised as physical, emotional, sexual, neglect. The 'actions of causing harm' are also recorded separately.
Western Australia	Emotional maltreatment describes significant impairment of a child's social, emotional, cognitive, intellectual development and/or disturbance of the child's behaviour, resulting from behaviours such as persistent hostility, rejection or scapegoating.
South Australia	Emotional abuse is a chronic attitude or behaviour directed at a child, or the creation of an emotional environment which adversely impacts on a child's development.
Tasmania	Emotional maltreatment describes the significant impairment of a child's social, emotional, cognitive, intellectual development and/or disturbance of the child's behaviour resulting from behaviours of family members or other caregivers such as persistent hostility, rejection or scapegoating.
Australian Capital Territory	Emotional abuse refers to a chronic attitude or behaviour directed at a child, or the creation of an emotional environment, which is seriously detrimental to or impairs the child's psychological and/or physical development.
Northern Territory	Emotional abuse involves behaviour by the caregiver towards a child, such as hostility, persistent coldness or rejection, which impairs, or threatens to impair, the child's normal physical and/or emotional development or lead to behavioural disturbances.
State/Territory	Definition of neglect
New South Wales	Neglect occurs when a child is harmed by the failure to provide the basic physical and emotional necessities of life. Neglect is characterised as a continuum of omissions in parental caretaking.
Victoria	Neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent where the health and development of the child/young person are significantly impaired or placed at serious risk. A child is neglected if they are left uncared for over long periods of time, or abandoned. Neglect of medical care refers to a situation 'where a parent's refusal to agree to a certain medical procedure may be determined to be an unacceptable deprivation of the child's basic rights to life or health'.
Queensland	The terms 'abuse and neglect' are not used. The types of harm are categorised as physical, emotional, sexual, neglect. The 'actions of causing harm' are also recorded separately.
Western Australia	Neglect is experienced by a child when he or she does not receive available food, shelter, medical attention or supervision to such a severe and/or persistent extent that his or her development is or is likely to be significantly damaged or injury occurs or is likely to occur.
South Australia	Neglect is any serious omission or commission by a person which jeopardises or impairs a child's psychological, intellectual or physical development.
Tasmania	Neglect is experienced by a child when family/carer does not provide food, shelter or medical attention or supervision to such a severe and/or persistent extent that his or her development is or is likely to be significantly damaged or injury occurs or is likely to occur.
Australian Capital Territory	Neglect refers to any serious omission or commission by a person which jeopardises or impairs the child's psychological, intellectual, or physical development. The most common forms of neglect are: inadequate supervision of young children for long periods; failure to provide adequate nutrition, clothing, personal hygiene; failure to seek needed or recommended medical care which may otherwise result in serious harm to the child; and disregard for potential serious hazards in the home.
Northern Territory	Physical neglect is a failure by caregivers to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to such an extent that the child's health and development are impaired or placed at serious risk.

Appendix 3 Types of care and protection orders

Table A3.1: Care and protection order types

State/Territory	Order types
New South Wales	<p>Order for:</p> <p>The person responsible for a child to include undertaking with respect to care of the child;</p> <p>The person responsible for a child to include undertaking with respect to conduct of the child;</p> <p>Placing the child under the supervision of an officer with respect to care or conduct or both;</p> <p>Placing the child in the custody of a suitable person including undertakings of care, conduct, or both;</p> <p>On order that declares the child to be a ward of the state.</p>
Victoria	<p>Irreconcilable differences orders</p> <p>Interim accommodation orders</p> <p>Protection orders</p> <ul style="list-style-type: none"> - An order requiring a person to give an undertaking - A supervision order - A custody to a third party order - A supervised custody order - A custody to Secretary order - A guardianship to Secretary order <p>Interim protection order</p>
Queensland	<p>Protective supervision to 18 years</p> <p>Protection and care order</p>
Western Australia	<p>Care and protection order (guardianship order)</p>
South Australia	<p>Undertakings (with or without supervision)</p> <p>Custody orders</p> <p>Guardianship orders to 12 months</p> <p>Guardianship orders to 18 years</p> <p>Power to direct a party</p> <p>Consequential or ancillary orders (i.e. access)</p>
Tasmania	<p>Statutory orders</p> <p>Temporary order (up to 7 days and can be extended twice for periods up to 7 days)</p> <p>Warrant (Section 22) to bring child before Children's Court</p> <p>Child protection orders (120 hrs, 7 days and 30 days)</p> <p>Interim order (guardianship retained by parents)</p> <p>Guardianship orders</p> <p>Legal supervision</p>

Table A3.1 (continued): Care and protection order types

State/Territory	Order types
Australian Capital Territory	<p>A supervision order (usually the child remains at home under supervision of Family Services).</p> <p>A residential order (the child is usually placed in the care of a Family Services-funded substitute care agency). Under a residential order the parents remain the guardians of the child and must be significantly involved in all decisions involving the child.</p> <p>A wardship order (the Director of Family Services becomes the guardian of the child who is usually placed in kinship care or foster care). It is the policy of Family Services to involve parents of the children under the guardianship of the Director in all significant decisions concerning their children.</p>
Northern Territory	<p>Care and protection authority types as follows:</p> <ul style="list-style-type: none">– Holding order S11(1) Emergency protective action— take child into custody—48 hours– Holding order S11 (4) Emergency protective action— take child into custody—14 days– S57 Interstate transfer pending– S58 Transfer from another State– S43(5)(a)—final order—supervision– S43(5)(b)—final order—residence direction– S43(5)(c)—final order—joint guardianship– S43(5)(d)—final order—sole guardianship to minister– S43(5)(d)—final order—sole guardianship to third party– S47 interim order– Order under Family Law Act– Supreme Court order– Other court order <p>Other authority types as follows:</p> <ul style="list-style-type: none">– S62 temporary custody order– Immigration Act (adoption)– Immigration Act (unattached minor)– S44 adjournment of proceedings– Consent to adopt

Appendix 4 State and Territory consultations

South Australia consultation

Adelaide 9–10 November 1998

Name	Position
Helen Shepherd	Project Officer, Field Services Support
Ros Wilson	Project Officer, Field Services Support
Roger McCarron	Supervisor, Central Intake Team
Fiona Ward	Supervisor, Intake and Assessment Team
Krystyna Slowinski	Project Officer, Policy and Development
Graeme Tucker	Senior Analyst, Policy and Development
Joe Walker	Senior Data Officer, Technology Services
Zofia Nowak	Manager, Policy and Evaluation, Policy and Development

Tasmania consultation

Hobart 11 November 1998

Name	Position
David Gardiner	Senior Consultant, Planning and Development
Sielito	Coordinator, Intake and Assessment
Anne Foot	Service Centre Manager, South
Anita Torak	Consultant, Priority Projects Team
Helen Spaulding	Assistant to the Commissioner for Children
Lee Hodge	Consultant, Priority Projects Team
Bill Crerar	A/Coordinator, Intake and Assessment
Iris Bennett	Senior Practitioner
Scilla Weber	Consultant, Priority Projects Team
Marlene Horne	Coordinator, Intake, Intensive Family Support after hours
Jo Magee	Consultant, Priority Projects Team
Stewart Miller	Senior Practice Consultant
Kathy Bergin	CWIS Coordinator, Business Support Unit
Alison Pullen	Project Officer, Policy and Project Management
Mary Bailey	A/Senior Consultant, Policy and Project Management

Victoria consultation

Dandenong, Melbourne 12 November 1998

Name	Position
Karen Mouk	Child Protection Project Manager
John Gates	Child Protection Unit Manager
Natasha Courtney	Child Protection Response Team Leader
Christina Fleischer	Manager, Child Protection
Tony Carr	Project Manager, Information Management
Stuart Jackson	Manager, Research and Information

New South Wales consultation

Ashfield 13 November 1998

Name	Position
Trish McGaulley	Team Leader, Service Improvement
Richard Dixon	Team Leader, Policy and Planning
Rachel Nibbs	Project Officer, Service Practice and Standards
John Hansen	Consultant
Tony Giardina	Project Officer, Service Improvement
Eija Roti	Senior Legal Policy Advisor
John Van Dyke	Project Manager, New Client System
Meng Foo	Systems Development Coordinator
Coralie Le Nevez	Manager, Information and Research Unit
Patsy Gallagher	Senior Project Officer, Information and Research Unit
Carol Peltola	Director, Child and Family Services

Australian Capital Territory consultation

Canberra 16 November 1998

Name	Position
Lisa Gooley	AS04 Statistics Coordinator
Gail Winkworth	Manager, Prevention and Education
Sandy Hudd	Manager, Child Protection Services
Susie Kelly	AIHW (Observer)
Helen Johnstone	AIHW (Observer)

Queensland consultation

Brisbane 17 November 1998

Name	Position
Anne Elliott	Manager, Legislation, Families Program
Claire Tilbury	Families Program
Gail Bradford	Manager, Child Protection Information Section
Rick Lennon	Manager, Statistical Services
Rob Spencer	Statistical Services

Northern Territory consultation

Darwin 18 November 1998

Name	Position
Gary Sherman	Child Protection
Colin Dyer	Family Services
Jenny Scott	Sub-care

Western Australia consultation

Perth 7–8 December 1998

Name	Position
Dr Barbara Meddin	Senior Adviser, Social Work Services
Marilyn Treacey	Senior Service Support Officer, Protection of Children
Kay Benham	Protection and Care Team Leader, SE Metro Area
Diane Seneque	A/Senior Information Officer, Research and Information
Jenette Ward	Manager, Client and Community Services System
Julie Dixon	Service Design Officer, Protection of Children, Industry Development and Service Specification
Rosemary Kerr	Service Design Officer, Protection of Children, Industry Development and Service Specification
Margaret Dawkins	NCPASS Representative and A/Principal Research and Information Officer

Appendix 5 Additional tables

Table A5.1: Rates of children per 1,000 who were the subject of a notification, investigation and substantiation (including child at risk) of child abuse and neglect, 1997–98

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Rate of children subject of a notification	17.1	24.0	15.3	4.9	22.5	7.1	12.0	10.9
Rate of children subject of an investigation	10.8	11.1	10.2	4.22	10.5	4.8	9.2	10.5
Rate of children subject of a substantiation	5.0	5.9	5.1	2.4	4.7	1.1	4.7	5.6
Rate of children at risk	1.2

Table A5.2: Rates of children per 1,000 who were on a care and protection order, at 30 June 1998

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Rate	3.8	3.7	3.8	1.7	3.1	4.2	3.2	2.4

Table A5.3: Rates of children per 1,000 who were on a finalised guardianship and custody order, at 30 June 1998

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Rate	2.8	2.6	3.2	1.7	n.a.	2.6	2.4	1.4

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Part 2
NCPASS recommendations
accepted by NCSIMG

1 Background

The Comparability of Child Protection Data Project was commissioned in August 1998 to map the commonalities and differences for key output categories for child protection. The project was undertaken for the NCPASS by Social Systems and Evaluation and was finalised in April 1999. Funding and administration for the project has been provided through the AIHW.

NCPASS prepared an issues paper summarising the main findings of the report and proposing a response. The paper was tabled at the May 1999 meeting of the NCSIMG. NCPASS members then conducted consultations on the comparability report and the issues paper in their respective jurisdictions with executive staff responsible for child protection policy and information. Responses from staff in the various jurisdictions were considered at an NCPASS meeting in July 1999 and a paper was subsequently prepared for the September 1999 NCSIMG meeting. This paper detailed the NCPASS response to the recommendations contained in the comparability report and put forward a set of proposals for consideration by the NCSIMG. The NCPASS report is contained in Sections 2, 3, 4, 5 and 6; Section 7 outlines the NCPASS recommendations accepted by the NCSIMG.

2 Purposes of report

The commissioning of the comparability report reflects interest from a number of stakeholders in better understanding differences in child protection and supported placement data and in improving comparability where this is currently impaired by counting rule issues. Specific reasons for the commissioning of the report include:

- (a) when data for all States and Territories are published concurrently, as in the AIHW reports, comparison is inevitable, and it is therefore desirable that the comparability of data be increased;
- (b) more accurate comparisons of State and Territory performance are required by the *Report on Government Services*; and
- (c) there is a need for high levels of public accountability for a critically important and highly intrusive service, and this requires both accurate data and an understanding of differences between jurisdictions where they exist.

By way of example, comparisons of performance between jurisdictions in relation to targets for the commencement and completion of investigations can only be made if the base unit of investigations is commonly defined across jurisdictions. Likewise, a measure of outcome such as resubstantiation is significantly more powerful if it is based on an accurate comparison with other States and Territories.

3 Constraints

It is important to recognise that efforts to improve the comparability of child protection data are taking place within a set of powerful constraints. These include the fact that child protection services operate under varying State and Territory legislation and related policies, and not national legislation. For example, difference in policies about target groups for child protection and on what basis substantiations of child abuse and neglect should be recorded may be legislatively based. Where differences in data are policy based (see Section 5), it is obvious (and yet important to note) that these differences cannot be addressed by

counting rules. These differences do, however, raise issues for jurisdictions which may be worthy of further policy discussion.

A second critical factor limiting the comparability of data is the subjective nature of some child protection outputs such as substantiation (see also Section 4.4). The assessment of a substantiation of child abuse and neglect by a protective worker is necessarily based on guidelines and the judgement of the protective worker. This provides significant scope for varying interpretations, both across States and Territories, and even between workers within the same jurisdiction.

4 Comparability report's recommendations endorsed by NCPASS

4.1 Background

There are three existing output measures – notification/allegation, investigation, and court orders – where reasonable comparability can potentially be achieved between most States. The comparability report has been instrumental in making recommendations which could significantly improve comparability across jurisdictions for each of these output categories. This does not, however, apply to Western Australia and Tasmania where significant policy differences impact on their data for these measures.

The report has also highlighted significant differences between jurisdictions in the use of the term 'substantiations' which require further consideration. Finally, it has recommended an additional category be developed to measure the provision of services which are provided through child protection to support families.

4.2 Generic framework

A new generic framework for the initial stages of child protection contact is considered to be desirable as a way of moving towards greater comparability. Amongst other benefits a generic framework could assist in addressing various approaches to counting what are currently called notifications and uncertainty about how or whether to include child concern reports. The generic framework is considered to have merit but requires further discussion with policy makers. Each State and Territory has its own terms for child protection which are deeply embedded in legislation, policy, and information systems. Further work is required about the specific way of achieving this goal.

4.3 Investigation

Investigation is an existing term which is endorsed by the comparability report as there was found to be a high degree of commonality in processes, practice and counting across States and Territories. A new counting rule for investigation is, however, proposed to further improve comparability. It will require that an investigation include the interview or sighting of the child by a departmental worker for national counting purposes. Following national consultation this recommendation is endorsed by NCPASS.

4.4 Substantiation

Consultations undertaken by the consultants identified several different ways in which the term 'substantiation' was defined by States and Territories. These ranged from a likelihood of harm, to confirmation of an incident which may be harmful, to actual harm. A further

layer of complexity impacting on the data is that, for a number of States and Territories where harm is proven, there is no substantiation recorded if the parents are seen to be acting to protect their child. Consideration could be given to moving towards a national definition for substantiation. It should be noted that this may require change to legislation and/or policy.

4.5 Court orders

Court orders is an existing term which is endorsed by the report but revised counting rules are proposed. These will address complexities arising from the wide range of orders in some States and Territories and variations in the counting of interim and administrative orders. Following national consultation this recommendation is endorsed by NCPASS.

4.6 Services

Services is a new category proposed by the report. It will count responses provided following investigation and substantiation. The concept 'services' could include the intensive support services provided or funded by jurisdictions which serve to prevent the removal of children from home or are critical to facilitate the reunification of children and their families. It is acknowledged, however, that significant work is required to collect information about services and that an appropriate collection method will need to be established. National reporting may initially be descriptive.

5 Recommendations NCPASS considered needed further consideration

A number of recommendations made by the report to enhance the data collection are considered by NCPASS to require further consideration. These include the proposals to broaden the base of the collection to include child welfare or children in need and to introduce agreed descriptors of harm/injuries and actions responsible.

- (a) Broadening the base of the data collected may assist in the way child concern reports are considered for national reporting. Other ways of broadening the base may introduce additional complexities as each jurisdiction has significantly different ways of responding to children in need, including through services not provided nor funded by community services departments. While there may be merit in exploring inclusion of some related child protection data for the AIHW report and the *Report on Government Services* it is not expected to assist comparability.
- (b) Descriptors of harm and injury are considered to be highly subjective and unlikely to generate improved comparisons for the more severe categories of harm. Again, while it is not expected to aid comparability, there may be merit in exploring these concepts further.

6 Other policy implications

An issue which has emerged from the report is the extensive variation in some rates of protective interventions across jurisdictions. This applies in particular at the point of investigation where the rate varies from 4.5 per 1,000 children in one State to over 11 per 1,000 children in another. These differences largely remain at the point of substantiation and diminish somewhat at the point of court orders, although even here some States have more than double the number of children on court orders compared to others.

These substantial differences in data are considered to largely reflect differences in State policy about the delivery of child protection services. In so far as differences in the data reflect underlying policy differences, they should be noted by policy makers but they are not considered to be matters for further investigation by NCPASS.

7 NCPASS recommendations accepted by the NCSIMG

NCSIMG accepted that NCPASS should:

1. further consider the most appropriate generic framework for the initial stages of child protection for national reporting purposes;
2. for national reporting purposes, define an 'investigation' to include the interviewing or sighting of the child who is the subject of the notification, where it is practicable to do so;
3. work towards a consistent definition of 'substantiation' in consultation with State and Territory policy stakeholders;
4. revise the counting rules for court orders.

NCSIMG also agreed that NCPASS should give consideration to the practicalities and cost of collecting information on 'services'.