

Child Safety POLICY

Title: Investigation and assessment

Policy No: 386-8

Policy Statement:

The Department of Children, Youth Justice and Multicultural Affairs (Child Safety) has a legislative responsibility to undertake an investigation and assessment when there is a reasonable belief that a child or young person is in need of protection. A child or young person is in need of protection when the child or young person has been harmed or is at risk of harm and does not have a parent able and willing to protect them from the harm.

Child Safety also has legislative responsibility to take appropriate action when it is reasonably suspected that an unborn child will be at risk of harm after he or she is born. Appropriate action includes investigating and assessing the likelihood that the child will need protection after birth and offering help and support to the pregnant woman to reduce the likelihood of the child needing protection after the birth.

The rights and liberties of the pregnant woman will be respected and upheld when Child Safety takes action relating to an unborn child who is reasonably suspected of needing protection after they are born.

The outcome of an investigation and assessment will provide the basis for any ongoing intervention by Child Safety.

Child Safety is committed to respecting, protecting and promoting human rights. The *Human Rights Act 2019* requires Child Safety to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

The safe care and connection of Aboriginal and Torres Strait Islander children with family, community, culture and country will be a key consideration when undertaking investigation and assessments.

Principles:

- The safety, wellbeing and best interests of the child, both throughout childhood and the rest of the child's life, are paramount.
- Every child has a right to protection from harm.
- Statutory powers should be exercised in a way that is open, fair and respects the rights of the child and their family.

- The five elements of the child placement principle (prevention, partnership, placement, participation and connection) under the *Child Protection Act 1999*, section 5C, apply to any processes, decisions and actions taken in relation to an Aboriginal or Torres Strait Islander child.
- An independent Aboriginal or Torres Strait Islander entity for the child will be arranged, in consultation and with the agreement of the child and family, to help facilitate the child's and family's participation in significant decisions.
- Child Safety staff will act and make decisions in a way that is compatible with human rights and obligations under the *Human Rights Act 2019*.

Objectives:

This policy aims to ensure that:

- Child Safety staff complete a timely and comprehensive investigation and assessment, or take other action considered appropriate, when information indicates that a child may be in need of protection or an unborn child may be in need of protection after they are born.
- decisions made under the *Child Protection Act 1999* in relation to Aboriginal and Torres Strait Islander children promote their safe care and connection with family, community, culture and country and support the principle of self-determination.
- Child Safety staff recognise whether human rights are affected by a decision or action and only limit rights proportionately and reasonably as appropriate in the circumstances.

Scope:

This policy refers to children, young people and unborn children where information indicates that they are in need of protection (or will be in need of protection after their birth, in the case of unborn children) and an investigation and assessment is required by Child Safety staff.

Roles and Responsibilities:

The roles and responsibilities of Child Safety staff in relation to investigation and assessment are outlined in the Child Safety Practice Manual, Investigate and assess, and associated resources.

Authority:

Child Protection Act 1999, sections 14, 21A

Delegations:

Refer to instruments of delegation for delegations relevant to investigation and assessment decisions.

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Date to be reviewed: 08 November 2024

Office: Office of the Chief Practitioner
Help Contact: Child Protection Practice

Links:

Procedures

Child Safety Practice Manual

Related policies

Care agreements (415)

Case planning (263)

Decisions about Aboriginal and Torres Strait Islander children and young people (641)

Information exchange and service delivery coordination (403)

Intervention with parental agreement (343)

Participation of children and young people in decision-making (369)

Support service case (406)

Structured Decision Making (407)

Suspected Child Abuse and Neglect (SCAN) Team System (405)

Related Legislation

Human Rights Act 2019

Public Guardian Act 2014

Queensland Civil and Administrative Tribunal Act 2009

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