

# What is meant by 'RISK'?

## CHILD PROTECTION INFORMATION SHEET

Where can I find the legal definition of 'risk' in relation to abuse and neglect of children?

- Under the *Children, Young Persons and Their Families Act 1997*, the Tasmanian legislation that defines the role of the family, community and government in relation to child protection matters, 'risk' is defined in Section 4.
- You can find this legislation on the state Government internet site through searching under its full title on [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au).

What is the legal definition?

- The legal definition is fairly broad, and states that a child is 'at risk of abuse or neglect' if -
  - *the child has been, is being, or is likely to be, abused or neglected; or*
  - *any person with whom the child resides or who has frequent contact with the child (whether the person is or is not the guardian of the child) –*
    - ⇒ *has threatened to kill or abuse or neglect the child and there is a reasonable likelihood of the threat being carried out; or*
    - ⇒ *has killed or abused or neglected some other child or an adult and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person; or*
    - ⇒ *the child is an affected child within the meaning of the Family Violence Act 2004; or*
  - *the guardians of the child are –*
    - ⇒ *unable to maintain the child; or*
    - ⇒ *unable to exercise adequate supervision and control over the child; or*
    - ⇒ *unwilling to maintain the child; or*
    - ⇒ *unwilling to exercise adequate supervision and control over the child; or*
    - ⇒ *dead, have abandoned the child or cannot be found after reasonable inquiry; or*
    - ⇒ *are unwilling or unable to prevent the child from suffering abuse or neglect; or*
  - *the child is under 16 years of age and does not, without lawful excuse, attend school regularly.*

If the child is exposed to risk in another state, does the Tasmanian legislation still apply?

- The Act covers conduct that puts a child at risk which may have occurred, or is likely to occur wholly or partly outside Tasmania

Should I report to child protection if the child or young person is affected by only one of the risk factors, for example, he or she is not attending school regularly?

- Each case will be different, and a judgement has to be made about the level of risk and seriousness of the possible consequences. In some cases, a single risk factor (such as an observed threat to kill a child) is clearly sufficient to make a notification. In the case of school non-attendance, for instance, this could be an indicator of a number of things, such as illness or death in the family and it may not be a significant risk indicator of child abuse or neglect.
- If you are unsure about whether to make a notification, call the Child Protection Advice and Referral Service (CPAARS) and talk about the situation and your concerns without using the name of the child. Through making an enquiry in this way, you and child protection can work out whether a formal notification is appropriate.

With the new *Family Violence Act 2004*, an additional risk indicator for children has been added. As 'family violence' under that Act includes economic and financial abuse, does this mean that I have to report every child where I am aware that this kind of behaviour is occurring? If so, who do I report to?

- It can be argued that all child abuse and neglect is a form of family violence and vice versa. If you are worried that a child is being affected by a violent angry home environment, then a call to CPAARS is entirely appropriate.
- Once again, you may wish initially to discuss the case without identifying the child and then make a formal notification if appropriate.
- When an 'incident' of family violence has taken place, then Tasmania Police is the first contact point – they will liaise with child protection through CPAARS.

As a member of the general community or even as a 'mandated reporter' am I responsible for making a risk assessment in relation to the legal definitions in the *Children, Young Persons and Their Families Act 1997*?

- NO – THE JOB OF ASSESSING RISK IN CHILD PROTECTION IS THE RESPONSIBILITY OF CHILD PROTECTION. Your role is to share your concerns and information to inform their assessment.

### What framework does child protection in Tasmania use to make judgements about risk to children?

- Tasmania has adopted and adapted the Victorian Risk Framework (VRF) which has been developed using extensive research and evidence collected both in Australia and overseas.
- The Tasmanian Risk Framework (TRF) is not a 'tick a box', 'add up the numbers' model of assessment which comes up with a clear and definitive answer – human interactions and behaviour is more complex than that!
- It is a 'guided professional judgement model' which supports workers through the stages of **gathering information**, **analysing** that information and making a **judgement** about both the current safety of a child and the future risk of harm.
- Paul Brearly, one of the child protection specialists whose research informed the VRF (and hence the TRF), defines risk as **'the relationship between the degree of harm and the probability of harm occurring (or protection being provided)'**.

### What kinds of things are taken into consideration when a risk assessment in child protection is made?

- Information is gathered about the child or young person, his or her family, caregivers, people who are believed to be responsible for placing him or her at risk, other people in the child and family network, what opportunities there are for future harm to occur and the strengths and protective factors that are present.
- The TRF has a number of guides that help workers gather the amount of information necessary for the circumstances and the nature of our involvement.
- For instance at the first contact between a notifier and child protection workers at CPAARS, the Risk Factor Warning List is used to quickly build up a picture of the circumstances surrounding the child and to clarify whether an urgent response is necessary.
- This Risk Factor Warning List provides a useful checklist which focuses questioning and information-gathering in what is often a very emotive situation.
- It ensures that we cover critical factors such as whether a baby was born premature or drug-dependent, whether the parent is highly critical of their child and lacks understanding of child development, whether a young person has a history of extreme cruelty to animals or self-harm etc.
- Information that is factual is clearly distinguished from hearsay and no one risk factor is considered in isolation.
- If a face-to-face protective investigation is needed to make a comprehensive assessment, the judgement is assisted by more detailed analytical tools and the evidence-based

information contained in the series of more specific assessment guides.

### How can I help child protection specialists in making a thorough risk assessment?

- The way to help child protection in making a thorough and objective assessment of risk to a child or young person is to make contact with the service in a timely manner – preferably during business hours.
- Provide as much factual information as possible about the child, his or her family, their networks, strengths and the grounds on which you have based your notification.

### As a member of the public or a professional working with children and families, what can I do in general terms to reduce risk of harm to children from abuse, neglect and family violence?

- You can help create a 'child safety' in your family, community, service or agency by expanding your knowledge of the impact of adverse experiences and environments on children.
- Help children to build strong protective support networks of trusted adults.
- Listen to children and young people – not just to what they say, but to what they are not saying.
- Offer to help parents who are under stress, lacking skills in bringing up children. Introduce them to local services that offer volunteer home visiting, parenting support, crisis counselling etc and give them the number for the national 24hr telephone counseling service, the Child Abuse Prevention Service (CAPS): **1800 688 009**
- Talk to your children, family members about the needs of children for continuity, connection, care and protection.
- Help to establish procedures in your work place or agency that encourage professional learning about the 'hidden issues' of child abuse, neglect and family violence.
- If you are concerned about the safety and wellbeing of a child or need information, help or advice, contact child protection through the Child Protection Advice and Referral (CPAARS).

### Child Protection Advice and Referral Service (CPAARS)

Ph: 1300 737 639

Fax: 62 307 821

Email: [CPAARS@dhhs.tas.gov.au](mailto:CPAARS@dhhs.tas.gov.au)

*The telephone number is switched through to an emergency service outside of business hours. If it is safe and practical to do so, **please** make contact during business hours.*