

Appendix 3 (CYP): The Definition of Significant Harm (CYP)

The Children Act 1989 (The Children Act 2004 is an expansion of the 1989 Children Act and reinforces that all people and organisations working with children have a duty to help safeguard children and protect their welfare) **introduced the concept of significant harm as the threshold which justifies compulsory intervention in family life in the best interests of children.**

1. Section 47 of the Act places a duty on local authorities to make enquiries, or cause enquiries to be made, where it has reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm. A court may only make a Care Order or Supervision Order in respect of a child if it is satisfied that:
 - a. The child is suffering, or is likely to suffer significant harm; and
 - b. That the harm or likelihood of harm is attributable to a lack of adequate parental care or control (section 31).
2. Under Section 31(9) of the Children Act 1989, as amended by the Adoption and Children Act 2002:
 - a. 'Harm' means ill-treatment or the impairment of health or development, including for example impairment suffered from seeing or hearing the ill-treatment of another;
 - b. 'Development' means physical, intellectual, emotional, social or behavioural development;
 - c. 'Health' means physical or mental health; and
 - d. 'Ill-treatment' includes sexual abuse and forms of ill-treatment that are not physical.

The Adoption and Children Act 2002 broadens the definition of Significant Harm to include the emotional harm suffered by those children who witness domestic violence or are aware of domestic violence within their home environment.

3. There are no absolute criteria on which to rely when judging what constitutes significant harm. Consideration of the severity of ill-treatment may include:
 - the degree and the extent of physical harm,
 - the duration and frequency of abuse and neglect, the extent of premeditation,
 - the degree of threat, coercion, sadism, and bizarre or unusual elements in child sexual abuse.

Each of these elements has been associated with more severe effects on the child and/or relatively greater difficulty in helping the child overcome the adverse impact of the maltreatment.

4. Sometimes a single traumatic event may constitute significant harm, e.g. a violent assault, suffocation or poisoning. More often, significant harm is a compilation of significant events, both acute and long-standing, which interrupt change or damage the child's physical and psychological development. Some children live in family and social circumstances where their health and development are neglected or they are exposed to domestic abuse and thus experience emotional trauma. For them, it is the corrosiveness of long term emotional, physical or sexual abuse that causes impairment to the extent of constituting significant harm. In each case, it is necessary to consider any ill-treatment alongside the family's strengths and supports.
5. To understand and establish significant harm, it is necessary to consider:
 - a. The family context, including protective factors
 - b. The child's development within the context of his or her family and wider social and cultural environment
 - c. Any special needs, such as a medical condition, communication difficulty or disability that may affect the child's development and care within the family.
 - d. The nature of harm, in terms of ill-treatment or failure to provide adequate care.
 - e. The impact on the child's health and development; and the adequacy of parental care.

It is the responsibility of Local Authorities to assess each case and decide whether significant harm has occurred or may occur. It is not the responsibility of Cruse volunteers or staff.

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