

Speak Up

Understanding and responding to child abuse

Victoria Edition



About Child Wise

Established in 1991, Child Wise is one of Australia's leading not-for-profit child sexual abuse prevention organisations. Our vision is of a society in which children can grow up free from abuse and exploitation. Child Wise works to build awareness, deliver education, and provide the tools to empower individuals and communities around Australia so they can actively prevent child abuse.

Purpose of the Speak Up booklet

The purpose of this booklet is to provide parents, carers and professionals who work with children, information about the importance of preventing and reporting instances of child abuse.

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Child Wise values feedback and comments in order to improve our programs. Please contact us if you would like to make any suggestions regarding this guide.

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Types of child abuse

Child abuse is an act that endangers a child or young person's health and wellbeing. Child abuse comes in different forms, all of which can have an impact on a child or young person's social, physical, intellectual and/or emotional development. Child abuse can be a single event or a series of traumatic events, both of which can have long lasting impacts on the victim.

Sexual Abuse

Occurs when a person uses power, force or authority to involve a child or young person in any form of unwanted or illegal sexual activity. These behaviours may take the form of touching or fondling, obscene or suggestive phone calls, taking or exposing children to sexually explicit images and videos, penetration (with penis, finger or other object), and forcing or coercing children to have sex or engage in sexual acts with other children or adults.

Physical Abuse

Occurs when a child or young person suffers significant harm from an injury. The injury may be intentionally inflicted, or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child or young person. Physical abuse may take the form of hitting, punching, beating, shaking, burning, restraining, poisoning or otherwise causing harm to the child.

Emotional Abuse

Also referred to as 'psychological abuse', emotional abuse affects a child's self-esteem and can have a significant impact on a child's mental, social and emotional development. Emotional abuse can include being repeatedly isolated, rejected, continual coldness, excluding and distancing of a child, or putting down and calling a child demeaning names.

Neglect

Occurs when there is a failure to provide or cater for a child or young person's basic needs for life, such as food, clothing, shelter, medical attention, supervision or care, to the extent that the child's health and development is, or is likely to be, placed at risk.

Exposure to Family Violence

Occurs when children and young people witness or experience the chronic domination, coercion, intimidation and victimisation of one person by another by physical, sexual or emotional means within a domestic relationship. Exposure to domestic violence can include watching or hearing a family member assault or threaten another member of the family, direct involvement (for example, trying to intervene or calling the police), or experiencing the aftermath of family violence, such as seeing physical indicators of abuse or observing parental depression.

Grooming

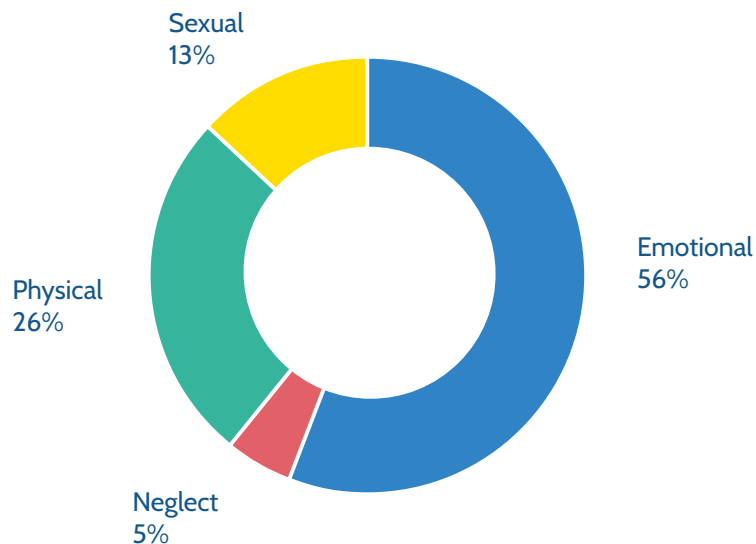
Occurs when communication or conduct is linked to the intention of facilitating the involvement of a child in sexual behaviour with an adult. It can include, but is not limited to, developing special relationships with a child; favouring or giving gifts to a child or young person; inappropriate interactions with children either in person or via forms of media and electronic devices; asking a child or young person to keep a secret of any aspect of their relationship; and testing of, or ignoring, professional boundaries or rules.

Victorian child protection data

The graph below outlines Victorian statutory child protection data. The data shows the magnitude of child protection in Victoria over the past five years. It is important to remember that these are only the reports that are made to child protection authorities. Unfortunately too many instances of child abuse go unreported.

In 2013 - 2014 across Victoria	
Total number of notifications	82,056
Children the subject of substantiations	11,952
Children on Orders	12,899
Children in Out of Home Care	10,041

Substantiated harm types



Impacts of child abuse and trauma

A child's primary drive is towards attachment rather than safety.



Children and young people need stable, sensitive, loving and stimulating relationships and environments in order to reach their full potential. Child abuse can have significant and long lasting impact on a child's development. Home life, culture, family and community dynamics play an essential role in children's development, as they impact on a child's experiences and opportunities.

A child's primary drive is towards attachment rather than safety - they will accommodate to the parenting style they experience.

It is crucial to keep in mind that children are particularly vulnerable when witnessing and/or experiencing violence, abuse and/or neglectful circumstances. Given their age and vulnerability, witnessing or being a victim of abuse can lead children to have and display complex traumatic responses. Accordingly, infants and children adapt to frightening and overwhelming circumstances through the body's survival response. Their autonomic nervous system will become activated and switch on their natural flight/fight/freeze response.

Repeated and prolonged exposure to these experiences can lead to toxic stress for a child, which:

- alters the child's brain development,
- sensitises the child to further stress,
- leads to heightened activity levels and hypervigilance,
- consequently affects future learning and concentration.

Most importantly, abuse and trauma impairs a child's ability to trust and relate to others. When children are traumatised, they find it difficult to regulate their mood and behaviour, and to self-soothe, which can have a lifelong effect.

Traumatic memories are stored differently to everyday memories. They are instead encoded in vivid imagery and sensations and lack verbal narrative and context. As they are unprocessed, they are likely to flood the child when triggers such as smells, sounds or internal and/or external reminders present at a later stage. Moreover, children can experience severe sleep disruption and intrusive nightmares, which contribute to their changed behaviour.

It is particularly important that attention is given to understanding the complexity of a child's experience. The recovery process for children is enhanced by the support of non-offending family members and significant others. Survivors of child abuse are often diagnosed with post-traumatic stress and other mental illnesses as adults due to their adverse childhood experiences.

It is also important to acknowledge that parents can have similar post-traumatic responses, as they feel overwhelmed and suffer shock and grief from their child's trauma and may need ongoing support as well.

“
The recovery process for children is enhanced by the support of non-offending family members and significant others.”



Particularly vulnerable groups

Infants and pre-school children are at higher risk of abuse than older children. The leading cause of death amongst this age group is from injury and assault - the rate of child homicide is highest among infants less than 1 year old.

Indigenous children are over-represented across the child protection system compared with non-Indigenous children. In 2013-14, Indigenous children were:

- Approximately 7 times more likely to be the subject of substantiated abuse or neglect.
- Almost 10 times more likely to be on a care and protection order.
- Over 10 times more likely to be in out-of-home care.

It is estimated that children with a disability are 3 times more likely to be sexually abused - but the actual rate is probably far higher. There is early evidence to suggest that children from a culturally and linguistically diverse (CaLD) or migrant background are also at higher risk of sexual abuse.

Australian Institute of Health & Welfare, 2015.

Common sex offender behaviours

Methods used to develop trust

- Spending a lot of time with children and possibly their families.
- Touching the child in a non-sexual way and then progressively touching the child in a sexual way.
- Giving the child a lot of special attention, more than what would be regarded as usual.
- Complimenting and saying loving things to children.
- Doing things the child wants to do or buying gifts.
- Testing their ability to keep secrets.
- Filling a void perceived to be left by primary parents or carers.

Common locations for sexual offending

- At the child's home or the home of a friend or family member.
- Through organised sports or community activities.
- In child-related organisations and businesses.

Means for organising time alone

- Babysitting/looking after children.
- Taking a child on an outing, going for car rides or walks.
- Offering to provide tutoring, coaching or other extra curricular activities.

Victorian child safe standards

The Victorian Government has introduced minimum child safe standards to improve the way organisations that provide services for children prevent and respond to child abuse that may occur within their organisation.

The standards are compulsory for all organisations providing services to children, and aim to drive cultural change in organisations so that protecting children from abuse is embedded in the everyday thinking and practice of leaders, staff and volunteers. This will assist organisations to:

- prevent child abuse
- encourage reporting of any abuse that does occur
- improve responses to any allegations of child abuse.

The standards apply to organisations as of 1 January 2016 and will be applied in phases:

Phase 1: Organisations that provide services for children that are government funded and/or regulated will be required to work towards compliance from 1 January.

Phase 2: Other organisations that provide services for children will be required to comply from 1 January 2017.

Child-related organisations in Victoria must comply and maintain the following child safe standards:

1. Strategies to embed an organisational culture of child safety, including through effective leadership arrangements.
2. A child safe policy or statement of commitment to child safety.
3. A code of conduct that establishes clear expectations for appropriate behaviour with children.
4. Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.
5. Processes for responding to and reporting suspected child abuse.
6. Strategies to identify and reduce or remove risks of child abuse.
7. Strategies to promote the participation and empowerment of children.

In complying with the Victorian child safe standards, organisations must include the following principles as part of each standard:

- Promoting the cultural safety of Aboriginal children
- Promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds
- Promoting the safety of children with a disability

Child abuse trauma indicators by age group

Age Group	Trauma Indicators	Trauma Impacts
0 – 12 months	<ul style="list-style-type: none"> • Increased tension, irritability, reactivity and inability to relax • Increased startle response • Lack of eye contact • Sleep and eating disruption • Loss of acquired skills • Back arching • Aggression • Touch avoidance 	<ul style="list-style-type: none"> • Neurobiology of brain and central nervous system altered by switched on alarm response • Behavioural changes • Regression in acquired developmental gains • Lowered stress threshold • Lower immune system
12 months – 3 years	<ul style="list-style-type: none"> • Lack of eye contact • Inability to be soothed • Increased tension, irritability, reactivity and inability to relax • Loss of eating skills • Alarmed by trauma related reminders • Uncharacteristic aggression • Touch avoidance • Sexualised play with toys 	<ul style="list-style-type: none"> • Neurobiology of brain and central nervous system altered by switched on alarm response • Sleep disruption • Behavioural changes • Greater food sensitivities • Lowered stress threshold • Lower immune system
3 – 5 years	<ul style="list-style-type: none"> • Regression to younger behaviour • Bodily aches, pains and illness complaints with no explanation • Loss of skills (toileting, eating, self-care) • Lack of eye contact • Sleep disturbance, nightmares, night terrors • Withdrawal and quietening • General fearfulness • Separation anxiety • Sexualised drawings and demonstrated sexual knowledge 	<ul style="list-style-type: none"> • Behavioural changes • Hyperactive, hyper-arousal • Tiredness and lack of concentration • Delayed gross motor and visual perceptual skills • Greater food sensitivities • Fear of trauma reoccurrence • Low self-esteem and self-confidence • Loss of focus, lack of concentration and increased inattentiveness
5 – 7 years	<ul style="list-style-type: none"> • Lack of eye contact • Spacey, distractible or hyperactive • Increased tension, irritability, reactivity and inability to relax • Accident prone • Absconding/truanting from school • Hurting animals, fire lighting • Toileting accidents/smearing of faeces 	<ul style="list-style-type: none"> • Loss of concentration and memory • Eating disturbances • Risk taking behaviour triggered by previous experience of trauma • Sleep disturbance due to intrusive imagery • Mood or personality changes • Wish for revenge and action oriented responses triggered by trauma • Fearful of closeness and love

Age Group	Trauma Indicators	Trauma Impacts
7 – 9 years	<ul style="list-style-type: none"> • Frightened by intensity of own feelings • Distant and withdrawn • Feelings of shame, guilt and humiliation • Spacey, distractible, blanking out, loss of ability to concentrate • Increased tension, irritability, hyperactive, reactivity and inability to relax • Lowered school performance • Bodily aches and pains with no reason • Hurting animals, fire lighting • Retelling of traumatic events 	<ul style="list-style-type: none"> • Fear of trauma reoccurrence • Lowered self-esteem • Loss of concentration and memory • Speech or cognitive delays • Risk taking behaviour triggered by previous experience of trauma • Sleep disturbance due to intrusive imagery • Detailed memory of traumatic events • Wish for revenge and action oriented responses triggered by trauma • Fearful of closeness and love
9 – 12 years	<ul style="list-style-type: none"> • Feelings of shame, guilt and humiliation • Spacey, distractible, blanking out, loss of ability to concentrate • Reduced capacity to feel emotions – may appear numb or apathetic, distant and withdrawn • Depressed • Vulnerable to anniversary reactions caused by seasonal events, holidays • Lowered school performance • Retelling of traumatic event • Sexualised drawings or written stories 	<ul style="list-style-type: none"> • Risk taking behaviour triggered by previous experience of trauma • Fear of trauma reoccurrence • Lowered self-esteem • Lack of concentration and memory loss • Speech or cognitive delays • Factual and accurate memory may be embellished by elements of fear or wishes • Flashbacks of traumatic events • Wish for revenge and action oriented responses triggered by trauma • Concerned about personal responsibility for trauma
12 – 18 years	<ul style="list-style-type: none"> • Feelings of shame, guilt and humiliation • Eating disorders/disturbances • Sleep disturbance, nightmares • Distant and withdrawn • Depressed • Spacey, distractible, blanking out, loss of ability to concentrate • Challenging behaviours • Substance abuse • Aggressive/violent behaviour • Self-harming eg. cutting, burning • Suicidal ideation • Hurting animals, fire lighting 	<ul style="list-style-type: none"> • Flight into activity and involvement with others or retreat from others in order to manage inner turmoil • Pessimistic and vulnerable to withdrawal • Adulthood seen as a way of escaping impact and memory of trauma • Fear of growing up and need to stay in family orbit • Loss of, or reduced capacity to attune with caregiver • Acute distress when encountering any reminder of trauma

Sexual development in children

Traffic Light Model

The following model can be used to help parents and carers to assess if a child is displaying normal or concerning sexual development behaviours.

Green: Sexual behaviours that are considered 'normal', healthy, spontaneous, curious, light-hearted, easily distracted, experimental, and that are in line with age and ability level.
Action: opportunity to give the child or adolescent positive feedback and information.

Yellow: Sexual behaviours that are outside the norm in terms of persistence, frequency or disparity in age/development.

Action: gather more information to assess the most appropriate action.

Red: Sexual behaviours outside the norm – behaviour that is excessive, secretive, compulsive, coercive or degrading.

Action: requires immediate intervention and action.

When using the traffic light model it is important to remember the model is evidence based and outlines what research shows are normal and irregular sexual behaviours in children at various ages and stages of development.

Considerations

There are various influences on children's sexual behaviour and development, including:

- Parents and family relationships
- Media - television, internet, radio, magazines, etc
- Peer relationships
- How adults treat each other
- Children's services
- School environments
- Cultural background and norms

Social overlays or judgements should be managed carefully in order to appropriately respond to the behaviours in the first instance.

When assessing a child's sexualised behaviour it is important to consider the following variables:

- Is the behaviour age appropriate or concerning?
- What is the context of the behaviour?
- What is the age difference and relationship between children?
- What is the vulnerability of the child? (age, cognitive ability, socio economic status)

0 - 5 Years	
Green	<ul style="list-style-type: none"> • Thumb-sucking, body-stroking, genital holding • Curious - wants to touch others' private parts, e.g. when in bath • Games, e.g. doctor/nurse, 'show me yours, I'll show you mine' • Enjoyment being nude, using slang language for toilet functions
Yellow	<ul style="list-style-type: none"> • Preoccupation with adult sexual behaviour • Preoccupation with touching others' genitals • Use of adult sexual language • Peeping at others' private body parts, pulling others pants down/skirt up • Sexualised play with dolls
Red	<ul style="list-style-type: none"> • Simulation of foreplay/sexual behaviour in play • Persistent masturbation, touching or attempting to touch others' genitals • Sexual behaviour between children involving penetration with objects • Forcing other children to engage in sexual play
5 - 9 Years	
Green	<ul style="list-style-type: none"> • Self-touching, masturbation to self-soothe • Increased curiosity about other children's genitals and adult sexuality (e.g. babies, gender differences) • Using 'toilet words', body parts as swear words to be silly, telling dirty jokes • Increased sense of privacy about bodies
Yellow	<ul style="list-style-type: none"> • Persistent/recurrent questions about sexual activity • Writing sexually threatening notes • Engaging in mutual masturbation • Constant public touching of own genitals • Use of adult language to discuss sex i.e., "do I look sexy?" • Persistent use of dirty words
Red	<ul style="list-style-type: none"> • Persistent masturbation, especially in front of others • Sexual behaviours engaging younger/less able children (e.g. sneaking into room of sleeping younger children to touch or engage in sexual play) • Simulation of sexual acts sophisticated for age e.g. oral sex • Persistent sexual themes in talk, play, art, etc
9 - 12 Years	
Green	<ul style="list-style-type: none"> • Use of sexual language and dirty words/jokes with peers • Having girlfriends/boyfriends; consensual kissing with known peers • Some exhibitionism e.g. flashing/mooning to same age peers • Increased need for privacy • Occasional masturbation • Use of internet to chat online
Yellow	<ul style="list-style-type: none"> • Sudden change in behavior or dress • Mixing with new and/or older people • Bullying involving sexual aggression • Pseudo maturity, inappropriate knowledge, discussion of sexuality • Preoccupation with online chat or pornography • Persistent expression of fear of pregnancy or STIs • Mutual masturbation, preoccupation with masturbation
Red	<ul style="list-style-type: none"> • Persistent masturbation, particularly in front of others • Sexual activity, oral sex, intercourse, coercion of others into sexual acts • Sending nude/sexually provocative images of self or others online • Degradation/humiliation of self or others using sexual themes • Presence of STI • Penetration of children, animals, dolls or other objects

13 - 18 Years	
Green	<ul style="list-style-type: none"> • Sexually explicit conversations with peers; obscenities/jokes within norm • Solitary masturbation • Interest in erotica • Use of internet to chat online • Sexual activity: flirting, hugging, kissing, foreplay, hand-holding, consensual oral sex, intercourse with partner of similar age and development
Yellow	<ul style="list-style-type: none"> • Sexual preoccupation • Anxiety interferes with daily function • Preoccupation with pornography, online chat, meeting online acquaintance • Sexually aggressive themes, obscenities or graffiti • Peeping, exposing, non-consensual sexual touch, violation of others' space • Unsafe sexual behaviour i.e. unprotected, intoxicated, multiple partners
Red	<ul style="list-style-type: none"> • Compulsive masturbation (especially chronic or public) • Degradation of self or others with sexual themes • Preoccupation with sexually aggressive pornography • Sexual harassment, attempt or force others to expose genitals • Sexual contact or talk with others of a significantly different age developmental status • Sending nude or sexually provocative images of self to others online • Genital injury to self or others • Sexual penetration or contact with animals

*Traffic Lights: Family Planning Queensland (2006), adapted from the Child at Risk Assessment Unit (2000).
Age Appropriate Sexual Play and Behaviour in Children*

United Nations Convention on the Rights of the Child

Parents share the responsibility for bringing up their children and should always consider what is best for each child.

ARTICLE 1 (Definition Of The Child)

Everyone under 18 years of age has all the rights in this Convention.

ARTICLE 2 (Non-discrimination)

The Convention applies to all children; whatever their race, religion, abilities, wherever they come from, or whether they are a boy or girl.

ARTICLE 3 (Best interests of the child)

The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children.

ARTICLE 4 (Protection of rights)

Governments should make sure these rights are respected, protected and fulfilled.

ARTICLE 5 (Parental guidance)

Governments should respect the rights and responsibilities of families to guide their children so that, as they grow up, they learn to use their rights properly.

ARTICLE 6 (Survival & development)

Children have the right to live a full life. Governments should ensure that children survive and develop healthily.

ARTICLE 7 (Identity & belonging)

Children have the right to a legally registered name and nationality. Children also have the right to know their parents and, as far as possible, to be cared for by them.

ARTICLE 8 (Preservation of identity)

Governments should respect a child's right to a name, a nationality and family ties.

ARTICLE 9 (Separation from parents)

Children have the right to live with their parent(s), unless it is bad for them. Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt the child.

ARTICLE 10 (Family reunification)

Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or reunify as a family.

ARTICLE 11 (Kidnapping)

Governments should take steps to stop children being taken out of their own country illegally.

ARTICLE 12 (Respect child's opinion)

Children have the right to say what they think should happen when adults are making decisions that affect them and to have their opinions taken into account

ARTICLE 13 (Freedom of expression)

Children have the right to get and to share information, as long as the information is not damaging to them or to others.

ARTICLE 14 (Freedom of beliefs)

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide children on these matters.

ARTICLE 15 (Freedom of association)

Children have the right to meet with other children and young people and to join

groups and organisations, as long as this does not stop other people from enjoying their rights.

ARTICLE 16 (Privacy)

Children have the right to privacy. The law should protect them from attacks against their way of life, their good name, their family and their home.

ARTICLE 17 (Access to information)

Children have the right to information that is important to their development and wellbeing. Mass media such as television, radio and newspapers should provide information that children can understand and should not promote materials that could harm children.

ARTICLE 18 (Parental responsibilities)

Both parents share responsibility for bringing up their children and should always consider what is best for each child. Governments should help parents by providing services to support them.

ARTICLE 19 (Protection from violence)

Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who cares for them.

ARTICLE 20 (Out-of-home care)

Children who cannot be looked after by their own family must be looked after properly by people who respect their religion, culture and language.

ARTICLE 21 (Adoption)

When children are adopted, the first concern must be what is best for them. The same rules should apply whether children are adopted in the country of their birth or if they are taken to live in another country.

ARTICLE 22 (Refugee children)

Children who come into a country as refugees should have the same rights as children who are born in that country.

ARTICLE 23 (Children with disabilities)

Children who have any kind of disability should receive special care and support so that they can live a full and independent life.

ARTICLE 24 (Health)

Children have the right to good quality health care, clean water, nutritious food and a clean environment.

ARTICLE 25 (Review of treatment in care)

Children who are looked after by local authorities rather than their parents should have their situation reviewed regularly.

ARTICLE 26 (Social security)

Children have the right to financial help from the government if they are poor or in need.

ARTICLE 27 (Adequate living standards)

Children have the right to a standard of living that is good enough to meet their physical and mental needs. The government should help families who cannot afford to provide this.

ARTICLE 28 (Education)

Children have the right to an education. Discipline in schools should respect children's dignity. Young people should be

encouraged to reach the highest level of education of which they are capable.

ARTICLE 29 (Goals of education)

Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect the rights of others and their own.

ARTICLE 30 (Children of minorities)

Children have the right to learn and use the language and customs of their families, whether or not these are shared by the majority of the people in the country where they live, as long as it does not harm others.

ARTICLE 31 (Leisure, play and culture)

Children have the right to relax, play and to join in a wide range of leisure activities.

ARTICLE 32 (Child labour)

Governments should protect children from work that is dangerous or that might harm their health, education or wellbeing.

ARTICLE 33 (Drug abuse)

Governments should use all means possible to protect children from dangerous drugs.

ARTICLE 34 (Sexual abuse)

Governments should protect children from all forms of sexual abuse and exploitation.

ARTICLE 35 (Abduction & trafficking)

Governments should make sure that children are not abducted or sold.

ARTICLE 36 (Exploitation)

Children should be protected from any activity that could harm their development.

ARTICLE 37 (Detention & punishment)

Children who break the law should not be treated cruelly. They should not be put in a prison with adults and should be able to keep in contact with their family.

ARTICLE 38 (War & armed conflict)

Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

ARTICLE 39 (Rehabilitation of child victims)

Children who have been abused or neglected should receive special help to recover and restore their self-respect.

ARTICLE 40 (Juvenile justice)

Children who are accused of breaking the law should receive legal help. Governments are required to set a minimum age below which children cannot be held criminally responsible.

ARTICLE 41 (National laws)

If the laws of a country protect children better than the articles of the Convention, then those laws should override the Convention.

ARTICLE 42 (Knowledge of rights)

Governments should make the Convention known to all parents and children.

ARTICLES 43 TO 54 (Implementation measures)

These articles discuss how governments and international organisations like Child Wise should work to ensure children are protected in their rights.

Relevant legislation in Victoria

Crimes Amendment (Protection of Children) Act 2014

- Section 49C relates to a failure by person in authority to protect child from sexual offence.
- Section 327 relates to failure to disclose sexual offence committed against a child under the age of 16 years.
- Establishes an offence of 'child endangerment' by negligently failing to reduce or remove a substantial risk that a person will commit a sexual offence against a child.
- Requires people to act on a risk of sexual abuse to children by an adult associated with an organisation.
- Establishes an obligation to report to the police when there is a reasonable belief that a sexual offence has been committed against a child.
- Applies a maximum penalty of 5 years imprisonment.

Crimes Amendment (Grooming) Act 2014

- The Act establishes grooming as a criminal offence in Victoria.
- Prohibits communication or conduct that is linked to the intention of facilitating a sexual offence, whether an act has occurred or not.
- Applies a maximum penalty of 10 years imprisonment.

Charter of Human Rights and Responsibilities Act 2006

- Article 17 on protection of families and children states *"Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child"*.

Children, Youth and Families Act 2005

- The principle legislative document in Victoria.
- Requirement to promote children's best interests.
- Legislates the field of youth justice.
- Sets out common principles to guide practice and decision making.
- Sets Child Protection reporting and responses standards.
- Authorises information sharing to promote children's safety, wellbeing and development.

Working with Children Check Act 2005

- Outlines the purpose of the WWC Check and what constitutes child-related work.
- Outlines occupations that apply and exemption from the WWC Check.
- Explains offences and findings that are relevant to the WWC Check.
- Sets out obligations of individuals and organisations and how personal information is stored and disposed of.

Child Wellbeing and Safety Act 2005

- Established the Victorian Children's Council and Child Safety Commissioner.
- Establishes principles for the wellbeing of children in Victoria.
- Provides for the notification of births to municipal councils.

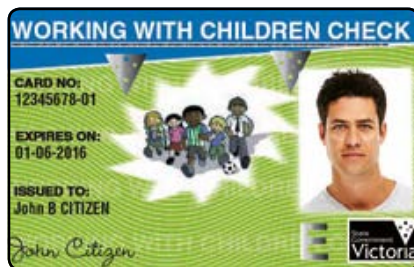
Working With Children Check and Police Check

Child Wise supports the Victorian Government's position that all people working with or around children shall obtain a Working With Children Check. Child based organisations should also conduct a National Police Check on all staff and volunteers.

Difference between Working With Children Check and Police Check

The Working With Children Check (WWCC) and a National Police Check are two different screening checks.

- The WWCC (or equivalent) is an ongoing assessment by the state or territory Department of Justice (or similar) of a person's suitability to work with children - examining relevant sexual, physical and drug offences in a person's national criminal history and, where appropriate, their professional history; and linking the person with the organisation they are working for. If something changes with the WWCC holder the organisation will be advised.
- The National Police Check does not look at non criminal offences. It is a list of offences at the point of time the check is conducted. Child Wise strongly advocates the use of NPC to ensure a check is completed of offences nationally. Organisations can assess the suitability of candidates for specific roles. eg: a candidate applying for a role in transporting children should not have a drink driving charge. Organisations should be aware they will not be notified if new charges are added to an applicant's record.



LIMITATIONS OF THE ACCURACY AND USE OF THIS INFORMATION

1. The accuracy and quality of this National Police History Check (NPHC) depends on the accurate identification of the Applicant (including advised according to the information provided in the Applicant's form and the completeness of police records).
2. While every care has been taken by CrimTrac to conduct a search of Police History information held by Australian Police Agencies (see reference to the Applicant), this report may not include all Police History information relating to the Applicant. Reasons for Police History information being excluded from the report include the operation of laws that prevent disclosure of certain Police History information, or that the applicant's record is not identified by the search process across the Police History information holdings.
3. The NPHC is a point in time check and should not be relied upon for an unreasonable amount of time.
4. It is important to provide the Applicant with a reasonable opportunity to respond to or validate the information in the report before making any decisions that may adversely affect the applicant.
5. To the extent permitted, all information provided in this report is made available for use under the following conditions:
 - a) CrimTrac makes no representation or warranty of any kind without limitation in respect to accuracy;
 - b) The information in this report should form only one determining a person's suitability for any entitlement, appointment or employment;
 - c) To the extent permitted by law, neither CrimTrac nor responsibility or liability for any error or omission in

THE NATIONAL POLICE HISTORY CHECK PROCESS

The information in this report has been obtained according to the following process:

- a) CrimTrac searching a central index for potential matches with the name(s) of the Applicant;
- b) CrimTrac and relevant Australian Police Agencies comparing name matches with Police History information held in Australian police records;
- c) The relevant Australian Police Agencies identifying any Police History information held in their police records and releasing the information subject to relevant state non-disclosure legislation or information release policies;
- d) CrimTrac providing a result of the police check to the Accredited Agency indicating that a record of Police History information relating to the Applicant is held or not; and
- e) CrimTrac providing the Police History information to the Accredited Agency.

	Working With Children Check	National Police Check
Does it allow me to work or volunteer with children?	Yes. Passing a WWC Check allows you to engage in child-related work for 3-5 years (depending on state) while your criminal record continues to be monitored.	No.
How does it work?	The WWC Check is an assessment of a person's suitability to work with children. It involves an examination of relevant criminal offences and disciplinary findings across a person's lifetime.	A National Police Check is only a list of offences from a person's national criminal history that can be released. There is no assessment or investigation made.
Can I fail?	Yes, you will either pass or fail the WWC Check after your suitability to work with children is examined.	You cannot 'pass' or 'fail' a National Police Check; it is simply a list of any offences.
What is checked?	National criminal history, plus findings from professional bodies (including the Victorian Institute of Teaching and the Out of Home Care Suitability Panel), and relevant determinations of the Victorian Civil and Administrative Tribunal (VCAT) under the Health Professionals Registration Act 2005.	National criminal history.
What kinds of offences are considered?	Offences relevant to the safety of children, such as serious sexual, violent or drug-related crimes.	All offences.
How far back does the Check go?	All relevant offences across a person's lifetime are examinable.	Some offences cannot be disclosed, depending on when they were committed*.
How long is it valid?	It is valid for 3-5 years (depending on state) unless suspended or revoked.	Only current at the time of issue. Your employer may require you to undergo subsequent checks.
Is my criminal record monitored?	Yes. Your criminal record continues to be checked for the life of your card. State based police automatically notify the department of new relevant offences so your suitability to work with children can be re-assessed.	No. A new National Police Check is needed to show any new offences.
What happens when I change employer?	The WWC Card is portable between organisations. However, if you move from voluntary to paid work, you must apply for an employee card and pay the fee.	Employers and organisations have their own policies around requiring Police Checks. You may need a new police Check when you start a new job.

Information considered in a Working With Children Check

The Working With Children Check is comprised of:

- A National Police Check of relevant offences, such as sexual offences, serious violent offences, serious drug related offences, offences against the *Working with Children Act 2005*.
- A review of relevant findings from prescribed professional disciplinary bodies.
- Information sought from other bodies, such as courts, the Director of Public Prosecutions and any employee within the meaning of the *Public Administration Act 2004*, Corrections Victoria and employers. It includes where a court made a formal finding of guilt in relation to an offence, convicted the applicant of an offence, accepted a plea of guilt from the applicant, or acquitted the applicant of an offence because of mental impairment.
- Information about any spent convictions, juvenile convictions and findings of guilt, pending charges, and the circumstances surrounding any charges or convictions.

Individuals ineligible to apply for a Working With Children Check:

- Registered sex offenders within the meaning of the *Sex Offenders Registration Act 2004*, or subject to an extended or interim extended supervision order under the *Serious Sex Offenders Monitoring Act 2005*.
- Individuals subject to a detention order, including an interim detention order or a supervision order, including an interim supervision order under the *Serious Sex Offenders (Detention and Supervision) Act 2009*.



Failure to protect

The Failure to Protect Act encourages organisations to actively manage the risks of sexual offences being committed against children in their care and further protect them from harm.

What is the offence of failing to protect a child from sexual abuse?

The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A failure to protect offence is committed if a person in a position of authority is aware of the risk of abuse and has the power or responsibility to reduce or remove the risk, but negligently fails to do so.

What is a 'relevant organisation'?

The offence applies to people in authority within a relevant organisation. A relevant organisation is one that exercises care, supervision or authority over children, whether as part of its primary function or otherwise.

Relevant organisations include, but are not limited to:

- churches
- religious bodies
- education and care services (such as childcare centres, family day care services, kindergartens and outside school hours care services)
- licensed children's services such as occasional care services
- schools and other educational institutions
- organisations that provide accommodation to children and young people, such as boarding schools and student hostels
- out-of-home care services
- community service organisations providing services for children
- hospitals and other health services
- government agencies or departments providing services for children
- municipal councils (for example those that deliver Maternal and Child Health services)
- sporting groups
- youth organisations
- charities and benevolent organisations providing services for children.

Who is a 'person in authority' in an organisation?

A person in authority is someone who, by reason of their position within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a child under the age of 16 years, who is under their care, supervision or authority, may become the victim of sexual abuse committed by an adult associated with the organisation.

Whether someone is considered to be a person in authority will depend on the degree of supervision, power or responsibility the person has to remove or reduce the substantial risk posed by an adult associated with the organisation. People in authority will usually have the ability to make management level decisions, such as assigning and directing work, ensuring compliance with the organisation's volunteer policy and other operational arrangements.

Examples of people in authority may include residential house supervisors, CEOs, board, council or committee members, school principals, service managers and religious leaders. It may also apply to people with less formal involvement in an organisation. For example, a volunteer parent coach responsible for the supervision of a junior sports team may be a person in authority, even if their role is informal or limited.

Who is a 'person associated with' an organisation?

The offence requires a person in authority to act if they know that a person associated with their organisation poses a substantial risk to a relevant child. This may include a person who is an officer, office holder, employee, manager, owner, volunteer, contractor or agent of the organisation. This definition does not include a person who solely receives services from the organisation.

For example, a parent living in the community who is involved with child protection services or who has a child in out-of-home care, and who may pose a risk of sexual abuse to a child, would not be considered to be 'associated with' the Department of Health & Human Services under the offence. Similarly, parents of children attending a school or service will generally only be 'associated with the organisation' if they are also engaged as a volunteer, for example to assist in the classroom or attend an excursion or camp.

The offence relates to risk of sexual abuse by adults. Children under the age of 18 who pose a risk of sexually abusing other children are not covered by this offence.

Who is a 'relevant child'?

A relevant child is a child under the age of 16 who is, or may come, under the care, supervision or authority of a relevant organisation.

The child does not need to be identified. This means that the risk is not that a particular child will become the victim of sexual abuse. Instead, the substantial risk could be posed to any child who is, or who may be in the future, under the organisation's care, supervision or authority.

What is a 'substantial risk'?

The offence requires a person in authority to reduce or remove a known 'substantial' risk that an adult associated with the organisation may commit a sexual offence against a relevant child. It does not make it a criminal offence to fail to address every possible risk that a sexual offence may be committed against a child.

There are a number of factors that may assist in determining whether a risk is a substantial risk. These include:

- the likelihood or probability that a child will become the victim of a sexual offence,
- the nature of the relationship between a child and the adult who may pose a risk to the child,
- the background of the adult who may pose a risk to a child, including any past or alleged misconduct,
- any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence,
- any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.

When determining whether a risk is substantial, the courts will consider a variety of factors, which may include those listed above. The courts will consider all the facts and circumstances of the case objectively, and will consider whether a reasonable person would have judged the risk of a sexual offence being committed against the child abuse as substantial. It is not necessary to prove that a sexual offence, such as indecent assault or rape, was committed.

When does a person 'know' there is a risk of child sexual abuse?

This offence requires a person in authority to act if they know that there is a substantial risk that a child may become the victim of a sexual offence. A person is generally taken to have knowledge of a circumstance if he or she is aware that it exists or will exist in the ordinary course of events. This requires a higher level of awareness than merely holding a tentative belief or suspicion. However, it is expected that a person in authority will take steps to follow up on a suspicion or belief that children in their organisation were at risk of harm.

When does a person negligently fail to reduce or remove a substantial risk?

Under the offence, a person is deemed to have negligently failed to reduce or remove a substantial risk if they have not provided a standard of care that a reasonable person would exercise in the same circumstances. The offence does not require a person in authority to eliminate all possible risks of child sexual abuse.

For example, a person in authority who knows that an adult associated with the organisation poses a substantial risk to children, and moves that adult from one location in an organisation to another location where they still have contact with children, is likely to be committing the offence. Another example is where a person in authority employs someone in a role that involves contact with children, when the person in authority knows the employee left their last job because of allegations of sexually inappropriate behaviour involving children.

Will this criminalise mistakes made by adults who are caring for or working to protect children?

This law is aimed at protecting children and compelling those in authority to remove or reduce known substantial risks that children may become victims of sexual abuse. As previously noted, the offence applies to a person in authority whose failure to protect a child from sexual abuse involves a great falling short of the standard of care that a reasonable person would exercise in the same circumstances.

The offence is unlikely to be committed where a person takes reasonable steps to protect a child from the risk of sexual abuse, for example, where an allegation is reported to appropriate authorities and the individual is removed from any role involving unsupervised contact with children pending an investigation.

What should a person in authority do to reduce or remove the risk of child sexual abuse posed by an adult associated with their organisation?

A person in authority in an organisation must take reasonable steps to reduce or remove a known substantial risk that an adult associated with their organisation will commit a sexual offence against a child.

For example:

- A current employee who is known to pose a risk of sexual abuse to children in the organisation should be immediately removed from contact with children and reported to appropriate authorities and investigated.
- A community member who is known to pose a risk of sexual abuse to children should not be allowed to volunteer at the organisation.
- A parent who is known to pose a risk of sexual abuse to children in a school should not be allowed to be a parent helper at the school or on school excursions.

Reporting child abuse

Children have a right to protection from being hurt, and from violence, abuse and neglect. No one likes to think of children being abused, but unfortunately child abuse is a reality. It is important that all those involved with children or young people are alert to the possibility of abuse and know what to do if they have concerns about a child's safety or welfare.

In Australia, state and territory governments are responsible for receiving reports of suspected child maltreatment from members of the public. Anyone who suspects, on reasonable grounds, that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, should report it to the authority in their state or territory.

How do I know if a child is at risk of abuse?

Abuse can take many forms – physical, emotional, sexual, neglect. You may see suspicious marks or bruises, you may notice a change in the child's behaviour, or a child may say something directly about ill treatment.

What should I do if I am worried about a child?

If you think a child may be suffering (or has suffered) abuse or neglect, you must take action – the safety and welfare of the child must come first and may depend on you reporting your concerns.

- Act promptly, particularly in cases of suspected abuse or neglect which could be life threatening.
- Make a confidential, factual record of what you have seen or heard. Do this at the time of the event. Have this record with you when you make a report.
- Contact your local Child Protection agency or Child Wise.

When should I make a report to Child Protection?

- A child makes a disclosure of sexual or physical abuse.
- A child has a concerning or suspicious physical injury.

When should I contact the Police?

- If you believe a child to be in life threatening or imminent danger.

It is important to note that in Victoria, certain groups of people are required by law to report any suspicion of abuse and neglect of a child. Further guidelines regarding mandatory reporting can be found in Mandatory Reporting of Child Abuse and Neglect (<http://www.aifs.gov.au/cfca/pubs/factsheets/a141787/index.html>).

Support services

If a child is in immediate danger, contact the Police on 000

Other Support Services	Phone	Website
Department of Human Services – Children, Youth and Families	<p>Metropolitan East: 1300 360 391 South: 1300 655 795 North & West: 1300 369 536</p> <p>Rural Barwon South Western: 1800 075 599 Gippsland: 1800 020 202 Grampians: 1800 000 551 Hume: 1800 650 227 Loddon Mallee: 1800 675 598</p> <p>After hours (all regions) 131 278</p>	www.dhs.vic.gov.au
Child Wise National Child Abuse Helpline	1800 99 10 99	www.childwise.org.au
Kids Helpline	1800 551 800	www.kidshelp.com.au
Life Line	13 11 14	www.lifeline.org.au
Parentline	13 22 89	www.parentline.com.au
Child FIRST	1300 775 160	www.dhs.vic.gov.au

SOCIT (Sexual Offences and Child Abuse Investigation Team) contact details

North-West Metropolitan	
Brimbank	(03) 9313 3460
Diamond Creek	(03) 9438 8320
Epping	(03) 9409 8174
Fawkner	(03) 9355 6100
Footscray	(03) 8398 9860
Melbourne	(03) 8690 4056

Western Victoria	
Ballarat	(03) 5336 6055
Bendigo*	(03) 5448 1420
Colac	(03) 5230 0044
Geelong*	(03) 5223 7200
Horsham	(03) 5382 9241
Ararat	(03) 5355 1500
Macedon Ranges	(03) 5421 2900
Mildura*	(03) 5023 5980
Swan Hill	(03) 5036 1600
Warrnambool	(03) 5560 1333

Southern Metropolitan	
Dandenong*	(03) 8769 2200
Frankston*	(03) 8770 1000
Moorabbin	(03) 9556 6128

Eastern Victoria	
Bairnsdale	(03) 5150 2677
Benalla	(03) 5760 0200
Box Hill	(03) 8892 3292
Knox	(03) 9881 7939
Morwell*	(03) 5131 7014
Wonthaggi	(03) 5671 4100
Sale	(03) 5142 2200
Seymour	(03) 5735 0208
Shepparton	(03) 5820 5878
Wangaratta	(03) 5723 0848
Wodonga	(02) 6049 2673

* Multi-disciplinary Centres which bring together Victoria Police, child protection and sexual assault counselling services at the one site to provide integrated support for adults and children who have experienced sexual assault.



Helpline: 1800 99 10 99

Phone: 03 9826 6344

www.childwise.org.au