

6. The Commonwealth's role in child abuse and neglect

Australia is a signatory to the World Declaration on the Survival, Protection and Development of Children and the United Nations Convention on the Rights of the Child. As stated above, the responsibility and legislative powers for child protection rest largely with the State and Territory welfare authorities. The Commonwealth's role is largely confined to education and research. It does, however, also directly fund some family support services (in the areas of counselling and mediation) and a small number of family resource centres (ACOSS 1996).

In the 1996 Budget the Commonwealth Government committed \$4.3 million over two years to deliver parenting education programs in the belief that:

Providing parents with the information necessary to deal with some of the pressures of day-to-day life should lead to a reduction in the incidence of child abuse. (Statement by the Honourable Judi Moylan 1996, p. 15)

The Commonwealth has stated that it will use the expertise of the community welfare sector in establishing and running these programs.

The National Child Protection Council (NCPC), comprising representatives from the Commonwealth, State and Territory governments and 'community representatives' (such as a representative from the Aboriginal Child Care Agencies), was established in 1991. The Council's main role is education and research into child abuse and neglect. In 1993 the Council produced the National Child Abuse Prevention Strategy, the thrust of which is towards prevention of abuse and neglect (Calvert 1993; Rayner 1994).

The Commonwealth also funds the Australian Institute of Family Studies to host the National Child Protection Clearing House which serves as an interchange point for information, research and initiatives supporting work in the field of child abuse and neglect prevention.

7. Factors often associated with child abuse and neglect

There is a considerable body of written material regarding the social, psychological and environmental factors often associated with child abuse and neglect, and whether these factors are causal in nature. It is important to discuss some of the commonly identified factors to place the following data in context (particularly that related to family type and to Aboriginal and Torres Strait Islander people).

Identification of these associated factors is also important in targeting prevention strategies, currently being given considerable emphasis by both State and Territory and Commonwealth governments. It should be noted that the presence of these factors is neither sufficient nor necessary to explain why child abuse and neglect occurs. They are not associated with all cases of abuse or neglect—they are merely factors that have been identified as being common to many cases.

Goddard (1992) categorises the factors associated with child abuse as:

- psychological—for example, parents who were themselves abused as children and parents who have unrealistic expectations of their children's behaviour;
- social—such as social stresses, social isolation, poverty, unemployment and poor housing; and
- factors associated with the child—for example, prematurity or a disability that may make the child more demanding or difficult to manage.

He also suggests that there is an interaction of factors that contribute to child abuse and neglect. Domestic violence has been cited as another factor often associated with child abuse and neglect (Goddard & Hiller 1993; Tomison 1995).

A study of a sample of 151 substantiated notifications dealt with by the South Australian child protection agency in the year 1988–89 also attempted to identify some common factors. Of the 119 notifications where there was some information recorded about the family context prior to the report, 72% noted caregiver factors (for example, custody and access disputes, caregiver's psychiatric or physical illness, addiction to drugs and alcohol, financial stress, history of domestic violence or lack of parenting skills); over 30% noted child factors (such as disturbed behaviour, resentment towards or conflict with caregiver or siblings); and 16% noted the family as close and caring, with no apparent problems. These were not mutually exclusive categories (Winefield, Harvey & Bradley 1993). Similarly an analysis of notifications to the NSW DCS over the period 1991–92 to 1994–95 found that issues such as alcohol and/or drug abuse, emotional incapacity, and a violent domestic environment were frequently associated with the reported matter (Information and Planning Group, Child and Family Services Directorate 1996).

Clark (1995a) also points out that the socioeconomic profile of the Protective Services client population in Victoria is similar to that in the United Kingdom. The children reported are from poor families, with single parent families over-represented and an increasing number of children with parents with a mental illness or intellectual disability. She also cites substance abuse and domestic violence as factors contributing to child abuse and neglect.

8. Overview of the processes of notification, investigation and substantiation of abuse and neglect

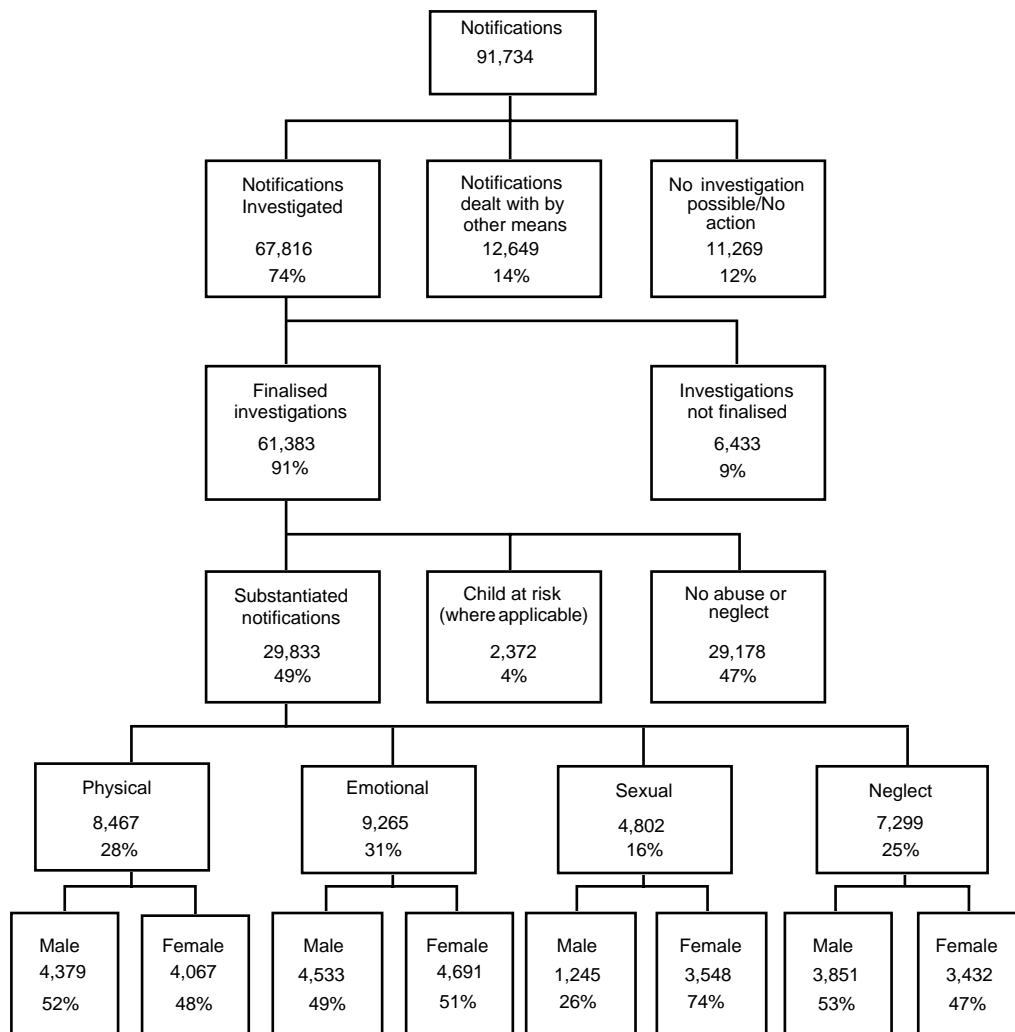
To help the reader place the data contained in this publication in some context, the following is a general description of the main processes following notification of child abuse or neglect to a State or Territory community service department. Figure 1 also outlines a very simplistic model of these processes and provides actual numbers for Australia for 1995–96.

It should be noted that the processes and stages through which a notification may pass vary across States and Territories, reflecting their different legislation, policies, protocols and local requirements. A brief description of these differences is also included below.

8.1 Notifications

In 1995–96 a total of 91,734 notifications of child abuse or neglect were received by the community service departments in the States and Territories (Figure 1). Notifications made to other organisations (such as the police) which were not referred to a community service department were not included in the data.

In this collection, only one child is the subject of a notification. Notifications concerning the child but which relate to the same event (that is, where the child has suffered the same type of abuse or neglect and where the same person is believed responsible) are counted as one notification. However, where a child is the subject of more than one notification during the year but these notifications relate to different events (for example, where there is a different type of abuse or neglect or a different person is believed responsible), these are counted as separate notifications, except in Victoria (see below).



Notes

1. Excludes 40 notifications of 'threat of abuse' for South Australia.
2. Figures by sex exclude substantiated notifications where the sex of the child is not stated.

Figure 1: Notifications of child abuse and neglect by outcome, type of abuse or neglect and sex of child, Australia, 1995-96

8.1.1 Definition and description of notifications in each jurisdiction

The States and Territories vary in how they define a notification and how they count notifications for the purposes of their data collection, as described below:

New South Wales

The definition of a notification in New South Wales is very broad and includes concerns regarding child behaviour or requests for assistance or information from parents. The data collection includes all notifications to NSW DCS except malicious allegations and allegations with insufficient information.

Victoria

A notification is caller defined; that is, where the person contacting the department believes that child abuse and neglect has occurred, this is classified as a notification. While a case is open, multiple notifications concerning a child are counted as one notification only, even if these notifications relate to a different type of abuse or neglect or a different person is believed responsible for the abuse or neglect.

Queensland

If the initial allegation of child abuse or neglect to DFYCC ('intake report') is assessed as involving a child protection issue and requiring a departmental response, then it is counted as a notification.

The data collection includes:

- notifications of abuse or neglect where the person believed responsible is a parent, a parent's partner or a person living in the home with the child;
- notifications where the person believed responsible for the abuse or neglect is living outside the home but where the parent is likely to be unable or unwilling to protect the child;
- notifications where it is not known if the person believed responsible lives in the child's home; and
- notifications where the person believed responsible is a foster parent, approved person, State emergency 24 hour carer, or licensed residential worker.

A notification where the level of harm or risk of harm is not deemed to be significant is responded to by providing 'protective advice'. These notifications are included in the AIHW data collection as 'notifications dealt with by other means'.

Western Australia

In Western Australia notifications of child abuse and neglect are contacts with the FCS which the department classifies as Child Maltreatment Allegations (CMAs).

The 'New Directions' policy introduced a new approach by FCS to the management of notifications of abuse and neglect (see Section 3.2). The focus is now on collecting better information at the point of referral or contact with the department with referrals now classified into CMAs, Child Concern Reports (CCRs) and 'other reasons for contact' (such as schooling problems and physical problems with the child).

A contact is classified as a CMA where there is sufficient information to form a professional judgement that a child:

- has been physically or emotionally harmed or injured;
- is at risk of significant physical or emotional harm or injury;
- has been exposed or subjected to sexual behaviour or activities which are exploitative or inappropriate to his or her developmental level; or
- has been the subject of persistent actions or inactions which are likely to result in the child's development being significantly impaired (WA FCS 1996, p. 21).

CCRs include general concerns about a child's welfare such as concerns about situations where a child has harmed him or herself or is suffering emotional distress as a result of a divorce or a situation involving domestic violence. After assessment, a CCR may be reclassified as a CMA (WA FCS 1996).

Although only CMAs are defined as notifications of child abuse and neglect, it should be noted that 1995-96 was a phasing-in period for the new approach and that this publication contains data collected under both the old and the new approaches. As a result, the count of CMAs for 1995-96 includes some notifications that under 'New Directions' would be classified as CCRs. Therefore, while the number of notifications in 1995-96 is lower than in previous years, it is expected that the number will be lower again in 1996-97 when 'New

Directions' will have been in place across the whole of Western Australia for a full financial year.

South Australia

Notifications include reports to the community service department where there is a reasonable suspicion of abuse and neglect.

Data on notifications for 1995–96 include 1,729 notifications that were assessed as not meeting the requirement for investigation (for instance, notifications involving parent–child conflict or behavioural problems) (see Table 1).

Tasmania

Notifications include allegations of abuse or neglect of a child, or risk of abuse or neglect, made to Intake and Assessment Teams located in DCHS in the three regions in Tasmania. They do not include reports of concerns such as family problems and homelessness.

In previous years, only child abuse and neglect which was reported under the *Child Protection Act 1974* and recorded on the Child Protection database was included in the AIHW data collection. This represented all notifications of abuse, but only a minority of notifications of neglect. Notifications of neglect under the *Child Welfare Act 1960* were recorded on the Child Welfare Information System and were not included in the data provided to AIHW. The Child Protection database and the Child Welfare Information System have now been combined and since 1 July 1995 all notifications of child abuse and neglect have been reported to Intake and Assessment Teams that administer both Acts.

Australian Capital Territory

Reports to the department where the notifier considers there are reasonable grounds for believing that there is, or there is risk of, child abuse and neglect are counted as notifications. Child welfare concerns reported to the department (such as child–parent conflict, behavioural problems or homelessness) are not included as notifications in this collection.

Northern Territory

In the Northern Territory a report to Family, Youth and Children's Services (FYCS) that a child has suffered or is at substantial risk of suffering maltreatment is counted as a notification. The data collection includes notifications where the person believed responsible for the abuse or neglect is within the immediate family circle (including Aboriginal kinship), and notifications where the person believed responsible is outside the immediate family circle but it appears that the child's caregivers are unable or unwilling to protect the child. Child welfare concerns reported to the department are also counted as notifications.

8.1.2 Actions taken in regard to notifications

Notifications are either:

- investigated (see Section 8.2);
- dealt with by means other than investigation (such as referral or the provision of advice); or
- are neither investigated nor dealt with by any means. This may be because there is insufficient information for the community service department to take any action (for example, the name or address of child was not provided), because it is obvious that the allegation is mischievous or malicious, or because it is obvious that the child is not in need of care and protection.

In 1995–96 in Australia, 67,816 notifications were investigated (74% of all notifications), 12,649 notifications (14%) were dealt with by means other than investigation, and the remaining 11,269 notifications (12%) were not dealt with by any means (Figure 1).

8.2 Investigations

An investigation of child abuse and neglect is the process by which the community service department obtains information about a child who is the subject of a notification. Most States and Territories conduct an initial assessment of a notification to determine whether the notification warrants investigation, but do not count these assessments as part of the investigation phase. In the other jurisdictions, however, these initial assessments are counted as 'investigations'.

Since notifications about the same child (where about different events) are counted as separate notifications in all States and Territories except Victoria, each of these notifications has a separate investigation. In Victoria, since more than one notification about a child cannot be counted while a case is open, there can only be one investigation (notification investigated) during this period (see Section 8.1.1).

In this collection investigations are categorised as either:

- a finalised investigation; that is, a notification received during 1995–96 which was investigated and where the investigation was completed and an investigation outcome recorded by 31 August 1996; or
- an investigation not finalised; that is, a notification received during 1995–96 which was investigated and where the investigation was not completed and there was no investigation outcome recorded by 31 August 1996.

In 1995–96, in Australia, 91% of the 67,816 investigations were 'finalised' and the remaining 9% were 'not finalised' (Figure 1).

8.2.1 Investigations across jurisdictions

The following briefly outlines the actions of the community service department that are deemed to constitute an investigation in each State and Territory:

New South Wales

During 1995–96 a very wide range of actions, from a phone call to face-to-face contact, were considered to constitute part of an 'investigation' in New South Wales. The data provided in this publication reflect this policy.

In July 1996, however, the DCS introduced new policies and practices, which significantly change the way that notifications and investigations are dealt with in that State. Whereas formerly all notifications were investigated, notifications are now initially assessed to determine whether they relate to child abuse and neglect or to some other concern about a child's welfare. After the assessment only notifications relating to child abuse or neglect are investigated. Investigations thus concentrate on the issues of child abuse and neglect rather than child concerns (NSW DCS 1995). As a result of these policy changes a substantial fall in the number of 'investigations' is expected in the 1996–97 data.

Victoria

In Victoria, all appropriate notifications are initially investigated to determine if they require a direct investigation. This 'initial investigation' would typically involve phone calls, file searches and/or case conferences. 'Initial investigations' are not counted as an 'investigation' for the purposes of this data collection. Only 'direct investigations', which involve face-to-face contact with the child, are included as an 'investigation' in the data in this report.

Queensland

In Queensland all notifications of abuse and neglect are responded to, either by a 'full investigation' (involving contact with the child or family) or a 'protective advice' (which means that the department responds to the caller through the provision of advice or referral). In this collection a 'full investigation' is counted as an 'investigation' and a 'protective advice' is counted as a 'notification dealt with by means other than investigation'.

Western Australia

Investigations include the face-to-face interviewing of the child and his or her caregivers, as well as the gathering of other information in order to make an assessment. An investigation can also involve consultation with other agencies actively involved in the case.

South Australia

Investigation involves any contact with the child, family, friends or other professionals with the purpose of gaining further information about a report which has been assessed as relating to child protection. Investigation usually involves a visit to the home of the child or a visit by the family of the child to the DFCS office.

Tasmania

An investigation may range from a search of records, interviews with the child or alleged maltreater, or liaison with the police in a criminal investigation.

Australian Capital Territory

The range of actions classified as an investigation is very broad, from a phone call to a face-to-face interview with the child and/or his or her caregiver.

Northern Territory

Investigation procedures require that a child must be visited at home and interviewed. All investigations, whether substantiated or not, are independently reviewed by Child Protection Teams which may recommend further action in relation to the management of the case.

8.2.2 Outcomes of finalised investigations

When an investigation is finalised it must have an outcome recorded. For the purposes of this collection States and Territories have classified outcomes of finalised investigations as either:

- 'substantiated abuse and neglect';
- 'unsubstantiated abuse and neglect'; or
- 'child at risk' (only some jurisdictions have this category of outcome).

8.3 Substantiations

In general terms a finalised investigation is classified as 'substantiated' or as a 'substantiated notification' where there is reasonable cause to believe that the child has been, or is being, abused or neglected. Substantiation does not require sufficient evidence for a successful prosecution, with only a fairly small proportion of substantiated notifications resulting in prosecution of the person believed responsible for the abuse or neglect. For example, a study of Western Australian child protection data for the period 1989 to 1994 indicated that 8% of physical abuse substantiations, 28% of sexual abuse substantiations, 2% of emotional abuse substantiations and 1% of neglect substantiations resulted in prosecution of the person(s) believed responsible (Cant & Downie 1994). It is also important to note the wide range of severity of harm and injury experienced by children who are the subject of abuse and neglect substantiations, as shown in Section 9.10.

The definition of substantiation does not differ greatly across the States and Territories. There are, however, a few differences that need to be taken into consideration when examining the data on substantiated child abuse and neglect.

- In New South Wales, prior to July 1996, substantiation of a notification did not necessarily mean that abuse or neglect had occurred, but rather that the information about the notification was confirmed (irrespective of whether or not it was a notification

of maltreatment or a notification of a concern about a child's welfare). Thus, in the data provided in this report, the definition of a substantiated notification in New South Wales is broader than in the other States and Territories. This has changed with the introduction of new policy directions at 1 July 1996, with a notification in New South Wales now being counted as substantiated only if child abuse and neglect is found (NSW DCS 1995). This will result in a significant fall in the number of substantiations in New South Wales in the 1996–97 data.

- The number of substantiations in Tasmania in 1995–96 is low relative to previous years. This reflects the absence of a common definition for substantiated child abuse and neglect across the regions within Tasmania. To rectify this problem, Tasmania has since adopted a definition for substantiated child abuse and neglect that is more consistent with the definition used by other States and Territories.

In 1995–96 there were 29,833 notifications of child abuse and neglect that were substantiated by State and Territory community service departments in Australia.

8.3.1 Categorisation by type of abuse and neglect

Substantiated abuse and neglect is broken down into the following four categories for the purposes of this collection:

- physical abuse—any non-accidental physical injury inflicted upon a child;
- emotional abuse—any act which results in the child suffering any kind of significant emotional deprivation or trauma;
- sexual abuse—any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards; and
- neglect—any serious omissions or commissions which, within the bounds of cultural tradition, constitute a failure to provide conditions that are essential for the healthy physical and emotional development of a child. This includes 'failure to thrive'.

Many children suffer more than one type of abuse or neglect. For example, a recent study of 295 notifications of suspected child abuse in Victoria found that, in one-third of notifications where neglect was the main concern, there was also physical abuse; in one-fifth of notifications relating to physical abuse, neglect was also an issue; and in one-quarter of notifications relating to sexual abuse there were also concerns about neglect (Tomison 1995).

The combination of different types of abuse is well documented in the literature:

Clinically it appears that physical, verbal or sexual abuse seldom occur without some component of other mistreatment. Various forms of abuse are frequently combined with either physical or emotional neglect. (Ney, Fung & Wickett 1994, p. 705–714)

Emotional abuse almost always occurs with physical or sexual abuse...Emotional abuse can also occur where there appears to be good physical care. (Goddard 1992, p. 287)

To avoid double counting where more than one type of abuse or neglect is recorded as an outcome of a finalised investigation, in this collection the type of abuse or neglect is classified as that considered to be the 'most serious'.

It should be noted that the categorisation of abuse and neglect into physical abuse, emotional abuse, sexual abuse or neglect is somewhat subjective, particularly given that most incidents of abuse and neglect do not appear to occur singly. It may be difficult to discern which type of abuse or neglect is the most serious and presents the greatest harm to the child.

In addition to the four categories of abuse and neglect mentioned above, South Australia has a fifth category, called 'threat of abuse'. In 1995–96 in South Australia there were 40 substantiations coded as 'threat of abuse' and these substantiations are excluded from the data in this collection. Other States and Territories include 'threat of abuse' under either

'physical', 'emotional' or 'sexual' abuse and these data are therefore included in the collection.

In 1995–96 in Australia, 28% of the 29,833 substantiated notifications of child abuse and neglect were categorised as physical abuse, 31% as emotional abuse, 16% as sexual abuse and the remaining 25% as neglect (Figure 1).

8.3.2 How do the community service departments deal with substantiated notifications?

The emphasis of State and Territory community service departments is on protecting the child, if possible, within the family structure. In addition, where possible, the family is involved in sorting out the problems and possible solutions when child abuse and neglect is substantiated. The term 'family preservation' is often used in the literature to describe this current emphasis.

Child protection workers are charged with onerous responsibilities as they struggle to steer a path trying to protect children on the one hand, and preserve family integrity on the other. (Cashmore & Castell-McGregor 1996, p. 16)

Each State and Territory has developed its own programs and practices to involve and assist families where a child has been subjected to abuse and neglect. For example, South Australia has a pre-court process called Family Care Meetings, which involve families in developing plans and strategies for the protection of children. Victoria has Family Group Conferences and a Families First program (which is an intensive in-home support program aimed at preventing out-of-home placement for abused and neglected children). Similar family preservation programs are being developed in other States and Territories (Cashmore & Castell-McGregor 1996; Voight & Tregeagle 1996).

Other intervention may include referral to other organisations to assist in the alleviation of financial or emotional stresses within the family, or continued supervision by the relevant department and restricting access to the child of the person believed responsible for the abuse or neglect. In some situations such restrictions are not necessary as the person believed responsible may leave the family home voluntarily. Some children may be placed out of home on a voluntary basis for a short term, while the process of reconciliation with the family is being attempted.

Another option available to community service departments, usually only undertaken as a last resort, is to apply to have the child who is the subject of abuse and neglect placed on a care and protection order. This gives the community service department some legal responsibility for the child's welfare. Care and protection orders range from guardianship orders (where guardianship of a child is transferred to the State) to supervisory orders (where the community service department's role is to supervise the care provided to the child by its parents or guardian). Placing the child on an order does not necessarily involve removing the child from his or her home, although some children under orders are removed to foster care or some other out-of-home placement (Angus, Dunn & Moyle 1996).

Only a small proportion of substantiated notifications result in children being placed on an order. For example, in New South Wales in 1993–94, only about 5% of all notifications resulted in a determination by the Children's Court that a child be placed on a care and protection order, despite the fact that around half of all notifications were substantiated (NSW DCS 1995).

8.4 Child at risk

The 'child at risk' category refers to situations where the notification of abuse or neglect is not substantiated, but where there are reasonable grounds for suspecting the possibility of previous or future abuse or neglect and it is considered that continued departmental involvement is warranted. In 1995–96 only Queensland, Western Australia, Tasmania and

the Australian Capital Territory included the 'child at risk' category as an outcome from a finalised investigation.

In Western Australia, the category 'not substantiated—child at risk' was abolished with the implementation of the 'New Directions' policy state-wide in May 1996 (see Section 8.1.1) (WA FCS 1996). Since the new policy was phased in during 1995–96, the number of substantiated notifications classified as 'child at risk' is lower than in previous years.

Victoria ceased assigning finalised investigation outcomes to the 'child at risk' category in 1988–89. In South Australia, the use of the 'child at risk' category was discontinued during 1989. The Northern Territory has not had a 'child at risk' category since 1993–94 (although it had one finalised investigation with an outcome classified as 'child at risk' in 1995–96).

In this collection, for New South Wales and South Australia, where a notification is not substantiated but a child is assessed as being at risk, the investigation outcome is classified as 'no abuse or neglect'. In the Northern Territory, however, these notifications are allocated either to the category 'substantiated' or 'no abuse or neglect', depending on the individual situation.

There were 2,372 finalised investigations with an outcome classified as 'child at risk' in 1995–96, representing only 4% of all finalised investigations in Australia (Figure 1).

8.5 No abuse or neglect (unsubstantiated)

A notification is categorised as 'unsubstantiated' where it is concluded after investigation that there is no reasonable cause to suspect that the child has been, is being, or is likely to be, harmed.

There is some variation between the States and Territories as to what is included as an unsubstantiated notification since, as discussed above, some jurisdictions include as unsubstantiated those notifications which others classify as 'children at risk' (see Section 8.4). In addition, in New South Wales 'unsubstantiated' refers to a situation where the details of the notification were not confirmed (see Section 8.3).

For Australia, in 1995–96, the outcome of 29,178 finalised investigations (47% of all finalised investigations) were classified as 'unsubstantiated' or 'no abuse or neglect' (Figure 1).