

Child Abuse - Definitions and Key Risk Indicators

Definition of Child Abuse and Family Violence

Child Abuse

Child abuse is defined in section 3 of the Child Wellbeing and Safety Act 2005 (Vic) as including:

- any act committed against a child involving a sexual offence or a grooming offence listed in the Crimes Act 1958 (Vic);
- the infliction of physical violence, serious emotional or psychological harm; and
- the serious neglect of a child.

A child is defined by the Act as a person who is under the age of 18 years.

Family Violence

Whilst the term “family violence” does not form part of the official definition of “child abuse”, the impact of family violence on a child is commonly referred to as a form of child abuse.

In Victoria section 5 of the Family Violence Protection Act 2008 (Vic) defines “family violence” as behaviour by a person towards a family member that is:

- physically or sexually abusive;
- emotionally or psychologically abusive;
- economically abusive;
- threatening;
- coercive; or
- in any other way controlling or dominating the family member and causes them to feel fear for their own, or other family member’s safety or wellbeing.

Behaviour that causes a child to hear, witness, or be exposed to the effects of such behaviour also falls within the definition of “family violence”.

Sexual Offences

A sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child’s age and development. Children may be bribed or threatened physically and psychologically to make them participate in the activity.

Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution as well as **grooming behaviour**.

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Possible Physical Indicators of Sexual Abuse:

- injury to the genital or rectal area, such as bruising or bleeding;
- vaginal or anal bleeding or discharge;
- discomfort in urinating or defecating;
- presence of foreign bodies in vagina and/or rectum;
- inflammation or infection of genital area;
- sexually transmitted diseases;
- pregnancy, especially in very young adolescents;
- bruising and other injury to breasts, buttocks or thighs;
- anxiety related illnesses such as anorexia or bulimia; or
- frequent urinary tract infections.

Possible Behavioural Indicators of Sexual Abuse:

- the student discloses sexual abuse;
- persistent and age inappropriate sexual activity, including excessive masturbation, masturbation with objects, rubbing genitals against adults, playing games that act out a sexually abusive event;
- drawings or descriptions in stories that are sexually explicit and not age appropriate;
- a fear of home, a specific place, a particular adult, or excessive fear of men or of women;
- poor or deteriorating relationships with adults and peers;
- poor self-care/personal hygiene;
- regularly arriving early at school and leaving late;
- complaining of headaches, stomach pains or nausea without physiological basis;
- frequent rocking, sucking or biting;
- sleeping difficulties;
- reluctance to participate in physical or recreational activities;
- regressive behaviour, such as bedwetting or speech loss;
- sudden accumulation of money or gifts;
- unplanned absences or running away from home;
- delinquent or aggressive behaviour;
- depression;
- self-injurious behaviour, including drug/alcohol abuse, prostitution, self-mutilation, or attempted suicide;
- sudden decline in academic performance, poor memory and concentration;

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- wearing of provocative clothing, or layers of clothes to hide injuries; or
- promiscuity.

Grooming

Grooming refers to predatory conduct undertaken to prepare a child for sexual activity at a later time. It is a sexual offence under section 49B of the Crimes Act 1958 (Vic) carrying a maximum 10 year term of imprisonment.

Grooming behaviour typically involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviour.

Grooming does not necessarily involve any sexual activity or even discussion of sexual activity. For example, it may only involve establishing a relationship with a child, a parent or carer for the purpose of facilitating sexual activity at a later time.

Certain behaviours or acts will not in isolation constitute grooming behaviour. However, where there is a repeating pattern of indicative behaviour, or several incidents of indicative behaviour, it may constitute grooming behaviour.

Indicators of Grooming Behaviours:

- persuading a child or group of children that they have a special relationship;
- asking a child to keep the relationship to themselves;
- inappropriately allowing a child to overstep the rules;
- testing boundaries, for example by undressing in front of a child;
- manoeuvring to get or insisting on uninterrupted time alone with a student;
- buying a student gifts;
- insisting on physical affection such as hugging, wrestling or tickling even when the student clearly does not want it;
- being overly interested in the sexual development of a student;
- taking a lot of photos of a student;
- engaging in inappropriate or excessive physical contact with a student;
- sharing alcohol or drugs with a student;
- making inappropriate comments about a student's appearance or excessive flattery;
- using inappropriate pet names;
- making jokes or innuendo of a sexual nature;
- making obscene gestures or using obscene language;
- sending correspondence of a personal nature via any medium;

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- inviting, allowing, or encouraging students to attend a staff member's home without parental/carer permission;
- entering change rooms or toilets occupied by students when supervision is not required or appropriate;
- communicating with a child's parent/step parent, legal guardian, teacher, religious official or spiritual leader with the intention of facilitating the child's involvement in sexual conduct;
- inappropriately extending a relationship outside of work; or
- photographing, audio recording, or filming students via any medium without authorisation or having parental consent to do so.

What Is Not Grooming?

Not all physical contact between a student and a staff member or any person engaged by the school to provide services to children, including a volunteer, will be inappropriate and/or an indicator of possible grooming behaviour.

The following physical contact with students is not grooming behaviour:

- administration of first aid;
- supporting students who have hurt themselves;
- non-intrusive gestures to comfort a student who is experiencing grief, loss or distress, such as a hand on the upper arm or upper back; and
- non-intrusive touching i.e. shaking a student's hand or a pat on the back to congratulate a student.

Physical Violence

Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or using weapons (such as belts and paddles).

Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline.

Possible Physical Indicators of Physical Violence:

- unexplained bruises;
- bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms or inner thighs;
- any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example fingerprints, handprints, buckles, iron or teeth;

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- burns that show the shape of the object used to make them, such as an iron, grill, cigarette, or burns from boiling water, oil or flames;
- fractures of the skull, jaw, nose or limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the child's age and development;
- cuts and grazes to the mouth, lips, gums, eye area, ears or external genitalia;
- human bite marks;
- bald patches where hair has been pulled out; and
- multiple injuries, old and new.

Possible Behavioural Indicators of Physical Violence:

- inconsistent or unlikely explanation for an injury;
- inability to remember the cause of an injury;
- fear of specific people;
- wearing clothes unsuitable for weather conditions (such as long sleeved tops) to hide injuries;
- wariness or fear of a parent/carer and reluctance to go home;
- no reaction or little emotion displayed when hurt;
- little or no fear when threatened;
- habitual absences from school without explanations (the parent/carer may be keeping the child away until signs of injury have disappeared);
- overly compliant, shy, withdrawn, passive and uncommunicative;
- fearfulness when other children cry or shout;
- unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others;
- excessively friendly with strangers;
- regressive behaviour, such as bed wetting or soiling;
- poor sleeping patterns, fear of dark, nightmares;
- sadness and frequent crying;
- drug or alcohol misuse;
- poor memory and concentration;
- suicide attempts; or
- academic problems.

Serious Emotional or Psychological Harm

Serious emotional or psychological abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

Psychological or emotional abuse may occur with or without other forms of abuse.

Possible Physical Indicators of Serious Emotional or Psychological Harm:

- speech disorders;
- delays in emotional, mental or even physical development; or
- physical signs of self-harming.

Possible Behavioural Indicators of Serious Emotional or Psychological Harm:

- exhibiting low self-esteem;
- exhibiting high anxiety;
- overly compliant, passive or undemanding behaviour;
- extremely demanding, aggressive, or attention-seeking behaviour;
- anti-social, destructive behaviour;
- low tolerance or frustration;
- unexplained mood swings;
- self-harming;
- behaviours that are not age appropriate, for example, overly adult (parenting of other children), or overly infantile (thumb sucking, rocking, wetting or soiling);
- fear of failure, overly high standards and excessive neatness;
- depression, or suicidal thoughts;
- running away;
- violent drawings or writing; or
- contact with other students forbidden.

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Serious Neglect

Serious neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life threatening situations.

Possible Physical Indicators of Serious Neglect:

- consistently dirty and unwashed;
- consistently inappropriately dressed for weather conditions;
- consistently without adequate supervision and at risk of injury or harm;
- consistently hungry, tired and listless, falling asleep in class, or malnourished;
- unattended health problems and lack of routine medical care;
- inadequate shelter and unsafe or unsanitary conditions;
- abandonment by parents; or
- poor hygiene.

Possible Behavioural Indicators of Serious Neglect:

- begging or stealing food;
- gorging when food is available;
- inability to eat when extremely hungry;
- alienated from peers, withdrawn, listless, pale, and thin;
- aggressive behaviour;
- delinquent acts, for example, vandalism, drug or alcohol abuse;
- little positive interaction with parent/carer;
- appearing miserable or irritable;
- poor socialising habits;
- poor evidence of bonding, or little stranger anxiety;
- indiscriminate with affection;
- poor, irregular or non-attendance at school or kindergarten/child care;
- staying at school long hours;
- self-destructive;
- dropping out of school;
- taking on an adult role of caring for a parent;

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- misusing alcohol or drugs; or
- academic issues.

Family Violence

In Victoria "**family violence**" is a defined term under the Family Violence Protection Act 2008. It is a criminal offence.

When dealing with children it is important to remember that "family violence" extends to behaviour that causes a child to hear, witness, or be exposed to the effects of "family violence".

As family violence can result in one or more forms of child abuse (being sexual offences, physical violence, serious emotional or psychological harm or serious neglect) the physical and behavioural indicators of these types of abuse may also be indicative of a family violence situation.