

Guide for including children and young people in reportable conduct investigations



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The Commission for Children and Young People respectfully acknowledges the Traditional Owners of the country throughout Victoria and pays respect to the ongoing living cultures of First Peoples.

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Purpose of this guide

The purpose of this guide is to provide advice to organisations and investigators undertaking a Reportable Conduct Scheme investigation that involves children and young people. Children and young people will usually be the alleged victim of a reportable allegation (except for historical allegations). They could also be witnesses in an investigation.

This guide should be read together with the Commission for Children and Young People's other guidance in relation to reportable conduct including the [Guidance for Organisations Investigating a Reportable Conduct Allegation](#) and our [information sheets](#).

A child or young person involved in an investigation into a reportable allegation, whether they are the alleged victim or a witness, should be interviewed unless there is a good reason why this should not occur. This guide provides guidance and advice to organisations about how to plan and undertake an interview with a child or young person.

The Commission recognises that each organisation is different and will have different ways of meeting their obligation to undertake investigations depending on the type of organisation, its size and the available resources. It is up to each organisation to decide how an investigation will be carried out and who will undertake the investigation.

In many cases, organisations will already have staff or investigators with the necessary skills and experience to interview children and young people in an investigation. Organisations should also consider training their staff or investigators to build skills and confidence in this area, particularly if service delivery to children and young people is a

significant part of the organisation's operations. In some investigations, the nature of the allegation or circumstances of the matter may mean an organisation chooses to engage an external investigator. In all cases, organisations should carefully consider the way children and young people are included in investigations.

The Commission has a statutory function under the *Child Wellbeing and Safety Act 2005* (the Act) to ensure that investigations into reportable allegations are properly conducted and are of a sufficiently high standard to achieve the purposes of the Act. In performing this role, the Commission pays particular attention to the involvement of children and young people in investigations.

Why it is important to include children and young people in investigations

Excluding children and young people from investigations without good reason can send a damaging message to them that their voice is not valued. It can contribute to them not feeling listened to or heard. It also potentially deprives investigators of valuable evidence relevant to deciding whether an adult has engaged in child related misconduct or abuse.

Supporting children and young people to participate in investigations relevant to them is consistent with the Child Safe Standards which requires organisations to have strategies in place to promote the participation and empowerment of children and young people. It aligns with obligations under the United Nations Convention on the Rights of the Child.

Purpose of this guide

Evidence from the Royal Commission into Institutional Responses to Child Sexual Abuse highlighted the consequences of failing to listen to voices of children and young people. More than 7000 survivors gave evidence to the Royal Commission, which found:¹

- there were numerous barriers to children and young people disclosing abuse at the time when it occurred. These included their own feelings of embarrassment, fear of the perpetrator, and concern they would not be believed or would be blamed for the abuse
- when disclosures were made, many institutions responded in ways that minimised the abuse and failed to protect children and young people.

By considering the particular needs of children and young people, organisations will increase the robustness of their investigations and reduce the likelihood of negative long-term impacts on children and young people. Understanding the impact that trauma can have on some children and young people and making decisions that reduce the chance a child or young person will have their trauma exacerbated by an investigation is important.

It is also important to remember that not including children and young people in investigations can also be traumatising as they may feel powerless and excluded.

Myths about children and young people's evidence being less reliable than adults can also lead some investigators to mistakenly exclude children and young people from investigations, or to give their evidence less weight without good reason. Children and young people can speak the truth, and they have a right to be heard.

If an organisation has a good reason not to interview a child or young person, consideration should be given to other ways to include them, such as giving them the chance to provide a written statement.

Children and young people should be supported when an allegation of misconduct or abuse is raised, during and after an investigation. Support can include offering counselling, explaining processes to them and keeping them informed. Depending on the circumstances of the child or young person, other services like health and accommodation support could be appropriate. Organisations should tailor their support to meet the needs of each individual child or young person, and if appropriate, speak with their parent or carer to assist in this process.

¹ Milroy, H. 2018, *The Power of Disclosure*, Keynote address, Child Trauma Conference, Melbourne, September 2018.

About this guide

This guide has been developed with advice from:

- Professor Martine Powell from the Centre of Investigative Interviewing at the Griffith University. Professor Powell is an expert in investigative interviewing techniques. Investigative interviewing is the process of eliciting an accurate, detailed and coherent account of an event or situation in a manner that minimises unnecessary stress or discomfort of the interviewee and assists decision-making.
- Dr Jenny Dwyer, a mental health social worker and child and family therapist, who has specialised in working with trauma. As well as maintaining a clinical practice, she provides consultation and training to specialist services working with traumatised children and assists organisations to become trauma-informed. She is currently the Director of the Australian Academy of EMDR.

The guide is separated into two parts.

Part A: Standard Child Interview Method

The Standard Child Interview Method provides a practical, step by step guide to interviewing children and young people who are the alleged victims or witnesses in a reportable conduct investigation.

Interviews should be planned. This guide can assist those who interview children and young people to structure their interview to reduce negative impacts on interviewees. It can also assist interviewers to generate accurate, detailed and coherent accounts from children and young people to help make evidence-based findings.

The Standard Child Interview Method has been developed with the advice of Professor Powell and is based on extensive research involving children and young people.

Two videos have been produced to accompany this guide:

- An example of the Standard Child Interview Method being applied in an interview – ‘Isabella’s Bruise’
- Commentary from Professor Powell discussing the Standard Child Interview Method and interviewer behaviour used in ‘Isabella’s Bruise’.

Interviewing skills are best developed through practice. Users of this Standard Child Interview Method are strongly encouraged to supplement its use with practice and training.

This Standard Child Interview Method is general in nature. In some circumstances, organisations should consider engaging interviewers with particular experience in interviewing children and young people.

Part B: Guidance for taking a trauma-informed approach to investigations (trauma-informed guidance)

The trauma-informed guidance provides information and advice to help organisations understand the impact trauma can have on children and young people and how to accommodate this in an investigation. It also provides information, advice and strategies on creating safety for children and young people during an interview and investigation – culturally, psychologically and physically. Strategies are suggested for before, during and after an interview.

This guidance has been developed with the advice of Dr Jenny Dwyer. The information and advice is general in nature. Organisations should consider whether the circumstances of the individual child or young person mean that tailored, professional advice would better assist them.

Part A: Standard Child Interview Method

Overview of the Standard Child Interview Method

The Standard Child Interview Method has been designed for people who interview children and young people during investigations into reportable conduct allegations. These allegations include potential cases of sexual offences or sexual misconduct, physical violence, significant neglect, or other behaviour that causes significant emotional or psychological harm to a child.

Please refer to the two videos produced to accompany this guide; these are found on the Commission's website (www.ccyp.vic.gov.au).

Context

In most reportable conduct investigations, the alleged victim of the reportable allegation will be a child or young person. There is also the chance that other children or young people witnessed the reportable allegation that is being investigated.

The approach to interviewing a child is different to interviewing an adult and requires careful thought and planning. Consider who is the best person to conduct the interview, whether they have appropriate training and/or experience and whether you need any advice before conducting the interview.

Children vary in terms of age, cognitive development, gender, culture and temperament. Some may have disability. Some children and young people have had little trauma in their lives, whereas others have experienced many forms of trauma and/or trauma over a prolonged time. Part B provides an overview of a trauma-informed

approach to investigations involving children and young people.

In thinking about interviewing a child or young person, the investigator should consider a range of factors including:

- whether they have been interviewed already
- the age and developmental stage of the child or young person
- their level of maturity
- ensuring cultural safety and facilitating the child or young person's participation and inclusion (see [Guidance for Organisations Investigating a Reportable Conduct Allegation](#) for further information)
- the nature of the reportable allegation
- how the reportable allegation might have impacted upon the child or young person
- whether the child or young person has disability and what that means, if anything, for their interview support needs.

Reducing the number of times a child or young person is asked to give their account helps to minimise the risk of exacerbating trauma through an interview. Check if you can gain access to an interview conducted by other investigative agencies such as Victoria Police to reduce multiple interviews.

It is usually helpful to the child if parents and carers are well-advised about the investigation process.

Parents and carers may be able to give interviewers useful information about the child to help them plan their interview, to best create safety for the child and create conditions that will help the child tell their story.

Part A: Standard Child Interview Method

A child should never be forced to attend or continue with an interview, even if a parent or carer has given consent.

Planning

Choose a quiet, comfortable area, with minimum distractions to conduct the interview.

Consider whether an interpreter or support person needs to attend. The more people in the room, the more inhibited the child or young person may be to report sensitive information – sexual activity is especially difficult to speak about in the presence of familiar persons.

If appropriate and consistent with organisational policies, seek consent to electronically record the interview.

Prepare options for raising the topic of concern and what you will do if the child or young person raises an allegation. You may need to stop the interview if they mention a new (potentially criminal) matter that needs to be reported to police.

Remember to tailor your approach to the individual needs of the child or young person and reflect on what cultural or developmental factors need to be considered.

Brief introduction

Greet them by name and thank them for meeting you.

“Hello Ana. Thanks for coming to talk to me.”

State your name and organisation (if they don't know you) and get seated.

State your role as it relates to this interview

“I work for X and part of my job is to talk with you...”

If the location is unfamiliar to the child or young person, assure them that you will help them get back safely

“When we are finished talking, I'm going to walk with you back to class.”



Conversational rules

This is an important conversation, so make sure the child or young person understands the formalities in a simple, brief, and matter-of-fact way. Key considerations with these types of conversations relate to not guessing or making things up and giving them autonomy to say things in the best way they can.

Example phrasing:

“I have a few things to tell you before we start.”

“You may take a break when you need to.”

“You may use any words you want.”

“I will write things when you talk. It helps me remember what you say.”

“I might ask something you don't understand. Just say 'I don't understand'.”

“I might ask something, and you don't know the answer. Just say 'I don't know'.”

“And I might say things that are wrong. You should tell me, because I don't know what's happened.”

“When we talk, it's important that you only say what really happened.”

Part A: Standard Child Interview Method

Research shows the rules can be more effective if they are practiced with the child or young person (e.g. “So, if I said you are wearing a yellow spotted shirt, what would you say?”) and reinforced throughout the whole interview (e.g. Child: “Don’t know.” Interviewer: “That’s OK.”).

Practice narrative

If you want to elicit a detailed account of a sensitive event from a child or young person, it can help to familiarise them with a narrative style of questioning *before* you introduce the topic of concern (Step 4). We call this a practice narrative. Practice narratives are beneficial in four ways:

- They help build trust by showing them that you are a good listener (i.e., you value and accept what they say).
- They mentally orient the child or young person to deep memory retrieval.
- They make it clear what style of interaction is expected.
- They give you a sense of the child or young person’s language abilities under optimal circumstances.



Here are some ways to start a practice narrative:

“Before we start, I’d like to get to know you better. Tell me something fun you’ve done recently.”

“Sometimes when I talk to children (or young people), it helps to know more about each other first. Tell me something you like to do.”

Invite a narrative account:

“Tell me all about when you did [event].”

“Tell me all about the last time you did [event].” [for recurring events]

Use any of the following prompts to encourage the child or young person to report what happened for about 2-3 minutes, along with minimal encouragers (e.g., head nodding, Uh huh, silence).

“What happened then?”

“What happened next?”

“What happened after that?”

“Tell me more about...”

“What else happened?”

“And then what happened?”

“Tell me everything that happened from the time [part of event].”

“What happened when...?”

“Tell me more about the part where...”

“You said X. Tell me more about X.”

If they spontaneously mention the topic of concern prior to this stage, you could skip the practice narrative.

Complete this phase with a clear transition prompt:

**“Thank you for telling me about [event].
Now let’s talk about why you’re here today.”**

Introducing the topic of concern

Raising prior information that led to the interview can be risky, so it is good to invite the child or young person to say it first. They often know why the interview is taking place. Research shows that the most effective opening phrase is:

“Tell me what (you have come/we are) here to talk about.”

If the child or young person states an event (e.g. “To tell what Dan did”, “To tell what happened in my classroom”) go on to Step 5. If they say “I don’t know”, or have a clear misconception, you have no choice but to raise prior information.

Importantly when you raise prior information, try not to raise any allegation of wrong-doing or assume anything. You should only ask the child or young person to talk about an event or situation that they acknowledge to be true.

“I heard you told your teacher something yesterday in the library. Did you tell your teacher something in the library yesterday?” [a prior disclosure]

“Abdul, I can see that mark. Do you know how you got that mark?” [a physical injury]

“Hoa, I heard that you’ve been having bad dreams and crying out in the night. Is it true that you’ve been having bad dreams at night?” [a change in behaviour]

“I heard you’ve visited Miguel’s room. Have you visited Miguel’s room?” [a relationship]

“I heard you’ve been spending time with Pastor Jo. Have you been spending time with Pastor Jo?” [a relationship]

Interviewers who have carefully thought about how to raise prior information, and do so in a clear and matter-of-fact way, generally get the most reliable accounts. If you are not getting the child or young person’s agreement on this point, it might be best to stop the interview and obtain this evidence another way.



Eliciting a narrative account of the event or situation

Elicit an account of what happened, using a variety of open-ended questions, as well as minimal encouragers (e.g., head nodding, Uh huh, silence).

“What happened then?”

“What happened next?”

“What happened after that?”

“Tell me more about...”

“What else happened?”

“And then what happened?”

“Tell me everything that happened from the time [part of event]”

“What happened when...?”

“Tell me more about the part where...”

“You said X. Tell me more about X.”

If you suspect that the event was repeated, check whether this is the case.

“Have you (done/gone to) X one time or more than one time?”

In some investigations, it is helpful to focus the child or young person on only one occurrence:

“Tell me all about the last time [one time] you did [event].”

Part A: Standard Child Interview Method

In some cases, it is useful to elicit what usually occurs.

“Tell me what happens.”

Try not to interrupt the child or young person telling his or her story with questions; wait for the right time to ask.

Break to reflect on what further questions are needed

Thank the child or young person and explain that you need to take a break to reflect on what further detail is required (if any). Specific questioning is a more rapid style of interviewing that is more prone to error. Reflecting on existing detail will minimise further questioning as much as possible.

“Thanks for that. We’re going to have a quick break. I need to check my notes to see if there’s anything else I need to ask you. We can stay in this room.”



The type and extent of further information will vary. Think about whether you have all the information you need on:

- Location
- Timing and frequency
- Spoken words
- Other people present
- The location and nature of touching or physical force
- Details of prior disclosure.

Further questioning

Thank the child or young person for waiting and say, “I just have a few more questions to ask you.”

Use simple, short sentences, avoid mention of specific details where possible, allow the interviewee the flexibility to choose which details to report, and encourage elaborate responses (where possible). Who, What, When, Where, How questions are better than closed questions like “Did X happen?” But any specific question is best coupled with an open one, and linked to prior detail in their account.

Q: “When did it happen?”

A: “The holidays.”

Q: “Tell me more about what happened.”

Q: “You mentioned that Haru saw what happened. Who is Haru?”

A: “My friend”

Q: “I don’t know Haru. Tell me as much as you can about Haru.”

The amount of further questioning will depend on the issue under investigation (i.e.: reportable conduct investigations have a lower standard of proof when compared with a criminal investigations). Be clear what information you need in your role and when to stop questioning. Some matters may need to be referred to a different interviewer (e.g. police if a new criminal allegation arises).



Closure

At the completion of the interview, thank the child or young person for talking with you and ask if they have any questions. Answer questions as honestly as you can.

If the child or young person was recalling a traumatic event, try to end the interaction on a positive topic (e.g., the activity discussed during the practice narrative).

Inform the child or young person of what is going to happen now, e.g., “[support person’s name] is here to pick you up now”.

If the child or young person was recalling a traumatic event, try to end the interaction on a positive topic (e.g., the activity discussed during the practice narrative).

Further reading

Burrows, K.S., Powell, M.B., & Benson, M. (2016). A guide to clarifying evidence in Australian child forensic interviews. *Journal of Forensic Practice, 18*, 91–103.

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Powell, M. B., & Guadagno, B. (2008). An examination of the limitations in investigative interviewers’ use of open-ended questions. *Psychiatry, Psychology and Law, 15*, 382–395.

Powell, M. B., & Snow, P. C. (2007). Guide to questioning children during the free-narrative phase of an investigative interview. *Australian Psychologist, 42*, 57–65.

Powell, M. B. & Snow, P. (2007). Recommendations for eliciting a disclosure of abuse from a young child. *Australian Police Journal, 61*, 76–80.

Sternberg, K.J., Lamb, M.E., Hershkowitz, I., Yudilevitch, L., Orbach, Y., Esplin, P.W., & Hovav, M. (1997). Effects of introductory style on children’s abilities to describe experiences of sexual abuse. *Child Abuse & Neglect, 21*, 1133–1146.

Part B: Guidance for taking a trauma-informed approach to investigations

This guidance for taking a trauma-informed approach should be read in conjunction with the Standard Child Interview Method. It focuses on the needs of children and young people who have experienced multiple forms of trauma, or significant trauma early in life.

Understanding the impacts of trauma on children and young people will assist organisations to include vulnerable children and young people in investigations and minimise the likelihood of exacerbating their trauma or further traumatising them.

Speaking with the child or young person's parent, carer, case manager, teachers or other professionals and gathering information about the individual circumstances of a child or young person will help an investigator plan for an interview.

Even if the investigator is not aware that a child or young person has a significant experience of trauma, the information and advice in this guidance can be used to support safe investigations for all children and young people.

What is a trauma-informed approach to investigations?

A trauma-informed approach to investigations:

- recognises that emotional, physical or sexual abuse and other adverse life experiences such as racism or violence constitute a trauma
 - understands that the impact of abuse on children and young people can be profound, especially when it occurs at developmentally vulnerable times of their life
- adopts strategies to assist children and young people to participate in investigations without causing further trauma
 - adheres to best practice in interviewing children and young people.

It is important to remember that **not** including children or young people in investigations relevant to them can also be traumatising. Children and young people who have experienced abuse or neglect may hold beliefs that their needs don't matter, that bad things that happen to them must be their fault, or that abuse is just part of life. They have often felt powerless in decisions made about them. Lack of participation in an investigation can reinforce these mistaken beliefs. It is important therefore to ensure children and young people will not be further traumatised during the investigation or be excluded from the process.

How does trauma affect children and young people?

Children and young people are affected in different ways by traumatic events. Critical factors include the nature of their relationship to the perpetrator, the nature of the trauma, the age of the person at the time, the care and support provided to them, their connection to culture and community, their developmental capacities, and the impact of any previous trauma.

- Traumatic experiences can be acts of *commission* (things that are said or done to the child or young person, such as experiencing or witnessing physical or sexual abuse, cultural vilification or racism or frequent comments that humiliate, frighten, or belittle a child or young person). They can also be acts of *omission*

(the failure to provide certain things that promote development, such as physical neglect, failure to adequately supervise, lack of affection or kindness, lack of opportunities to learn, play, grow², lack of access to culture).

- All children and young people experience stress, and managing stress is a normal part of development. Positive and tolerable stress helps build resilience. However, stress that is outside normal childhood experience, that is prolonged, occurs without a supportive adult, and/or overwhelms their coping strategies, is “toxic”.³
- The first three years are a particularly vulnerable time in a child’s development, due to the rapid growth of the brain. Toxic stress impacts the developing brain and basic capacities such as emotional regulation, sleep, ability to concentrate, building trust in others. These stressors, in turn, have a cascading effect as they impact education and learning, the formation of relationships, and the child’s sense of self-worth.
- The need to attach to a caregiver is the basis of survival in the human species. An attuned adult who can soothe, protect and calm a child, helps buffer the child against the impact of traumatic events. This attachment relationship directly impacts the development of the child’s brain by ensuring stress is not toxic, and contributes to a child’s sense of worth, safety and identity.
- Experiences of racism, vilification and cultural disconnection are traumatic and have a profound impact on a young person’s developing identity and sense of belonging. Conversely, connection to community and culture has a protective effect on children and young people.

- A person’s chronological age may not reflect developmental age. Children and young people who have suffered trauma may have difficulties in areas that were central to development at the time the trauma occurred. Not all children or young people will suffer these difficulties, but it is important to keep in mind that those who have suffered significant and prolonged trauma may have difficulties in managing strong emotions, difficulties in interpersonal relationships, cognitive and language delays, substance abuse and/or mental health problems. Each of these may impact how the child or young person participates in the investigation process.

Understanding the threat response

Understanding how a child or young person’s brain responds to prolonged trauma will assist an investigator to safely include them in investigations and avoid further harm. When a child or young person experiences toxic stress, neural pathways are established in their brain that are highly responsive to threat. This means the child or young person’s brain is never really calm, but remains in a hypervigilant state, looking for signs of danger.⁴ Situations that evoke feelings, thoughts or sensations that are similar to the trauma can trigger the child or young person’s threat response – flight, fight, or freezing. Children and young people who have experienced prolonged trauma may be prone to misinterpret situations as threatening but will not be able to make sense of it or to calm themselves. Their reaction might range from intense anger or fear, to helplessness or appearing withdrawn.

2 Frederico, M, Jackson, A, & Jones, S 2006, *Child death group analysis: Effective responses to chronic neglect*, Office of the Child Safety Commissioner, Melbourne. A summary is available at <<https://apps.aifs.gov.au/cfcaregister/projects/471>> accessed December 2019.

3 Shonkoff, J 2009, *Investment in early childhood development lays the foundation for a prosperous and sustainable society*, Encyclopedia on Early Childhood Development, Montreal, available at <<http://www.child-encyclopedia.com/documents/ShonkoffANGxp.pdf>>, accessed September 2012.

4 Perry, B, 2006, The neurosequential model of therapeutics: Applying principles of neurodevelopment, in Webb, N (ed.), *Working with Traumatized Youth in Child Welfare*, New York, Guilford Press, pp.27–52.

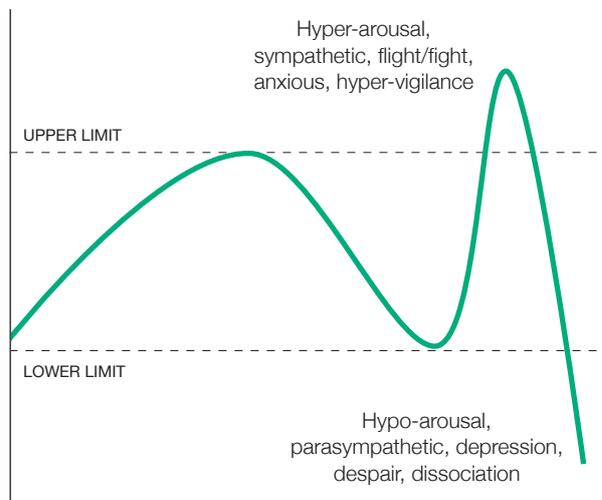
The 'window of tolerance' and the 'neuroception of danger'

Because human survival depends on connection with a caregiver, humans are hardwired to interpret and respond to facial expressions and other social behaviours such as voice and gesture.⁵ Being able to read others' emotions allows us to play and have pleasure in social engagement; it also allows us to respond to any threat. The vagal nerve, which connects the brain stem to the heart, governs physiological perceptions of, and responses to, feelings of safety or danger. If children or young people have been exposed to constant danger or threat, their brain misreads the cues and they are more likely to perceive people as threatening. This is called the 'neuroception of danger'. This response is totally unconscious and driven by physiological responses, not cognitive ones.

In day to day interactions, we all experience movement of our emotions, up and down. Normally we stay within our 'window of tolerance', a term used to describe the zone where we can function calmly, despite these fluctuations of emotion.⁶ However, when a person has a history of trauma, the 'window of tolerance' tends to be narrower, they have less control over these emotions and reactions, and become overwhelmed more quickly. Activation of the threat response can push a child or young person outside their 'window of tolerance'.

The diagram illustrates what happens when pushed outside the 'window of tolerance'. A person may go into a *hyper*-aroused state, often called the fight-flight response. It is characterised by fear, anxiety, panic, or anger. If this continues, it is too much for the brain and body to manage, and that person may then go into a *hypo*-aroused state,

Window of Tolerance



characterised by shutting down, flat affect, numbness or cutting off (dissociation). A child or young person who is hyper-aroused may appear angry, aggressive, shouting, running away. A child or young person who is hypo-aroused may be more difficult to notice; they can appear sleepy, withdrawn, distant or shut down. These behaviours can be triggered by reasons other than trauma as well.

Children or young people who have experienced prolonged trauma will have a sensitised response to threat and may quickly go to either *hyper*- or *hypo*-arousal. They may be activated into this state by thinking and talking about the trauma; or if they experience the interview process as a threat. Some careful planning will help ensure this is unlikely to occur and children and young people can participate safely.

5 Porges, S. 2011, *The Polyvagal theory: Neurophysiological Foundations of emotions, attachment, communication and self-regulation*, WW Norton, NY

6 Siegel, D. 1999, *The Developing Mind: How relationships and the brain interact to shape who we are*, Guilford Press, NY; Ogden, P., Minton, K., & Pain, C., 2006. Norton series on interpersonal neurobiology. *Trauma and the body: A sensorimotor approach to psychotherapy*. WW Norton, NY

Establishing and maintaining safety

People conducting investigations need to ensure the investigation and interview process is safe – culturally, psychologically, and physically. Careful thought to planning safety before, during and after an interview will go a long way to ensuring a child or young person is not further traumatised. This is done by:

- providing cultural safety
- understanding the needs and abilities of the child or young person
- understanding how experiences of trauma can influence the interview process
- being mindful of ways the investigator can assist a child or young person to remain inside their ‘window of tolerance’.

Cultural safety

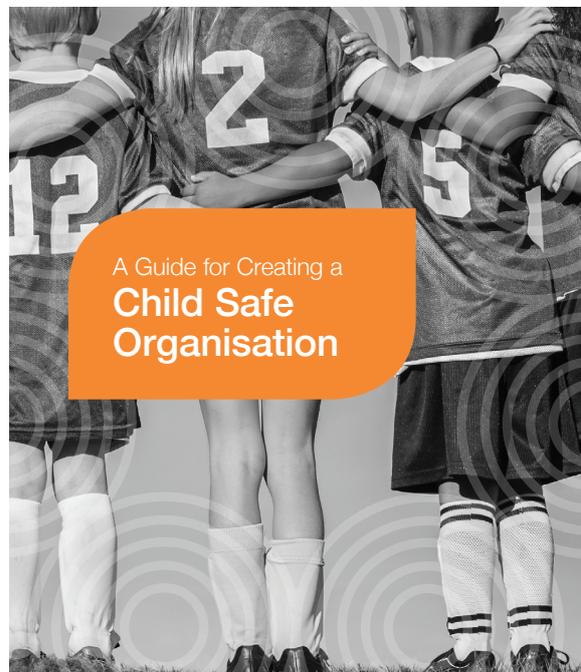
Australia is one of the most culturally diverse communities in the world. Cultural diversity includes race and ethnicity, values and customs, language, religion, and relationship to community or kinship network. Children and young people need to feel and be culturally safe to participate well in investigations. The basis of safety is a demonstrated respect for their culture and identity. This requires an awareness of cultural differences and needs, but also a willingness to reflect on and challenge one’s own cultural assumptions and biases.

Interviewers need to be mindful that children and young people from some cultural backgrounds may have experiences of persecution, prejudice, isolation, war, dislocation, loss of identity, community or family. These experiences can all affect the way the child or young person participates in the investigation process. For example, for some children and young people, organisations and people representing authority may be threatening or foreign, or there may be fear of shame or exposure within their own community.

It is important to remember that there is diversity within cultures, and not everyone from the same culture will hold the same values or practices. It is important to seek guidance from a culturally competent person who can advise of important cultural considerations, while respecting the child or young person’s confidentiality.

Aboriginal children and young people

Ensuring culturally safe investigations for Aboriginal children and young people requires a commitment to becoming a culturally safe organisation. Achieving cultural safety is the end of a continuum that begins with cultural awareness, cultural sensitivity and finally, cultural safety. To be culturally safe, organisations need to have an ongoing commitment to examining their own cultural beliefs and how these impact on practices. Tips on becoming a culturally safe organisation can be found in the Commission’s [Guide for Creating a Child Safe Organisation](#).



For Aboriginal and Torres Strait Islander people, a **culturally safe** environment is one where they feel safe and secure in their identity, culture and community.⁷

Cultural awareness involves an understanding of how a person's experiences and biases may inform their values, behaviour, beliefs and basic assumptions. It recognises that we are all shaped by our cultural background, which influences how we interpret the world around us, perceive ourselves and relate to other people.⁸

Cultural sensitivity alerts people to the acceptance of difference and begins a process of self-exploration as the powerful agents of their own life experience and realities and the impact this may have on others.⁹

When conducting investigations into reportable allegations, organisations need to be mindful of the ongoing impacts on Aboriginal communities of colonisation, dispossession, and the transgenerational trauma of the stolen generations. These can impact directly on how Aboriginal children and young people experience an

investigation. For example, authority figures may be a source of fear or suspicion and children or young people may be fearful of loss of community if they talk about experiences of violence or abuse.

While some Aboriginal children and young people may not raise concerns about a non-Aboriginal person conducting an interview with them, it is essential that those conducting interviews are culturally safe and aware of their own cultural bias. It is advisable that non-Aboriginal interviewers consult with an appropriate Aboriginal person throughout the investigation and ensure they have not misunderstood or misinterpreted any cultural aspects of the interview with the child or young person. However, consulting with an Aboriginal person should not be seen as a replacement for interviewers themselves becoming culturally safe.

Developmental age and abilities

Children with communication difficulties or disability are often excluded from investigations with inadequate thought given to how they might be assisted to tell their story as best they can.

Children and young people who have suffered extensive trauma may also have disability or may not operate at their chronological age. In addition, they may have mental health or behavioural difficulties that impact on their needs during an investigative interview.



- 7 Chapter 4: Cultural safety and security, *Tools to address lateral violence – Social Justice Report 2011*, Australian Human Rights Commission, <<https://www.humanrights.gov.au/our-work/chapter-4-cultural-safety-and-security-tools-address-lateral-violence-social-justice#Heading48>>, accessed October 2019.
- 8 Cultural sensitivity and awareness training, Diversity Australia, <<https://www.diversityaustralia.com.au/2157-2/>>, accessed October 2019.
- 9 Australian Human Rights Commission, 2018. *Cultural safety for Aboriginal and Torres Strait Islander children and young people: A background paper to inform work on child safe organisations*.

Part B: Guidance for taking a trauma-informed approach to investigations

The basic principle is that children and young people with disability need to be included in investigations, and every effort needs to be made to assist them to do so. The ideas provided throughout this guide will assist investigators to consider the best way to include children and young people with disability. However, organisations need to be mindful of the individual needs of children and young people and seek appropriate expertise and guidance if needed during the investigation process.



Strategies for maintaining safety

The table on the following page summarises some of the strategies of a trauma-informed approach to investigations. They will then be explored in more detail.

Understanding barriers to children and young people telling their story

Remember that there may be barriers to some children and young people telling their story:

- barriers can include shame, mistrust, fear they will be blamed or not believed
- children and young people may fear consequences for themselves or the alleged perpetrator
- the interview may not adequately meet the child or young person's communication, development or cultural needs
- a child or young person's trauma symptoms may interfere with their participation.

OVERVIEW OF STRATEGIES FOR A TRAUMA-INFORMED APPROACH TO INTERVIEWING CHILDREN AND YOUNG PEOPLE – more detailed information on the following pages

Before conducting interviews

Plan:

Who should conduct the interview

- Outline who should be there, where will it take place, when, and for how long
- Make sure you collect any resources needed, be prepared.
- Be clear on what will happen after the interview finishes.

Understand how trauma affects the child or young person

- Development, abilities, disabilities
- Self-regulation skills, behaviour
- Current attachment relationships
- Barriers to children and young people telling their story
- Identify their strategies for staying within the ‘window of tolerance’.

Culture

- Understand cultural connections, needs, supports
- Seek cultural guidance if necessary.

During the interview

Create safety and predictability.

Respectfully engage the child or young person.

Maintain the ‘window of tolerance’

- Be mindful of facial expression, tone, voice, gesture
- Ground the child or young person in the present
- Practice strategies for calm and signals for alerting you if not calm
- Remind them nothing bad is happening right now.

Set the ground rules

- Can take a break.

Closing the interview

- What happens next
- Ground the child or young person in the present – we have finished now; so-and-so will take you home now
- Be prepared to answer questions
- Check in if the child or young person is able to control their impulses and focus on what is happening
- Safety plan – who is there to support them.

After the interview

Plan for safety – immediately and in the near future.

Interpret the information through a trauma-informed lens

- Understand any barriers to the child or young person telling their story
- Understand consequences of the investigation for the child or young person
- Do not make superficial judgements – understand the methods perpetrators use to entrap and exploit children and young people.

Provide feedback or information to the child or young person about the investigation outcome where possible.

Strategies for a trauma-informed approach to interviewing children and young people¹⁰

Before conducting interviews

When interviewers know that a child or young person has been previously traumatised, additional engagement and preparation strategies may be needed. It is important that interviews are carefully planned so that, where possible, the interviewer understands the history of the child or young person, their cultural identity and connections, and the developmental impacts of any trauma. Treat every child and young person as unique and ensure that interviews are based on the developmental needs and abilities of each child or young person. The investigator should consider the following:

Plan

Who should conduct the interview?

- While there are no rigid rules for this question, the interviewer needs to be comfortable in talking to children and young people, able to sit with difficult conversations, and reflective about their own skills and biases
- Give thought to the gender, culture, age, appearance of the person interviewing the child or young person and whether this may impact their feelings of safety.

Where should the interview take place?

- While normally the interview will be in a neutral place, it is just as important that the child or young person feels safe and comfortable
- It should not be where the alleged incident/s occurred
- It should cause minimal disruption to the child or young person's routine and allow privacy.

Who should be there?

- Does the child or young person have a person they feel safe with? Should that person be there? Or can the person be nearby if needed?
- Careful thought needs to be given to the impact on any existing relationships for the child or young person. The participation of someone well known to them (for example a therapist or case worker) may or may not be helpful. They may unintentionally influence what the child or young person can reveal, or such relationships could be fractured by the outcomes of the investigation (such as a foster care placement or moving classes at school).
- Do they need an interpreter, cultural support or communication assistant?

Understand how trauma affects the child or young person

Gather specific information about the child or young person's needs and capacities.

- What is the child or young person's experience of previous trauma? How has this affected their development? Do they have cognitive or other disabilities, difficulty managing emotions, mental health problems, or communication difficulties?
- How has the interview come about – a disclosure by the child or young person or others, a change in behaviour, an injury, observations about a relationship?
- How do they feel about the interview? How can you make it as safe and predictable as possible?

Learn about the child or young person's 'window of tolerance'

- How does the child or young person respond to stress or threat? For example, are they known to respond with anger, frustration, running away, becoming withdrawn, day-dreamy, passive? What are the early signs this is beginning to happen?
- What helps the them to feel calm? Do they have any strategies they use? Can these be utilised during the interview?

¹⁰ Dwyer, J. 2018. A trauma-informed approach to children and young people: Considerations for reportable conduct investigations, Unpublished workshop.

Part B: Guidance for taking a trauma-informed approach to investigations

- Does the child or young person need assistance to communicate in a way that helps them to focus? For example, would it be helpful to have art materials, such as paper and crayons, play dough, comforting toys or other aids that will not distract from the purpose of the interview. These should not be included as standard in all interviews as they can be distracting to a child or young person and can increase error. These are not to interpret communication. Rather they can help some children or young people stay within their 'window of tolerance'. Therapeutic items such as weighted blankets can provide children and young people with a sense of security when being interviewed and may be beneficial to have available.

Culture

What is the child or young person's cultural background?

- Are they connected with their culture and community? What do they need to feel culturally safe? Do you feel culturally informed? Do you need cultural support or guidance? Does the child or young person need support from someone from their culture?
- How will you know if you are not meeting their cultural needs?

During interviews

As far as possible, the steps in the Standard Child Interview Method (refer to Part A of this guide) should be followed. However, some adjustments and additions may be needed for severely traumatised children and young people. Ensuring children and young people stay within their window of tolerance is essential to an effective interview.

Be mindful of the child or young person's possible 'neuroception of danger'

- The interviewer needs to be mindful of their own facial expression, tone and gestures, ensuring these are calming, predictable and non-threatening. For example, frowns, loud voice, sudden gestures, or coldness may be misread as a threat.
- Other culturally meaningful facial or body gestures may also indicate threat or safety.

Keep the child or young person grounded in present safety

Ask about the things that help them feel calm. Ask the child or young person to look around the room; is there anything that bothers them right now? Does it feel calm and safe right now?

- Can they let you know if they start to feel not calm or if they need a break. Practice how they will let you know e.g. a word or signal.
- Traumatized children and young people may need reminders that we are talking about something that happened, but it is not happening now during the interview
- While distractions should be kept to a minimum, strategies that help the child or young person feel present, grounded and calm will ensure they stay within their window of tolerance.



Closing the interview

- What will happen after the interview should be carefully planned before the interview starts. For example, who will be with the child or young person and what will they do to ensure they are settled (i.e. helped to be calm and in control)
- It is important to ensure a child or young person is calm and is oriented to the present; that is, not left thinking about something from the past.
- If a child has talked about difficult things it is worth acknowledging that, 'We have just talked about some things that may have been hard for you; we have finished talking about that now'.
- 'Let's take a few minutes to think about some things that help you feel calm'; remind them of what is going to happen right now; 'Your support worker is here to pick you up now; you are going to...'
- Predictability is very important for traumatised children and young people. Some children, especially teenagers may have questions about what happens next. Be prepared to answer honestly and simply.

After the interview

Safety planning

There needs to be planning for the child or young person's immediate safety following the interview.

Anticipation of any ongoing needs for safety must be considered; for example, will the child or young person be at risk of punishment from others affected, or have feelings that may overwhelm them? Protection from others and ongoing support must be part of the planning process.

Information and feedback

It is likely that the interview with the child or young person is only one part of the investigation, albeit an important part. While the interview may be complete, the investigation may be ongoing.

Traumatised children and young people, particularly those in out of home care, have often been asked for a lot of information and frequently express they receive little information in return. It is important that they are given appropriate feedback and information about outcomes and are involved in decisions about their future.

Interpret the information

Investigators need to ensure they have not misinterpreted a child or young person's communication and are mindful of any barriers to their ability to tell their story. In particular, in interpreting information, investigators need to be mindful of cultural considerations and ensure they seek cultural advice and guidance.

Because a child or young person is dependent on an adult attachment figure, they may 'attach' even if the adult is a source of fear. Perpetrators can manipulate a child or young person's need for attachment by forming an inappropriate relationship with them, and then exploiting this through sexual abuse, or involving them in alcohol, drugs or other activities. Children and young people who have been groomed by perpetrators may be caught between loyalty, ambivalent feelings, or a sense of responsibility. Interviewers should be mindful of how perpetrators operate, and not make superficial judgements based on whether a child or young person appears frightened of the person.

In interpreting information, the interviewer needs to consider any barriers to a child or young person telling their story freely. In particular, what might the consequences be for them if the reportable conduct is substantiated/not substantiated? What has already happened as a consequence of the allegations? Do the allegations in any way threaten their connection to culture?