

CASE STUDY

Voice of the Child

Listening without asking a child to repeat their story

This case study is de-identified and is intended for learning and practice guidance.

Purpose

This case study demonstrates how a child's voice can inform a reportable conduct investigation without requiring the child to participate in a formal interview.

It applies the principle in section 19J(2) of the *Parliamentary Commissioner Act 1971* that a child can form views regarding a reportable allegation and that it is appropriate to consult children for this purpose, ensuring the child has an opportunity to express their views freely, and that those views are given due weight having regard to the child's developmental capacity and circumstances.

This case study also highlights the value of children's disclosures, careful assessment of behaviour in context, and an approach that maintains accountability for adult conduct while recognising any known children's trauma, disability, communication needs and cultural connections.

Background

A 10-year-old Aboriginal child was living in a complex care placement away from family, kin and Country. The child had experienced significant trauma and multiple care arrangements and had neurodevelopmental and communication-related disabilities.

The child followed an employee (youth worker) towards the front of the property at the end of the employee's shift. A short time later, the child returned crying and upset and told a visiting family member and another employee that the departing worker had teased them and thrown a rock that struck their leg.

The following day, the child damaged the subject worker's property. The incident was initially treated as property damage in isolation. The child later linked their actions to anger about the alleged assault, providing important context for understanding the behaviour as a possible response to the harm they had experienced.

The initial disclosure was not formally recorded or escalated. The child later repeated the substance of the allegation to multiple people and consistently said they did not want further

contact with the worker. Because those disclosures were materially consistent and the child's views were already available from several sources, the organisation decided a formal interview was not necessary or in the child's best interests. This reduced the need for the child to repeat a distressing account while ensuring their voice and experiences informed the investigation.

Timeline of key events

When	What happened and why it mattered
September 2025	The child returned to the placement crying and disclosed to a family member and youth worker that a worker had teased them and thrown a rock that struck their leg. The disclosure was not documented or escalated. This limited the opportunity for a prompt safeguarding response, medical assessment and collection of contemporaneous evidence. The child subsequently damaged the subject worker's property. The incident was initially recorded as property damage without linking it to the earlier disclosure, the child's known trauma background or what the behaviour might have been communicating. The child repeated that the worker had thrown a rock at them and clearly said they did not want to see the worker again.
October 2025	A review of case notes brought the allegation to the organisation's attention. The worker was removed from the child's care team. The child again reported being struck and linked the property damage to anger about the incident. The organisation gathered records and interviewed the subject worker, family member of the child and relevant staff. It relied on the child's existing, consistent disclosures rather than requiring a formal interview, reducing further engagement while keeping the child's views central to the evidence. The investigation substantiated physical assault and behaviour causing significant emotional or psychological harm on the balance of probabilities.

Outcome

The investigation found that the child followed the worker towards the front of the property and returned shortly afterwards crying and distressed. There was no eyewitness, video footage or contemporaneous medical evidence, and the subject worker denied the allegations.

The investigation considered the evidence as a whole. This included the immediacy of the first disclosures; the child's emotional presentation; the repetition and consistency of the central account across disclosures to multiple people; the child's expressed wish not to see the worker; the subject worker's responses; gaps in incident recording; and similar fact evidence concerning previous allegations about the subject worker's behaviour when alone with children. The previous allegations were not treated as proof by themselves. They were assessed for similarity, relevance, reliability and fairness, and considered alongside the child's disclosures and the other evidence. The allegations were substantiated on the balance of probabilities. This enabled Ombudsman WA to share relevant information with the Working with Children Screening Unit as part of its child safety oversight functions.

Balance of probabilities means the decision-maker is satisfied that the conduct was more likely than not to have occurred. On that standard, the investigation also found that the child's damage to the worker's property was likely a consequence of the abuse perpetrated by the worker. The child's behaviour was understood in the context of the harm, their known trauma background, disability, separation from family, kin and Country, and communication needs, rather than viewed in isolation.

Why this matters

The child's voice	Investigation quality	Trauma-informed practice
Consistent disclosures to multiple people, emotional presentation, behaviour and a clear wish about future contact enabled the child's views to be heard and given due weight without a formal interview.	The child's disclosures were assessed with the other evidence.	The property damage was understood as a likely response to abuse, in the context of trauma, disability and separation. This did not excuse, minimise or justify the worker's conduct; accountability remained focused on the worker's actions and their impact on the child.

Key learning points

1. Listening does not always mean interviewing again

Where a child has already made clear and consistent disclosures to multiple people, a further formal interview may not be necessary or in their best interests. Existing evidence can be assessed so the child is heard without being asked to repeat a distressing account.

2. Record and report concerns promptly

A disclosure of possible harm must be recorded and appropriately escalated, regardless of how a staff member interprets the child's disclosure or presentation. Under section 19T of the *Parliamentary Commissioner Act 1971*, a child's disclosure or presentation alone can be enough to form a belief on reasonable grounds that reportable conduct, or conduct that may involve reportable conduct, has occurred. The conduct does not need to be established before the allegation is notified and investigated.

3. Behaviour and other forms of communication must be considered

A child may communicate harm through words, behaviour, emotional responses or choices about contact. Property damage, aggression or withdrawal should be considered in context and alongside all available evidence. Here, the investigation found on the balance of probabilities that the property damage was likely a reaction to the abuse perpetrated by the worker. A trauma-informed response seeks to understand what the child may be communicating and how trauma, disability, culture or separation may have affected their response, without requiring the child to repeat a distressing account unnecessarily.

4. The child's behaviour does not reduce adult accountability

When considering a child's behaviour, organisations should examine what occurred beforehand, what the behaviour may be communicating, and whether an adult's conduct contributed to or escalated the response. A child should not be blamed or punished for behaviour arising from an adult's inappropriate conduct or abuse. Adults working with children remain responsible for responding safely, professionally and appropriately, with accountability focused on their conduct and its impact on the child.

5. Culture, disability and connection must shape the response

The child's Aboriginal identity, family relationships, connection to Country, trauma history and communication-related disabilities were relevant to how they experienced events and expressed their views. Good practice included receiving the child's account through trusted people and recognising words, behaviour, emotional responses and choices about contact as forms of communication. The matter also identified the need for stronger, documented consideration of whether a child needs an interpreter, communication aid, cultural support person, family or kin involvement, or other adjustment to communicate safely and freely.

6. Documentation failures can compound harm

Failure to record the initial disclosure delayed the safeguarding response, limited available evidence and risked communicating to the child that they had not been believed. Timely and accurate documentation preserves the child's words, behaviour and presentation as part of their voice, ensures their account informs decisions, and reduces the risk of them having to repeat a distressing experience.

Discussion prompts

- How can an organisation hear a child's voice without requiring them to repeat a distressing account?
- What should staff record when a child makes a disclosure or communicates in an unexpected or inconsistent way?
- How should the child's behaviour, trauma history, disability and cultural connections inform the investigation?

Practice message

Children have the right to express themselves in ways that reflect their language, culture, identity and communication needs.

Their voice may be communicated through words, behaviour, emotional responses, drawings, play, gestures, communication aids, or choices about who they feel safe speaking with or seeing.

A child-centred and culturally safe investigation listens in ways that are meaningful for the child, gives due weight to their existing account and views, and avoids asking them to repeat a distressing experience unnecessarily.