

## Victims of Crime

A victim of crime is anyone who suffers harm as a result of a criminal act. Harm includes having property taken, destroyed or damaged, and actual physical or psychological harm. It also includes harm suffered to a person trying to help a victim of a crime. When a person has died as a result of a crime, their immediate family members are also considered victims.

The children, young people, families and carers you work with may be or may become victims of crime. The type of support and extent of any financial assistance a child or person may be eligible for will depend on the individual's circumstances and the nature of the violence.

For example, if a child or person is a victim of a violent crime, they may be eligible for assistance under the Victims Support Scheme. The Scheme provides counselling, financial assistance for immediate needs or economic loss, as well as recognition payments. Any payments will depend on the nature of the offence committed and the injury caused.

### Why it's Important you Identify Victims of Crime in Your Work

A child or young person (child) who is a victim of crime may have support needs arising from their experience. Understanding what has happened to them and helping them to access support and assistance as early as possible, can help them to recover and improve their life chances.

Remember, when you talk to a child about their experiences of harm, they need to feel safe. You have the opportunity to reassure them that what happened to them was not their fault. This helps reduce feelings of shame and personal responsibility. This can empower a child and contribute to their healing.

If a carer, birth parent or other family member of a child is a victim of a crime, they will also need your support. Their experience may affect the way they relate to and care for the child. Helping address their support needs is likely to have a direct benefit for the victim/survivor as well as the child.

Refer to [Reflective Practice - Practice Tips](#) for more information.

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“Forgiveness has nothing to do with absolving a criminal of his crime. It has everything to do with relieving oneself of the burden of being a victim - letting go of the pain and transforming oneself from victim to survivor.”

— C.R. Strahan

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## Supporting a Child under the Under the Parental Responsibility of the Minister

If a person is identified as a victim of crime undertake relevant casework tasks. This includes, where appropriate, reporting the matter to Police and the Child Protection Helpline on 132 111.

### **Assess needs and eligibility**

You are responsible for ensuring a child who is a victim of crime has access to their rights and entitlements and receives appropriate support. To do this, you will need to speak with the child and their carer to help you understand their experiences, determine what supports are needed and help with referrals.

It’s important you listen deeply and adapt your approach and practice to their needs and choices, so you can advocate for them. Look for what are they telling you verbally and non-verbally about their experience. Also, support children to take the lead in conversations, and check your understanding of what they have said, so they feel heard.

Remember, what you do afterwards is crucial. This is when your actions can show you have taken their views seriously and that you are reliable and trustworthy. Make sure you feed back to them regularly on what you have done, and what they can expect to happen next.

Ensure Aboriginal or Torres Strait Islander and culturally and linguistically diverse children are referred to culturally appropriate services. Also think about the child’s potential eligibility for various services under the Victims Support Scheme.

Refer to [Tips for Talking with Children and Young People](#) for more information.

### **Recommending an application be made to Victims Services**

DCJ is responsible for lodging all applications to the Victims Support Scheme for children in the care of the Minister. This includes children in statutory care with a PSP Service Provider.

Speak to your Child and Family District Unit (CFDU) if you would like to recommend an application for Victims Support be made on behalf of a child you are working with. You will need to complete a form and provide the necessary evidence.

You should review the [NGO recommendation for application to Victims Services](#) and [Supporting victims of crime - NGO guidelines](#) for more information about what you need to do.

Once the CFDU has received your recommendation and the required paperwork, they will assess the child's potential eligibility and complete an application for Victims Support. The CFDU will let you know the outcome of the application.

Remember there are time limits for financial assistance or recognition payments under the Victims Support Scheme. Visit the [Victims Support Scheme Detailed Guide](#) for further information.

### **When a child must be referred for a DCJ Legal audit**

A child that has been under a Parental Responsibility to the Minister with final orders for two or more years, and is aged 15 or older, or will leave care in less than 3 years, **must** be referred to DCJ Legal Services for a legal audit of their file. This includes children leaving care because of a restoration, guardianship or adoption order.

While a legal audit itself is not part of the Victim Services application process, it can help identify potential eligibility for Victims Support or other legal claims. DCJ will pursue any identified claims on behalf of the child or young person.

Again, the [Supporting victims of crime - NGO guidelines](#) details what you need to do to arrange a DCJ legal audit. Use the [NGO referral for a legal audit form](#) to refer a child or young person who is in statutory OOHC to DCJ Legal Services via the Child and Family District Unit.

### **Recognition payments and young people in care**

Victims of Crime recognition payments for children in care are managed as trusts by the Trustee and Guardian until they legally turn 18. During leaving care planning it's critical to prepare the young person for any money they may be due to receive, especially larger sums. See the factsheet [Preparing young people to receive a large sum of money](#) for suggestions and advice.

Caseworkers should also consider any risks or issues that may mean the young person is not capable of protecting their funds. In some cases, a delay may be requested through NSW Civil & Administrative Tribunal until the young person is ready (for example, completion of a drug rehab program).

## Overview of the Victims of Crime Legal Framework

You are obligated to follow the **Victims Rights and Support Act 2013**. The Act legislates the NSW Charter of Victims Rights and establishes the NSW Victims Support Scheme.

The **NSW Charter of Victims' Rights** requires that you ensure children and other victims of crime receive appropriate support to meet their needs. The Charter sets out 18 rights, including that all victims are treated with courtesy, compassion and respect.

While the charter applies to all victims of crime, some rights and entitlements only apply to victims of serious personal violence offences. There is also a version of the Charter in a format appropriate for young people.

**Victims Services** runs the NSW **Victims Support Scheme**. The Scheme helps victims of violent crime with:

- information and referrals
- counselling
- financial assistance for immediate needs
- financial assistance for economic loss
- recognition payments to recognise trauma suffered.

The children, young people, families and carers you work with may be eligible for assistance under the Scheme. Any payments will depend on the nature of the offence committed and the injury caused. Remember victims of a non-violent crime are not entitled to assistance from Victim Services.

For further information visit:

- [Victims Rights and Support Act 2013](#)
- [NSW Charter of Victims' Rights](#)
- [NSW Charter of rights - format appropriate for young people](#)
- [Victims Services](#)
- [Victims Support Scheme](#)
- [DCJ Victims Services web page](#)

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“That's the thing about being a victim; you start to think it'll happen to you on a regular basis. It's living with the reality of your own vulnerability, and it sucks.”

— Dennis Lehane, 1994

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## Supporting Other Children, Parents and Carers

This may include a child not in care, birth parent, carer or other family member that is a victim of crime. It's really important that you support a victim of crime to feel strong and powerful in the face of violence and suffering. Show them respect, empathy and understanding. Ask them about their experiences and really listen to their responses to understand their needs. By doing this you will be able to provide information about services which may be able to best help them.

Provide them with a copy of the Charter of Victims Rights. Also provide the details of the Victims Access Line (1800 633 063) and/or Aboriginal Contact Line (1800 019 123). Both information and referral support lines provide victims with information about the support available to them. The Lines can help with information about accessing Victims Registers and preparation of Victim Impact Statements.

Also, provide information about the support available from Victims Services. This includes counselling and financial support for eligible victims of violent crimes under the Victims Support Scheme. Once Victims Services have received all the necessary documents, the person's application will be assessed, and they will be advised of the outcome. Victims Services can provide general information, referrals to other services and ongoing advice.

Refer to [Dignity Driven Practice](#) for more information.

## Further Information

For further information and supports for victims of crime, please visit

NSW Victims of Crime Website

[www.police.nsw.gov.au/safety\\_and\\_prevention/victims\\_of\\_crime](http://www.police.nsw.gov.au/safety_and_prevention/victims_of_crime)

NSW Government Department of Justice – Victims Services

[www.victimsservices.justice.nsw.gov.au](http://www.victimsservices.justice.nsw.gov.au)

Contact your local Child and Family District Unit regarding local processes and contacts for Victims of Crime referrals for children and young people in the care of the Minister.