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WITNESS STATEMENT OF DONALD PALMER

I, Donald Anthony Palmer of ████████████████, in the State of California, Professor, do solemnly and sincerely declare that:

1.   I make this statement in my personal capacity.

2.   I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

BACKGROUND AND QUALIFICATIONS

3.   I have the following qualifications:

(a)   Bachelor of Science (Honours) (1973) from the University of Wisconsin, Madison;

(b)   Masters of Arts, Sociology (1979) from the State University of New York, Stony Brook; and

(c)   Doctor of Philosophy, Sociology (1982) from the State University of New York, Stony Brook.

4.   I have held academic teaching positions at the University of California, Stanford, Reed College and the State University of New York. I have also held academic research positions at the State University of New York.

5.   Attached to this statement and marked **DAP-1** is a copy of my curriculum vitae.

CURRENT ROLE AND RESEARCH

6.   Since 1990, I have been a Professor at the Graduate School of Management at the University of California, Davis. In this role, I am responsible for conducting research on organisations, teaching courses on management, and performing service for my school and university.

7.   My main areas of research are the causes, processes, and consequences of wrongdoing in and by organisations, and the role of power and politics in corporate decision-making. My research on wrongdoing in and by organisations examines why otherwise law-abiding, ethical, and socially responsible people participate in wrongful courses of behaviour. Thus, my

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work in this area focuses less on persons who enter organisations with a pre-existing motivation to engage in wrongdoing and more on persons who enter organisations without a proclivity to engage in wrongdoing and subsequently drift into misconduct.

8.   Since preparing my report on the role that culture plays in child sexual abuse in institutional settings for the Royal Commission into Institutional Responses to Child Sexual Abuse (**Royal Commission**) in 2016, I have published the following two works pertaining to child sexual abuse in youth serving organisations, electronic copies of which are attached to this statement and marked **DAP-2**:

    (a)   Donald Palmer, Valerie Feldman, 'Toward a more comprehensive analysis of the role of organizational culture in child sexual abuse in institutional contexts' (2017) 74 *Child Abuse and Neglect*23.

    (b)   Luciana Assini-Meytin, Keith Kaufman, Ben Mathews, Donald Palmer, Maggie Ingram, Elizabeth Letourneau, 'Preventing and Responding to Child Sexual Abuse: Organizational Efforts,' (2021) 112 *Child Abuse and Neglect*.

9.   I have also published the following hard-copy publication:

    (c)   Donald Palmer, Valerie Feldman, *Comprehending the Incomprehensible: Organization Theory and Child Sexual Abuse in Organizations. An Organization Theory Perspective*, (Cambridge University Press 2018).

DEFINITION OF ORGANISATIONAL THEORY

10.   To understand misconduct in organisations, it is first necessary to provide an outline of organisational theory.

11.   Organisations are what social psychologists refer to as 'strong situations', in that they consist of structures and processes that can override individual predispositions and shape member attitudes and behaviour. A person's behaviour is subject to much more control within an organisation, when compared to other settings. This is largely because organisations are constituted by multiple intersecting structures and processes.

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12.   The main structures and processes that regulate behaviour in organizations, are:

(a)   administrative systems;

(b)   formal authority and informal power relationships;

(c)   informal group memberships and dynamics;

(d)   incentive systems;

(e)   cultural arrangements; and

(f)   socialisation processes.

13.   *Administrative systems*. The activities of people within organisations typically are structured by administrative systems. These systems can include a division of labour (namely, the allocation of tasks among subunits and within subunits among positions), standard operating procedures and rules that may or may not be in written form.

14.   *Formal authority and informal power relationships*. Most organisations have a formal authority structure (also referred to as a 'chain of command') which determines superior-subordinate relationships. The higher one is in the authority structure, the more formal power they possess. Most organisations also have an informal power structure that crosscuts the formal authority structure (for example, that determines the relative power of actors at the same level of the chain of command). Informal power is rooted in the distribution of important and scarce resources. The more important and scarce resources one controls, the more informal power they possess. Often, authority and informal power structures interconnect with the division of labour (described above), insofar as one's position in the division of labour may influence the amount of formal authority and informal power they possess. For example, the Finance Director of a youth serving organisation might possess formal authority by virtue of being a 'director' of the organisation and might possess informal power by virtue of controlling financial resources.

15.   *Informal group memberships and dynamics*. Most organisations are composed of one or more smaller informal groups. A hierarchy may exist among groups. Further, small groups can have structures of their own. Members can be stratified in terms of status and member behaviour can be

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regulated by group-specific norms. Sometimes small groups close rank and protect their own. This phenomenon can be seen in the cover-up of child sexual abuse within the Catholic Church — one of the reasons priests defended one another was that they were friends and, as such, were used to looking out for each other.

16.   *Incentives.* Most organisations are also structured by incentive systems. Organisational participants evaluate alternative behavioural options partly based on the relative costs and benefits of pursuing those options that maximise benefits and minimise costs. For example, most child sexual abuse safety protocols assume that persons who have an abiding sexual interest in children will pursue their interest in children if they believe that they will be able to abuse a child (for the abuser, a benefit) and it will not be detected and punished (for the abuser, a cost).

17.   The degree to which youth serving organisation leaders work to prevent or respond to abuse can be limited by a range of incentive system factors. For example, the benefits leaders derive from enhancing child safety may be dwarfed by the rewards they receive from increasing their youth serving organisation's profits and shareholder value, maintaining its reputational standards[1] or preserving its competitive edge.[2]

18.   *Culture.* Culture is often misunderstood by people studying youth serving organisations. It is sometimes considered a product of other structures. For example, I have seen articles which discuss how to write a youth serving organisation manual to produce a culture that is 'child safe'. This assumes that the culture comes from the guidelines or administrative systems. Culture can also sometimes be confused with other things such as incentives or formal authority.

19.   In my opinion culture is a separate distinct structure that constitutes organisations. It consists of shared understandings about the way the world works and what is good and bad. Cultural content consists of assumptions,

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[1] Donald Palmer, Valerie Feldman and Gemma McKibbin, *The role of organisational culture in child sexual abuse in institutional contexts*, Final report to the Royal Commission into Institutional Responses to Child Sexual Abuse (December 2016), 63.
[2] Donald Palmer, Valerie Feldman and Gemma McKibbin, *The role of organisational culture in child sexual abuse in institutional contexts,* Final report to the Royal Commission into Institutional Responses to Child Sexual Abuse (December 2016), 85.

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values, beliefs, and norms that distinguish appropriate from inappropriate attitudes and behaviours in an organisation.

20.   Cultures often contain content pertaining to the trustworthiness of children. One of the problems we see in youth-serving organisations is that when children report abuse, the abuser produces an alternative account of events, and the adult abuser is believed. This may be because the culture of the organisation includes an assumption that children lie or are not accurate representors of reality. By comparison, a child safe culture might include an assumption that children do *not* lie about abuse, and a belief that it is good to listen to children.

21.   ***Socialisation***. Typically, when people join an organisation, they are trained in skills that are necessary to perform the tasks that are expected of them. They are also socialised into the organisation's culture – its basic assumptions, values and beliefs.

22.   Some organisations invest a lot of time and effort in socialising their new members. Research and insights from psychology demonstrate that this involves more than simply providing people with new skills and information. For example, military organisations socialise new members to kill, which is something different to teaching members to use a rifle. To socialise new members, it is necessary to strip out and replace old values and beliefs.

23.   Most organisational sociologists understand an effective socialisation process to consist of three phases: unfreezing (when new organisational members are stripped of their internalised assumptions, values, and beliefs), change (when new members are introduced to new preferred assumptions, values, and beliefs), and refreezing (when the members' new preferred assumptions, values and beliefs are reinforced). Each of these phases have multiple dimensions. For example, the change phase entails rewarding and punishing new members to motivate them to adopt the new cultural content, providing new members with role models who exemplify the new cultural content with whom they can identify, and providing new members with opportunities to internalise (namely, embrace as their own) the new cultural content.[3]

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[3]   Edgar H Schein, *Coercive Persuasion: A Socio-psychological analysis of the 'Brainwashing' of American Civilian Prisoners by the Chinese Communists,* (W. W Norton and Company, 1961).

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24.   It is my opinion that most child safety protocols devote considerable attention to the training of new organisational members but devote little attention to the socialisation of these members. For this reason, I believe that most child safety protocols fall short in the area of ensuring that new organisational members will adopt a strong child safety focus.[4]

PERPETRATOR MOTIVATIONS

25.   It is important to understand that perpetrators of abuse in youth serving organisations are motivated to offend for a wide variety of reasons. The public and some child safety experts and practitioners implicitly assume that most perpetrators are motivated by an abiding sexual interest in children. Many people who abuse children in institutional contexts, however, enter these contexts lacking the motivation to abuse children. These individuals develop such motivation and find ways to overcome their inhibitions *after* entering the organisation. These abusers are referred to as 'situational offenders'.[5]

26.   Logic suggests that most situational offenders are unlikely to reoffend, insofar as their propensity to abuse is conditional on the presence of specific situational factors. Logic also suggests that insofar as many persons who abuse children in institutional settings are situational offenders, most persons who abuse children in institutional settings are unlikely to reoffend. These suppositions are consistent with evidence on child abuser recidivism rates more generally, which indicates that only 14 percent of persons convicted of a child sex offence re-offend over a period averaging five to six years and that recidivism rates increased over time, reaching 24 percent by 15 years.[6]

27.   There are numerous reasons why situational offenders abuse children in institutional settings. Individual psychological factors such as transient stress or transitory personality disorders are believed to lead some persons to abuse children. But organisational structures and processes also can influence the

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4   Donald Palmer, Valerie Feldman and Gemma McKibbin, *The role of organisational culture in child sexual abuse in institutional contexts,* Final report to the Royal Commission into Institutional Responses to Child Sexual Abuse, December 2016, 834, 85

5   K Lanning, 'Situational and Preferential Sex Offenders' (1986) *Sexual Exploitation of the Child*, 28-39.

6   R Karl Hanson and Kelly E. Morton-Bourgon, 'The Characteristics of Persistent Sexual Offenders: A Meta-analysis of Recidivism Studies' (2005) 73(6) *Journal of Consulting and Clinical Psychology*, 1154–1163.

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likelihood that organisational participants will become situational child sexual abusers.

28.   Organisational incentive systems can cause persons to develop the motivation to abuse children. Organisational participants' motivation to engage in any behaviour is a function both of their preferences and aversions for different types of rewards and punishments and their expectations that they can successfully pursue the behaviour in question and will receive the rewards or punishments on the completion of the behaviour. Thus, situational offenders will abuse when they think that children will be vulnerable to their advances and that is unlikely that their successful advances will be detected and punished. For this reason, most situational prevention measures focus on creating conditions under which potential offenders believe that their advances will be rejected (for example, child sexual abuse training of children and youth) and believe that if successful, their advances will be detected (for example, prohibition of one-on-one staff/child interactions) and addressed (for example, staff training).

29.   Organisational culture can also increase the likelihood that organisational participants will become situational offenders. Cultures that feature the assumption that children are developmentally equivalent to adults, the belief that children deserve the same rights as adults, and the corresponding norm that children should be treated the same as adults can be beneficial for children in some respects. But they also can lead adults to develop inappropriate intimate relationships with children that can lead to sexual relationships that, by definition, constitute abuse.

30.   Child safety programs that are directed at curbing the behaviour of persons who have an abiding sexual interest in children, while important, may fail to address many of the factors that can lead organisational participants to become situational abusers.

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THE ROLE OF COGNITIVE BIASES

31.   Many psychological factors can impede reporting and action in relation to child sexual abuse within organisations. Three of the most important of these factors are:[7]

(a)   'Motivated blindness', where people tend to ignore or minimise the significance of harmful acts, because full appreciation of their reality is too difficult to contemplate (for example, would cause the person to admit that a valued co-worker is a child abuser) or would result in consequences that would negatively impact the person (for example, result in others' questioning of the person's leadership skills).

(b)   'Cognitive dissonance', where people struggle to reconcile contradictory understandings of themselves and their behaviour (for example, their understanding of themselves as a 'good' person and their understanding of their behaviour as 'bad'). When people experience cognitive dissonance, they tend to alter one of their two contradictory understandings so that both come into alignment. For example, a person who understands themselves as valuing child safety but engages in a behaviour that they understand to undermine child safety might experience cognitive dissonance and in response alter their perception of their behaviour to understand it as not really undermining child safety.

(c)   'Discounting the future,' where people evaluate immediate costs and benefits more than distant ones (for example, viewing the immediate benefits of a behaviour as more salient than future benefits). Persons who discount the future regarding compliance with child safety guidelines might value the immediate ease with which they can complete their job requirements if they ignore child safety guidelines more than the future satisfaction of having behaved in a way that kept a child safe.

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[7]   Donald Palmer, Valerie Feldman and Gemma McKibbin, *The role of organisational culture in child sexual abuse in institutional contexts,* Final report to the Royal Commission into Institutional Responses to Child Sexual Abuse, December 2016, 29-30.

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FEATURES OF ORGANISATIONS WHICH INCREASE THE RISKS OF CHILD SEXUAL ABUSE

32.   Organisations are not only places where abuse occurs. My research indicates that fundamental organisational structures and processes can facilitate the perpetration of child abuse, impede the detection of abuse, and undermine the response to abuse in youth serving organisations.[8]

33.   Organisational culture is among several organisational structures and processes that can influence the likelihood that abuse occurs, is not detected, and is ignored in youth serving organisations. Among the types of cultural content that is relevant to child abuse is content that pertains to sex roles, the formation of intimate and affectionate relationships between adults and children, and the sexual character of different kinds of behaviour. For example, in some sports clubs it is assumed that boys' athletic skill and personal maturation is enhanced by being exposed to adversity that is stoically overcome. This cultural content can inhibit abused boys from revealing the abuse they experience at the hands of their coaches and peers.

34.   Several high-profile instances of teacher perpetrated child sexual abuse have occurred at elite boarding schools in the United States. I doubt these instances of abuse occurred because the teachers involved suffered from stress or some other temporary psychological problem. Rather, I suspect that the elite boarding schools' culture made child sexual abuse more likely.

35.   I am currently developing case analyses of child sexual abuse in these settings. While my evidence base is limited, my preliminary sense is that parents send children to expensive boarding schools partly because they want their children to develop close personal (namely, mentor) relationships with their teachers. This is a type of relationship that their children would not be able to develop with teachers if they attended public schools. Elite boarding schools facilitate the development of such mentor relationships, partly by encouraging teachers to treat their students as young adults rather than as children. In some 'progressive' boarding schools, staff expect students to

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[8] Donald Palmer and Valerie Feldman, 'Toward a more comprehensive analysis of the role of organizational culture in child sexual abuse in institutional contexts' (2017) 74 *Child Abuse and Neglect* 26.

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share in the maintenance of the community, the making of meals, and the upkeep of the property.

36. It is not surprising to me that child sexual abuse occurs when youth-serving organisations treat children as young adults and encourage the development of intimate personal relationships between adult staff and children.

37. Elite boarding school culture can create a fine line between behaviour that is acceptable, even encouraged, and abusive behaviour. Consider the example of grooming. Adult child sex abusers often enact intimate and affectionate relationships with children as part of a conscious effort to 'groom' them for abuse. But a wide variety of behaviour within elite boarding schools has the character of grooming. When cultures endorse intimate and affectionate relationships between adults and children, the grooming activities of perpetrators of child sexual abuse may appear normal. In an innocuous form, this sort of behaviour might be labelled 'rapport building', but once abuse occurs, it is understood to be 'grooming'.

38. While much attention has focused on an organisation's culture, other organisational structures and processes can facilitate child sexual abuse, inhibit the detection of abuse, and impede the response to detected abuse. Elsewhere in this statement I indicate the role that organisational incentive systems and power structures may play in promoting and sustaining abuse in youth serving organisations. Small group dynamics may also play a role in promoting and sustaining abuse. For example, small group dynamics may impede responses to detected abuse, insofar as most small groups feature the norm that group members should protect their fellow members from external threats. In Palmer and Feldman (2018), we presented a comprehensive organisational theory analysis of how organisational structures and processes can facilitate child sexual abuse, inhibit the detection of abuse, and impede the response to detected abuse.[9]

39. While it is fashionable to simply exhort the leaders of youth serving organisations to prioritise child safety above all other organisational goals, in practice, this can be extremely difficult. In the case of elite boarding schools,

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[9] Donald Palmer and Valerie Feldman, *Comprehending the Incomprehensible: Organization Theory and Child Sexual Abuse in Organizations*, (Cambridge University Press, 2018).

placing child safety above all else can interfere with the schools' ability to provide students with the opportunity to develop intellectually and emotionally nurturing mentor relationships. In such cases, to address child safety risks, organisational leaders must honestly assess the degree to which their organisations' cultures contribute to child safety risk. Based on such honest assessments, organisational leaders then can contemplate which problematic elements of their culture they can change without undermining their ability to provide students with valuable mentor relationships. They can also focus their attention on mitigating the risks of those problematic cultural elements they cannot change without undermining their ability to provide students with valuable mentor relationship, perhaps by altering other elements of their organisations (for example, their organisations' incentive systems or administrative systems).

THE ROLE OF AUTHORITY

40. Much of the literature underestimates the role of power and authority in institutional child sexual abuse. My sense is that some forms of child sexual abuse have a lot of common with sexual harassment in organisations, in the sense that both are centrally about people establishing their power in a social setting. The abuse of younger children by older peers sometimes appears to be motivated by older children's desire to establish their superiority over their younger peers. The abuse of children and youth in juvenile detention by staff sometimes appears to be motivated by the desire of staff to establish their superiority over detention facility inmates. It may be that the some of the same strategies for preventing or responding to sexual harassment, such as strategies associated with bystander intervention, can be employed to prevent or respond to the sexual abuse of children.

41. The German founder of sociology, Max Weber, distinguished between three bases of authority in organisations: rational legal (based on the possession of competence and legal rights), religious (based on the possession religious entitlement) and charismatic (based on the possession of extraordinary traits).

42. Authority rooted in rational legal logic provides those who possess it with the narrowest scope of authority (for example, a superior in a work organisation typically can only command subordinates to engage in or refrain from work

related activities). Authority rooted in religious logic provides those who possess it with a wider scope of authority (for example, a Catholic priest can demand that laity adhere to Church canon that covers a broad range of prescribed and proscribed behaviours). Authority rooted in charismatic logic provides those who possess it with the widest scope of authority (for example, a charismatic sports coach can tell their athletes what to eat, how much to eat or who to associate with).

43.   Weber did not view one type of authority to be practically or morally superior to another. But because religious and charismatic authority afford those who possess it with more comprehensive control over their subordinates, I think it is reasonable to view them as giving rise to greater risk of misuse. More specifically, when they are the basis of authority in youth serving organisations, they present a greater risk that abuse will be perpetrated, when perpetrated will be covered up, and when revealed will not be addressed in an expedient and effective way. For this reason, child safety measures must be particularly robust in those settings.

44.   In my opinion, authority rooted in charisma may be particularly problematic. In modern culture we typically think of charismatic leaders as a good thing. But we should also be alive to the fact that charisma can present a red flag. For example, charismatic teachers typically are beloved by their students and often are admired by their peers and superiors. But charismatic leaders may be in a position to coerce their students to do things outside the normal jurisdiction of a teacher, including engage in inappropriate sexual relationships and refrain from reporting such relationships when observed.

CHILD SAFE POLICIES AND PRACTICES

45.   When it comes to child safe practices, organisations are often looking for a 'free lunch' — something that is simple and inexpensive to design and implement. An organisation might formulate a document that states its child safe policies and procedures (often modelled on a similar organisation's document or a third-party template) and assume that, therefore, child sexual abuse will not occur. But much more work is required to truly embed child safe practices in an organisation.

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Honest policies and procedures

46.   The first step to create a child safety program is to outline the organisation's
        missions and goals, assess the extent to which they conflict with child safety
        goals, and then deal with that conflict in an honest fashion. In many, if not
        most cases, organisational leaders will need to weigh the costs and benefits of
        different child safety measures. Many child safety protocols rest on the
        assumption that child safety measures only have benefits. But in most cases
        child safety measures also have costs, most importantly costs associated with
        interference with the organisation's ability to attain other goals. In many cases,
        the goals with which child safety measures conflict are the organisation's
        reason for being.

47.   Thus, the leaders of youth serving organisations will need to balance the costs
        and benefits of alternative child safety measures so that the organisation
        simultaneously maximizes children's welfare and minimises their harm. For
        example, in the case of private boarding schools in the United States,
        headmasters need to balance the benefits of fostering close personal
        student/teacher relationships that can enhance children's social, emotional,
        and intellectual development and preventing inappropriately intimate
        student/teacher relationships that can increase the risk of abuse.

48.   Further, policies and procedures must be reasonable and realistic in order to
        be observed. Policies and procedures that are created by people in positions
        of authority are sometimes difficult to implement in practice, particularly as the
        policies and procedures grow in number and complexity. One way of
        addressing the problem is to involve more junior staff in the design of the
        policies and procedures that they will be responsible for following. Front line
        staff are much more likely to design policies and procedures with realistic
        implementation constraints in mind. Further, they are more likely to adhere to
        rules and regulations that they have had a hand in creating.

49.   The 'commitment processes' theory in psychology explains why participation in
        the development of child safety measures is important. This theory, which is
        supported by empirical evidence, holds that people are more likely to follow
        through on a course of action when they understand themselves to be acting of
        their own volition and when their volitional attachment to the course of action is

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known to others.[10] Participation in the formulation of child safety measures causes staff to see themselves as formulating those measures of their own volition in the presence of their peers and superiors.

Cultural change

50.   Features of a child safe culture include the assumption that child safety is the top priority of a youth serving organisation, the belief that child safety is more important than other organisation goals (for example, children's intellectual development or athletic achievement), and norms that members of youth serving organisations should conform to policies and procedures designed to ensure child safety.

51.   Culture can be shaped both directly through the messages that are formally communicated by leadership and indirectly through unspoken signals and actions. The latter are much more important than the former, because staff tend to view the former as 'lip service.'[11]

52.   Once an organisation formulates its child safe policies and procedures, a lot of work needs to be done to change attitudes and practices. This can be hard to achieve. It is not enough for an organisation's leaders to tell members that child safety is a priority, only to go on conducting the organisation's work in the same way they always have. As indicated previously, culture is a separate structure that is not determined or changed by rules and regulations.

53.   Implementing cultural change requires that attention be given to the complex process through which members of an organisation come to embrace as their own assumptions about the way the world operates, values and beliefs about what is good and bad, and norms about how people should think and act (see my discussion of socialisation at paragraph 2322).[12] Current recommendations on how to implement child safe cultures typically underestimate the magnitude of

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[10]   Barry M Staw, 'Knee-deep in the big muddy: A study of escalating commitment to a chosen course of action' (1976) 16 *Organizational Behavior and Human Performance*, 27-44.

[11]   Eileen Munro and Sheila Fish, 'Hear no evil, see no evil: Understanding failure to identify and report child sexual abuse in institutional Report to the Royal Commission into Institutional Responses to Child Sexual Abuse, September 2015, 26.

[12]   Donald Palmer and Valerie Feldman, 'Toward a more comprehensive analysis of the role of organizational culture in child sexual abuse in institutional contexts' (2017) 74 *Child Abuse and Neglect* 26, 31.

the task. Cultural change can be harder to accomplish in youth serving organisations situated in communities where the cultural assumptions, values and beliefs, and norms that leaders of youth serving organisations might wish to alter are reinforced within the community. For example, rural communities tend to embrace more traditional cultural assumptions, values and beliefs, and norms about children, such as those pertaining to the degree to which children can be considered honest and faithful reporters of their experience. As a result, youth serving organisations in such communities may find it more difficult to effect cultural change, such that children are viewed as honest and faithful reporters of their experience, importantly regarding their experience of abuse.

54. Leaders play an important role in shaping their organisations' culture. Leaders should instil in their organisation's culture content that is antithetical to child sexual abuse; that is, that inhibits the perpetration of child sexual abuse, speeds the detection of abuse, and enhances the response to abuse. This creates an organisational culture that can be referred to as 'child safe'.

55. According to influential theory, leaders telegraph cultural content in the following five ways:

(a) the people they hire and fire;

(b) the behaviour they reward and punish;

(c) the matters on which they focus their attention;

(d) the way they respond to crises; and

(e) the attitudes and behaviours they exhibit.

56. As an organisational theorist, however, I consider that leaders are not the only determinant of an organisation's culture. Organisations are coalitions of constituents that evolve and reinforce their own unique assumptions, values and beliefs, and norms. Dr Samantha Crompvoets, who works with the Australian Defence Force, argues that the cliques and social networks of organisations can be more determinative than leadership of an organisation's culture.

57. Thus, it is important to bring together people from all levels of the organisation to formulate child safety policies and procedures and determine how they will operate in practice. In an educational context, teachers, administrators and

even the school board might be brought together to discuss and establish definitively the kinds of relationships that will be considered appropriate, to reduce the chance that teacher student relationships will drift into child sexual abuse. As indicated previously, bringing representatives from all levels of the organization together increases the likelihood that the formulated policies and procedures will be realistic and actually embraced. More apropos of the comments immediately above, it also provides an opportunity for lower-level staff to view leadership in action; that is, to see the matters on which leaders focus their attention, to see the behaviours they reward and punish, to see the attitudes and behaviours they exhibit, etc.

58. To echo points made elsewhere in my statement, I believe such child safety measures will be at least as effective (perhaps more so) than education, training, and the addition of rules and regulations. The addition of rules and regulations is particularly problematic in youth serving organisations, because these organisations by their nature employ 'uncertain' technologies (the concepts of 'uncertain' and 'complex' technologies, discussed below, are orthogonal). Uncertain technologies are those that process highly variable inputs and utilize uncodified methods to process them. Youth serving organisations process children (who are by no means homogeneous) and process them with methods that typically are rooted more in intuition than evidence based social scientific theory. Organisations that utilise uncertain technologies are inefficient and ineffective when they are managed bureaucratically (namely, through the elaboration of numerous and detailed rules and regulations). Thus, the addition of more and more child safety rules and regulations to youth serving organisations can make it unacceptably hard for these organisations to accomplish the goals they were established to pursue.

Governing Boards

59. Many youth serving organisations have boards of trustees or directors. Some child safety advocates recommend that these boards become actively involved in promoting a child safe culture and child safety more generally in the organisations for which they provide oversight (for example, by establishing safety committees). While I think these recommendations are well meaning, I doubt that if implemented they will be effective. The primary purpose of the

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boards of most youth serving organisations is to provide the organisations with legitimacy and community support, most importantly in the form of financial resources. Thus, the board members of youth serving organisations typically possess little expertise in the domain that the organisation serves. Further, they typically have little time to acquaint themselves with the day-to-day operations of these organisations.

INTERNAL AND EXTERNAL OVERSIGHT

60.   Most organisations have a legal right to determine who can obtain and maintain membership. Thus, organisations typically have a right to conduct investigations into allegations of misconduct against their members. However, organisations are almost always conflicted when it comes to investigating misconduct that could be scandalous, because the institution has an interest in not bringing such events to the attention of the public. This is a problem across the board but is widely recognised in the case in universities and their handling of sexual assault matters. Conflicts of interest have been cited as reasons for the slow and inadequate response to allegations of child abuse in several United States universities, including Michigan State University, Pennsylvania State University, Syracuse University and the University of Southern California.

61.   For this reason, when it comes to investigating allegations of child sexual abuse, the quicker allegations are removed from the hands of the organisation and placed in the hands of an independent body, the better.

62.   With that said, as indicated above, organisations have the right to conduct investigations of misconduct on the part of their members. But to conduct investigations of allegations of misconduct, organisations must first become aware of those allegations. And unfortunately, organisations often remain ignorant of misconduct perpetrated by its members. The organisation's formal hierarchy can be one barrier to surfacing information of member misconduct; particularly when a lower-level employee observes misconduct on the part of a higher-level employee. In such situations, the lower-level employee may only be authorised to report the abuse to the abuser, or a subordinate of the abuser. And when this is the case, the witness risks being punished or suffering some other consequence. The difficulties associated with reporting abuse

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perpetrated by superiors have been previously examined.[13] To overcome these difficulties, it is important to create a reporting structure whereby people can report instances of abuse outside of the usual unitary chain of command.

EMPOWERING CHILDREN

63.   The empowerment of children in a youth serving organisation can enhance their safety in connection with child sexual abuse, where the concept of 'empowerment' is understood to pertain to children's position in the youth serving organisation's formal authority structure and their status more generally. I will discuss two ways in which children can be empowered within a youth serving organisation.

64.   First, children can be explicitly involved in the design of a youth serving organisation's child safety measures. This can alert staff to threats to child safety that staff might otherwise not recognise. It can also increase children's commitment to embracing the organisation's child safety measures, which is important because much abuse that occurs in youth serving organisations is perpetrated by older children against younger ones.

65.   Second, children can be recognised as being equal in status to adults, specifically possessing the same rights and obligations as adults. Foremost among the rights that children might be considered to possess that are related to child safety is the right to be believed. When children are believed, their allegations of misconduct will less likely be dismissed. Recognising that children are equal in status as adults amounts to an assumption about the state of the world. And as such, it can only be changed if the organisation's culture is realigned.

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[13]   Nina Sprober, Thekla Schneider, Miriam Rassenhofer, Alexander Seitz, Hubert Liebhardt, Lilith Konig and Jorg M Fegert, 'Child sexual abuse in religiously affiliated and secular institutions: a retrospective descriptive analysis of data provided by victims in a government-sponsored reappraisal program in Germany' (2014) 14 *BMC Public Health*, 282; Donald Palmer, Valerie Feldman and Gemma McKibbin, 'Final Report: The role of organisational culture in child sexual abuse in institutional contexts' (2016) *Royal Commission into Institutional Responses to Child Sexual Abuse*, 67.

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LESSONS TO BE LEARNED FROM HIGH RELIABILITY ORGANISATIONS

66. In my Final Report to the Royal Commission, 'The role of organisational culture in child sexual abuse in institutional contexts',[14] I discussed that, typically, organisations quickly forget threats that fail to materialise, as well as threats that do materialise but are handled effectively.[15] When organisations do this, they forego opportunities to learn from their experience. The failure to learn from these situations, so-called 'near misses', is particularly problematic for organisations that employ complex, tightly coupled technological systems, because complex, tightly coupled systems are prone to deleterious deviations from routines that are: a) difficult to comprehend, b) when understood, difficult to address in a timely fashion, and c) when not understood and responded to in a timely fashion, can result in catastrophic failures.

67. Many youth serving organisations can be understood to employ complex and tightly coupled systems, because the state of knowledge pertaining to child development remains largely uncodified and youth serving organisations typical are under-resourced. Thus, when problems arise, staff of youth service organisations frequently must draw on intuition to formulate responses to those problems and if their intuition fails, there are few backup resources available to address those failures. Instances of child sexual abuse in youth serving organisations has something in common with the kinds of problems that complex tightly coupled organisations face, in that while abuse may not occur on a daily basis, when it does occur the consequences can be considered catastrophic, both for the victims abuse and the organisations where it occurs.

68. Some organisations that employ complex, tightly coupled technologies develop unique structures and processes to learn from their 'near misses.' These organisations are referred to as 'high reliability organisations.' For example, whilst errors in surgery may be infrequent, they can be catastrophic both for the patients and the hospital. Thus, hospitals devote considerable attention to 'near misses.' Most hospitals periodically convene mortality and morbidity

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[14] Donald Palmer, Valerie Feldman and Gemma McKibbin, *The role of organisational culture in child sexual abuse in institutional contexts,* Final report to the Royal Commission into Institutional Responses to Child Sexual Abuse, December 2016, 63.

[15] Donald Palmer, Valerie Feldman and Gemma McKibbin, *The role of organisational culture in child sexual abuse in institutional contexts,* Final report to the Royal Commission into Institutional Responses to Child Sexual Abuse, December 2016, 63.

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reviews, in which recent lapses in care are evaluated dispassionately, with the goal of understanding their causes and avoiding similar lapses in the future. These conversations also reinforce the existing policies and procedures of the organisation.

69.   In a youth serving organisation, normalising similar periodic discussions about child abuse 'near misses' (for example, instances in which extended unsupervised one-on-one interactions between adult staff members and children occurred) is important and would have multiple benefits. Most obviously they would provide staff of youth serving organisations with the opportunity to fine tune their child safety policies and procedures. Such discussions also would send an important message regarding the organisation's commitment to child safe safety in practice and provide an opportunity to educate participants, especially new members, on the organisation's child safety policies and procedures and child sexual abuse more generally. Conversely, they likely would discourage persons with an abiding sexual interest in children from remaining in the organisation, because such persons would find such discussions aversive. Ideally, such periodic discussions would involve all members of the organisation. But in large youth serving organisations, they might be organised only to include representatives from all levels of the authority structure, perhaps on a rotating basis.

I make this solemn declaration under the *Oaths Act 2001* (Tas).

Declared at ██████ California, USA
on 12 April 2022

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Donald Anthony Palmer

Before me

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Commissioner of Declarations
Legal Practition

This statutory declaration was witnessed by audio-visual means in accordance with the 'Notice Under Section 17' dated 4 September 2021, as authorised by the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 (Tas)

Full Name of Justice, Commissioner for Declarations or Authorised Person