

Submission to the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings

AUGUST 2021



AASW

.....
Australian Association
of Social Workers

About the Australian Association of Social Workers

The Australian Association of Social Workers (AASW) is the national professional body representing more than 15,000 social workers throughout Australia. The AASW works to promote the profession of social work including setting the benchmark for professional education and practice in social work, while also advocating on matters of human rights to advance social justice.

Acknowledgements

This submission has been developed in consultation with our members who are working with people who have experienced child sexual abuse and other forms of abuse within and outside of institutional settings.

For further information or questions relating to this submission, please contact:

Author(s) of the Submission

[REDACTED]

Senior Policy Advisor

[REDACTED]

[REDACTED]

Social Policy and Advocacy Officer

[REDACTED]

Manager, Social Policy and Advocacy

[REDACTED]

Executive Summary

Social workers are present throughout all government departments in Tasmania and a wide range of the community sector organisations operating in Tasmania. The social workers who spoke to the AASW in preparation for this submission reported that the fundamental structures to ensure the safety of all Tasmania's Children, are in place. *The Children, Young Persons and Their Families Act 1997* (the 'Act') recognises that child and family wellbeing is of paramount concern and the responsibility of society as well as individuals, families and communities. Similarly, the *Commissioner for Children and Young People Act 2016*, outlines the function of the role of Commissioner for Children and Young People (CCYP) with reference to the United Nations' Convention on the Rights of the Child. On the other hand, social workers report that insufficient resourcing and inadequate implementation of these legislative instruments are preventing them from being fully effective.

A clear example is the Tasmanian government's response to the recommendations of the Royal Commission into Institutional Responses to Child sexual Abuse (the Royal Commission). It made 409 recommendations for a comprehensive reform to protect children from potential abuse in institutional settings, respond when it occurs and provide redress to victims and their family members. The delay in implementing these recommendations has direct consequences for the safety of children in several key areas which are described in this submission:

- Failure to implement and enforce safety measures such as Child Safe Standards.
- The inappropriate use of Tasmania Police as the avenue for reporting instances of abuse;
- Inadequate foster or kinship care places cause young people to be placed in institutions
- Failure to identify or respond to abuse by peers
- Failure to re-engage traumatised young people into education
- Importance of bypassing the criminal justice process for access to redress

This submission will address the Terms of Reference I, III and IV of the Inquiry and provide recommendations that can strengthen Tasmanian government's response to prevent child sexual abuse in the future and support victim-survivors in their journey to recovery.

Recommendations

The AASW recommends that the Tasmanian government:

- introduce, monitor and enforce a set of Child Safe Standards which conform to the National Principles for Child Safe Standards into all government and government funded organisations in Tasmania.
- investigate alternative mechanisms for reporting instances of child sexual abuse and implement a trauma informed process
- undertake as a matter of urgency work to increase the supply of foster and kinship carers through improved recruitment, acknowledgement and remuneration of carers

- increase the number and duration of therapeutic services for all children who have experienced abuse
- introduce and fund a strategy to develop a therapeutic approach to engage early school leavers for the refresh of 2018-2021 *Department of Education Strategic Plan Learners First: Every Learner, Every Day*
- expand the eligibility for redress to family members of people who were abused in non-residential settings
- facilitate access for Tasmanians to counselling and therapeutic services as part of the National Redress Scheme.

Responses to the Terms of Reference

I. ...better protect children against child sexual abuse in institutional contexts in the future

Recommendation(s):

The AASW recommends that the Tasmanian government introduce, monitor and enforce a set of Child Safe Standards which conform to the National Principles for Child Safe Standards into all government and government funded organisations in Tasmania

Better Protection: A co-ordinated and integrated child safe system

The Royal Commission dedicated considerable time to creating institutions that preserve and promote children's safety. Volume 6 of the Royal Commission's final report made 24 recommendations which centred around introducing child safe standards into organisations and are sufficiently detailed to provide a guide for any jurisdiction seeking to make its institutions safe. Recommendations 6.5 and 6.6 describe the child safety standards and their indicators while Recommendation 5.8 outlines the scope of organisations that the scheme should cover; and that an independent body should audit all such organisations.¹ The Tasmanian government should implement these recommendations as a matter of urgency.

Since the release of this report, a set of National Principles for Child Safe Standards have been adopted by COAG.² Accordingly, several states have introduced such standards and undertaken significant work to ensure that they lead to an improvement in the way organisations keep children and young people safe.³ This has required paying attention to the scope of organisations covered,

¹ Commonwealth of Australia 2017, 'Final report: making institutions child safe'. In *Report to the Royal Commission into Institutional Responses to Child Sexual Abuse, vol. 6*. Canberra; Australia.

² <https://ccyp.vic.gov.au/child-safety/being-a-child-safe-organisation/>

³ See, for example, Victoria's information for all organisations about updated standards and the requirements of Victorian institutions <<https://ccyp.vic.gov.au/assets/resources/New-Standards/New-Child-Safe-Standards-Information-Sheet.pdf>>

the processes for auditing organisations' performance against the standards and encouraging organisational improvement.

In her submission to this inquiry, the Commissioner of Children and Young People (CCYP) points out that the current arrangements in Tasmania to protect children fall short of the integrated and systemic approach described by the Royal Commission.⁴ She outlines a multi-layered, whole of community approach to ensuring the safety of children and young people, incorporating specific actions by government, the community sector and other service providers. Central to her vision is that the Tasmanian government introduce mandatory child safe standards, with independent oversight and mechanisms to encourage compliance. She summarises the lessons from experience in Victoria about the elements of successful implementation.⁵

The AASW endorses the position of the CCYP Tasmania and each of her recommendations for action by the Tasmanian government. The AASW would be happy to work with the Commissioner and the Tasmanian government to assist in the implementation of these recommendations.

III. eliminate or reduce problems that currently prevent appropriate responses to child sexual abuse in institutional contexts, including addressing failures in, and barriers to, reporting, investigation and responding to allegations and incidents of abuse,

Recommendation(s):

The AASW recommends that the Tasmanian government

- investigate alternative mechanisms for reporting instances of child sexual abuse and implement a trauma informed process
- undertake as a matter of urgency work to increase the supply of foster and kinship carers through improved recruitment, acknowledgement and remuneration of carers
- increase the number and duration of therapeutic services for all children who have experienced abuse

Barriers to reporting: Tasmania Police are not the most appropriate pathway for reporting.

AASW members report that the avenue for making reports of abuse is through the police, and that this acts as a barrier to people who wish to report. For many people the experience, even as the victim of a crime, is intimidating. Although the police force in some areas of the state have attempted to counteract the intimidatory nature of the reporting process, there is inconsistency in the way police stations work with victim-survivors who wish to make a report about current or historic

⁴ Commissioner for Children and Young People Tasmania 2021, *Submission to the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings*, accessed 1st Sept 2021, retrieved from <https://www.childcomm.tas.gov.au/wp-content/uploads/2021.07.29-CCYP-Submission-Commission-of-Inquiry-FINAL.pdf>

⁵ ibid

experience of sexual abuse in institutional settings. According to the Australian Bureau of Statistics, there have been 110 cases of child sexual abuse reported in 2020-21 in Tasmania.⁶ However, our members believe that this statistic underrepresents the real number of instances in some localities, because of the nature of the reporting process in police stations. Victims are expected to travel to a police station, provide their statement through a formal process alone and without a support person, within an interview room devoid of any recognisable features of environments they are used to. These requirements are followed regardless of the age or developmental status of the child. Considering the traumatic consequences of sexual abuse inflicted for children in terms of their trust in adults, these requirements on children are singularly inappropriate.

"I work with a child in early primary school and they were expected to give evidence alone in an interview room in a police station. No one was supporting the child when they were giving a statement. They weren't even allowed to wait outside the door. Can you imagine how daunting that experience could be for anyone who has been abused, let alone a young child?" AASW Member.

Giving a police statement can often re-traumatise a child as they are often asked detailed, sometimes unsettling questions, about the crime. Such level of trauma could deter victims-survivors from reporting the crime. In other states, reporting of abuse occurs through channels designed to cater specifically for the needs of people who have been abused, and are designed according to trauma informed principles to create a sense of safety and predictability for the person making the report.

Failures in Responding: Inadequate care for children and young people in the care of the state

The AASW has previously drawn attention to the severe shortage of foster carers and kinship carers in submissions into the state's budget process.⁷ In that advocacy the AASW pointed to the importance of children and young people growing up in an environment that replicates a loving family and of receiving therapeutic treatment for the trauma of their experience of abuse. AASW members have reported that in the absence of these placements, children and young people who have been taken into state care are instead placed in out-of-home-care settings which contain some features which resemble institutions more closely than they resemble a family environment. AASW members are also concerned at the severe shortage of therapeutic treatment available for children and young people who have been placed in state care.

One consequence of the experience of abuse can be that children and young people display inappropriate, sexualized behaviours. In the absence of therapeutic treatment this behaviour can develop to the point that they perpetrate abuse on other children and young people. AASW

⁶ Australian Bureau of Statistic 2021, 'Recorded Crime – Victims', accessed 1st Sept, retrieved from <https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-victims/2020>

⁷ AASW 2021, *Tasmania Pre-Budget Submission 2021-2022* (unpublished), Melbourne; Australia

members have reported disturbing examples of children and young people in out-of-home-care settings being abused by other children and young people who actually need intensive, consistent and individualized treatments to assist them recover from their own abuse.

In sum, the combination of a shortage of foster and kinship care, together with the shortage of therapeutic treatments for children and young people with inappropriate sexual behaviours is resulting in higher numbers of children and young people residing in institutional care, exposed to the risk of continuing abuse.

Failures in Responding: Preventing further abuse in out-of-home-care

AASW members report that the Department of Child Safety do not have the capacity or the resources to manage every case of abuse reported by staff or young people in state-funded out-of-home-care services. Members are concerned that even if a report of abuse within out-of-home-care or a school is believed and taken seriously, the response of Child Safety workers is only to remove the child or young person from their current placement to another one. Social workers report minimal follow-up investigation once the child or young person has been relocated, and that cases are closed. Previous inadequate responses to children who experienced abuse and trauma has been shown to lead to adverse long term consequences for their health, education level, economic security, housing status, mental health and interaction with the criminal justice system.⁸

IV. ...address, or alleviate the impact of, past and future child sexual abuse in institutional contexts, including, in particular, in ensuring justice for victims through, processes for referral for investigation and prosecution and support services

The AASW recommends that the Tasmanian government:

- expand the eligibility for redress to family members of people who were abused in non-residential settings
- facilitate access for Tasmanians to counselling and therapeutic services as part of the National Redress Scheme

Alleviating the impact: The importance of re-engaging young people into school

The trauma of having been abused can affect every aspect of a child or young person's life, and, if not addressed appropriately can interfere with every aspect of their lives. Many children and young people experience poor mental and physical health, and many find regular attendance at school too demanding. Children and young people in out-of-home-care have the added trauma of having been removed from their home and having to re-build their lives in out-of-home-care. Many schools are

⁸ Hunter, C., 2014. Effects of child abuse and neglect for children and adolescents. Melbourne: Child Family Community Australia information exchange, Australian Institute of Family Studies. Retrieved from www3.aifs.gov.au/cfca/publications.

unresponsive to the extra constraints that this disruption of out-of-home-care impose on attendance. Our members told us that victim-survivors often did not feel safe to disclose their story to teachers or other school staff because of a sense of powerlessness and pessimism about a possible solution. In fact, a study in 2015 shows that many victim-survivors do not disclose their experience until they enter adulthood.⁹

Many young people in out-of-home-care become disengaged from schools and are absent for long periods.¹⁰ Some disengage permanently. AASW members report that the Department of Education does not provide sufficient encouragement for state schools to identify or follow up children and young people who are disengaged from the public education system. This means that some victim-survivors who have been sexually abused while in care have completely disengaged from the education system before the age of 18.

It is not until a victim-survivor experiences homelessness or incarceration that their trauma is explored by social workers in other sections of the social services system. By the time they are in a homelessness service or the youth justice system, their needs have compounded and the health and mental health outcomes have deteriorated.

Therefore, it is critical for schools and the Tasmanian Government to identify victim-survivors of child sexual abuse before they completely fall out of the public education system. Unfortunately, the current *2018-2021 Department of Education Strategic Plan Learners First: Every Learner, Every Day* does not include a strategy to re-engage with early school leavers or meet their individual educational and wellbeing needs. The AASW recommends that the refresh of this strategy in 2022 should include the development of a therapeutic approach to engage with early school leavers. Qualified school social workers are in the best position to lead and undertake this task as they have the expertise and knowledge to work with children with complex and diverse needs.

Ensuring Justice: Access to Redress

The Royal Commission devoted extensive time and effort to the issue of redress, incorporating the input of people who had been abused, and professionals who have supported them through the process of coming to terms with it. As a result, the Redress scheme as proposed by the Royal Commission represents a distillation of best practice in this area. For example, it displays a nuanced, sensitive understanding of how the concept of 'Justice' is perceived by victims / survivors, demonstrating the role of symbolic actions, a personal meeting with the institution and a written apology. The AASW refers the Tasmanian government to this volume as an indication of how to set up a scheme.

With respect to investigation of allegations of abuse, the Royal Commission recommended that eligibility for redress be determined independently of the criminal justice system because of the difficulty in obtaining a criminal conviction. The AASW concurs with this position and recommends

⁹ Tener, D. and Murphy, S.B., 2015. Adult disclosure of child sexual abuse: A literature review. *Trauma, Violence, & Abuse*, 16(4), pp.391-400.

¹⁰ The Australia Centre for Philanthropy and Nonprofit Studies 2018, *Children in out-of-home-care and their education outcomes*, Queensland; Australia.

that the Tasmanian government avoid using the criminal justice system as the mechanism for determining eligibility.

When providing input into the legislation to establish the National redress scheme, the AASW drew on extensive material from members who have worked with people who have been abused, and families of people who were abused by staff from non-residential organisations.¹¹ As a result of their input, the AASW's recommendation at the time was that immediate family members of people who were abused in non-residential organisations (such as the Boy Scouts and other youth recreational groups) be eligible for redress. This is to address the significant guilt that parents and siblings experience over what they believe was a failure on their part to protect their family member. The AASW continues to advocate for this recommendation.

Support Services: Therapy and Counselling

The AASW was a party to establishing the therapeutic trauma informed counselling service as part of the National Redress Scheme. Given that it is already in operation and that people in Tasmania are eligible for services under the national redress scheme, the AASW recommends that it is neither necessary nor an effective use of public money for the Tasmanian Government to duplicate this service. Instead, the Tasmanian government can contribute to people's wellbeing by establishing clear eligibility criteria and a smooth application process for the redress scheme. In some states, people using the scheme have discovered that the allocation of funds for counselling is not sufficient for them to complete the treatment they need. The AASW recommends that the Tasmanian government return to the Royal Commissions' recommendations as guidance for the level at which this funding should be set.

Conclusion

Overall, the AASW endorses all recommendations of the Royal Commission into Institutional Child Sexual Abuse and shares our concern with CCYP that these recommendations have yet to be fully implemented in Tasmania. Moving forward, we recommend the Tasmanian government to develop a whole-of-government approach to ensure the safety of all government institutional and government-funded services and provide support and redress for victim-survivors and their family members. We welcome the opportunity to submit to this inquiry and would similarly welcome the opportunity to work with the Tasmanian government to implement its recommendations

¹¹ AASW 2018, *Submission to the Senate Community Affairs Legislation Committee Re: Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017*, Melbourne; Australia



© Australian Association of Social Workers

Level 7, 14-20 Blackwood Street
NORTH MELBOURNE VIC 3051

PO Box 2008
ROYAL MELBOURNE HOSPITAL VIC
3050

P: 03 9320 1027
E: socialpolicy@aaaw.asn.au
www.aaaw.asn.au

ACN 008 576 010
ABN 93 008 576 010



AASW
Australian Association
of Social Workers

www.aaaw.asn.au

