Preparing your agency to respond to the Royal Commission into Institutional Child Sexual Abuse

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Events occurred in the past decade 17/38

Processes in place over the past 20 years 8/38

Events occurred longer ago but they have recent legal matter arising 13/38
**Schools**
- Catholic School north Queensland
- St Ann's Special School
- Knox Grammar
- Independent School Perth
- Yeshiva schools
- Marist Brothers schools ACT, NSW & Q
- Hutchins School
- Geelong Grammar
- Catholic Schools in Ballarat
- Brisbane Grammar

**Children's homes**
- Bethcar Children's Home
- North Coast Children's Home Grafton
- Salvation Army Homes NSW and Q
- Christian Brothers homes WA
- Retta Dixon Home NT
- St Joseph's Orphanage
- Parramatta Girls Home
- Turana, Winlaton and Baltara Homes - Victoria
- Salvation Army South and West Australia

**Children's activities**
- Scouts
- YMCA Out of School Care
- Swimming Australia
- RG Dance
- Cricket and Tennis Australia

**Processes**
- Towards Healing
- John Ellis and Towards Healing
- Melbourne Response
- Redress and civil litigation
- Out of home care
- Salvation Army Eastern Territory
- NSW Health Care Complaints Commission

**Churches**
- Australian Christian Churches
- Satyananda Yoga Ashram
- John Nestor and Catholic Church Woolongong
- Jehovah's Witnesses
- Ballarat Catholic Churches
- Anglican Diocese Hobart and SA

**Categories of Hearings**
General outcomes from Public Hearing Findings

- Policies
- Documentation
- Interaction with the legal system
- Boards of management
- Institutional ‘deafness’ and ‘blindness’
It is over a year since I acknowledged publicly that it was not until I began my work with the Commission that I came adequately to appreciate the devastating and long-lasting effect which abuse can have on some people. I have also learned that many others in the community have a similarly limited knowledge.

The Hon Justice Peter McClellan AM  Chair, Royal Commission into Institutional Responses to Child Sexual Abuse  at the 14th International Criminal Law Congress 2014  9 October 2014 Melbourne Cricket Ground, Melbourne
When the Royal Commission produces its Final Report, we believe it will make recommendations which will radically change how agencies will:

- Review the focus of Boards of Management
- Take responsibility to minimise risk and maximise safety
- Write and keep records
- Educate parents about child safe processes
- Educate staff about agency offender policies
- Be clear about agency reporting procedures
- Respond to victims, families and the legal system
- Understand and build in costs for compensation and support for children and families
Perpetration of sexual abuse remains under-examined within the broader child maltreatment field. As noted by the International Society for the Prevention of Child Abuse and Neglect (ISPAN 2013):

*Historically in the child protection field, more attention has been paid to the management of the victim or the potential victim of child abuse than to the potential or actual perpetrator of violence. A focus on girls as potential victims of sexual abuse has resulted in programmes across many countries that aim to empower girls as a prevention strategy. At best, their effectiveness is unclear.* (p4)
“Sexual abuse in institutions is a complex matter. Stereotyped explanations must be avoided. It is possible for a perpetrator to commit sexual abuse but act ethically in other areas of life. A perpetrator may treat the majority of the children in their care well and only abuse one or two children. The perpetrators of my abuse largely restricted their abusive acts to situations when they were unlikely to be observed, so the abuse continued.”

Robert Llewellyn-Jones, victim of sexual abuse at Geelong Grammar and a psychiatrist
“A former principal of Geelong Grammar, Lister Hannah, gave testimony this week about why the extent of sexual abuse wasn’t fully acted upon during his employment. There was a succession of insipid defences: “not in the mindset ... in hindsight ... I had many things on my mind ... in the context of the times...” When Hannah invoked “the times”, he was suggesting a period that’s somehow forgivably distant. But his tenure as headmaster was 1995 to 2000.”

Martin Mckenzie-Murray in The Saturday Paper Paper October 8 2015
To reduce the numbers of victims, we must make offenders visible. We need to understand the type of person we are considering, their behaviours and the organisation in which the person works. Understanding this also reminds us that most workers might only ever deal with a perpetrator once in their careers, that lots of behaviour and motivation are ambiguous and that

“...there is no quick fix to this problem. It requires that managers continually monitor and endorse protection policies to stress the importance of vigilance.”

Munro E and Fish A, 2015 Hear No Evil, See No Evil: Understanding failure to identify and report child sexual abuse in institutional contexts RCIRCSA
Paedophile versus criminal

Smallbone types of offenders -
- predatory,
- opportunistic and
- situational

The latter two groups are far more numerous and are to be actively guarded against in institutions. Every ‘weapon’ should be used in this process - designers and architects through to internal training systems, HR and management processes such as Working With Children Checks and Police Clearances.

As Smallbone says....
‘paedophilia may describe some of the offending but it doesn’t explain any of it’

And we might add, it doesn’t tell us how to prevent it.
Next time you hear a worker or the media refer to “paedophiles”, try to insert into that sentence “any person who offends against a child” and consider how this changes your thinking.

When you change this language, how might your image of an offender change?

Opportunist and situational offenders have no overwhelming visible or even measurable characteristics which would alert us to their potential to offend.

The implication of this is that we should be suspicious or observant of behaviour rather than types of people - looking for boundary violations or invasive behaviours committed by ordinary people in everyday settings.
To prevent crime in the workplace, where employees already have power and control, we need to look at strategies which focus on opportunity.

- Challenge small acts of poor behaviour
- Listen to how people avoid responsibility
- Look for evidence of behaviour change.
Could you define grooming if asked by the Royal Commission? At least one teacher, early in the Royal Commission process, struggled to answer the question.
Think about grooming in two ways:

- Conditioning through tactics
- Covert establishment of conditions where abuse can occur or be covered up
In recent research conducted for the Royal Commission on institutional child sexual abuse it was found that grooming occurred in about a third of cases but interestingly the presence of grooming predicted that a custodial sentence was more likely.

Consider the policies that you have for child safety; are they hundreds of pages long with convoluted subclauses and procedural documents? From the point of view of potential offenders, what is the message from these?

Unclear and hard-to-read policies are an “open door” for people who want to claim ignorance, dodge between the cracks, take unspoken opportunities from the organisation’s culture and the like. Organisations need to close that door.
“If institutions are directly or indirectly responsible for criminal behaviour,” (this report argues) “then the law should hold them to account for the creation, management and response to risk when it has materialised in harm to a child”. (p7)
Using the National Framework for Creating Safe Environments for Children: Guidelines for Building the Capacity for Child-Safe Organisations as the basis for appropriate compliance standards or programs which could be required as part of a probation order, supervision order or enforceable undertaking. (p8)

Compliance Programs might include:

- effective education and training programs,
- revise internal operations,
- appoint qualified staff or consultants,
- conduct risk assessments and
- implement complaints handling systems and like programs. (p8)
The YMCA failed to:

- complete background checks when recruiting Jonathon Lord
- ensure staff had child protection training, understood and were aware of the child protection policies
- ensure staff understood the policies relating to the inappropriate touching of children, including children sitting on staff members’ laps, taking photographs and use of mobile phones etc.

build *safer* organisations for children by creating an organisational firewall
Domains of Child Safe and Friendly Organisations

1. Leadership, governance and culture
2. Empowering children’s participation
3. Involving family and community
4. Child safe and friendly policies and practices
5. Managing staff and volunteers
6. Safe physical and online environments
7. Child friendly complaint and reporting processes
8. Education and development
9. Continuous improvement

Commissioner for Children and Young People WA, 2016
Starting Buy-In

- Supervision
- Consultants
  - Public functions
  - Media
  - Consumer feedback
  - Internal Case Discussions
  - Cross sector discussions
- Structural Change – CEO’s and Senior Management
- Boards
1. On a scale of 1 - 10, how safe for children is the organisation you work for (where 1 is unsafe and 10 is very safe)?

2. What factors contribute to the number you have chosen (ie. if you chose 5, what are the strategies in place that made you choose 5)?

3. What would need to be put in place in your organisation to move it one point up the scale towards becoming safer? To move two points up the scale?
Further discussion:

1. What are the strengths and gaps in the strategies your organisation has in place to keep children safe?

2. Are there particular groups of children in certain programs that you need to ‘cocoon’?

3. Who do you need to influence to implement a child safe strategy? Who are your ready made champions for the issues?
We are keen to keep talking about these issues so feel free to contact us:

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