

For The Innocents



The Hon Georgie Crozier MLC,
Chair, Family and Community Development Committee,
Parliament of Victoria

7th June 2013

Inquiry into Handling of Child Abuse by Religious and Other Organizations

Submission on Mandatory Reporting

While I am convenor of the group “For the Innocents” this submission is made on my own behalf. It has the support of the group’s executive. It is based on my professional experience.

Registered as a psychologist in 1984, I worked with the Children’s Protection Society commencing 1987 for five years with multi-problem families where one of the major issues was sexual abuse in the family. During this time, while understanding the great difficulty of what such people and families faced, I experienced the positives of the type of mandatory reporting that I am now recommending. Following this I worked for 9 months as a Protective Worker in the Dept. of Human Services.

Finally for the last 20 years, until I retired, I worked as a Counsellor and Family Dispute Resolution Practitioner in the Family Court and lastly with CatholicCare. Under the umbrella of the Family Law Act during this time, mandatory reporting about abuse and safety has been always been a feature of this work. Indeed in my opening remarks to clients before they began to present their situation, I would state the mandatory reporting requirements of my work rather than it coming as a surprise at a later stage.

In summary I am recommending that all people who hold “Working With Children Cards” (WWCC) type accreditation, that is those who work and/or volunteer with institutions who supply services for children be subject to mandatory reporting requirements. Indeed I believe that such mandatory reporting applies to all those who work with children be they in public, private or benevolent institutions.

Having considered the difficulty of how to define those who would be subject to mandatory reporting, I believe that those with Working with Children type accreditation is the best catch all to cover this situation. The Inquiry Committee may have a better way to define those who need to have this requirement imposed on them. The reason for suggesting WWCCs is that I am aware that nowadays anyone who works in schools, religious institutions, private or benevolent institutions, sporting and recreation, etc. is required to have such a card.

Subject to an individual’s wish for confidentiality? – No!

Arguments are put forward by many that such reporting should be subject to the wish for privacy of the individual. Unfortunately this allows for a “get out” clause which can later be used as a means to cover one’s inadequacy or neglect or cover up. Therefore there must be no option for the victim to request the confidentiality of the worker/volunteer/institution. The request for privacy must be exercised solely in conjunction with the police. This is expanded on below.



Seal of Confession Issue

In the minds of many there seems to be a clash between the requirements for mandatory reporting and the seal of confession. This can be resolved by understanding that the seal of confession applies to the actual sins committed by the penitent. Where a child reveals to a priest in confession that they have been abused, that is not the sin of the child. The sin is that of the perpetrator. Therefore since there is no sin committed by the child, the seal does not apply. Thus the priest can then talk with the child about protection and mandatory reporting. What happens when a perpetrator goes to confession is another matter. It is recommended that in the interests of public confidence that the religious institutions publish a public protocol about how they would deal with both of these situations.

Education Campaign

For this legislated method of operation to become effective it will require a significant public education campaign. Education of those with a WWCC would of course be a first focus but it will also be required to be done at the public level as well.

Part of such an education campaign would be to address a significant fear that most ordinary citizens have about going to police. That fear is that if they make a complaint and/or statement they will then almost automatically be required to be cross-examined in court. An education campaign also needs to leverage off the prime desire of victims that no other person or family should experience what they have been through.

The elements to be addressed are as follows:-

1. Indicate to the victim that what has happened to them needs to be known by the police so that
 - a) other children and families can be protected and
 - b) it supplies intelligence to the police for any action they may need to take. It could turn out to be a key part of their intelligence for both protection and justice.
2. That when putting forward a complaint and/or making a statement to the police that each individual has the option of stating whether they are prepared to have their statement used in a Court of Law.
3. That a victim's privacy is enshrined in law in that the press are not allowed to report their name.
4. What is often found is that if one victim becomes aware that other victims have made statements and are willing to go to Court then they are often prepared to allow their statements to go forward also.
5. When the professional/worker/volunteer hears the complaint that they let the victim know:-
 - a) they, the worker/volunteer, must report to police
 - b) they will support the victim as and when they go to the police
 - c) that while a file note and organizational processes will need to be complied with, the victims privacy will be maintained. This could mean that the victim may request that their family or others not be informed.
6. Education of police about how to process child sexual abuse. This will most likely mean the immediate referral to a specialist unit within the police force, unless the police member who receives the complaint has been accredited to hear the fullness of such complaints. How a victim's complaint is dealt with is an extremely sensitive area, which I know the sexual offences squad in the police force appreciate well.

Benefits to the reporting for individuals/workers/organizations/families

There are significant emotional and psychological benefits that accrue to a worker/volunteer from working within the certainty that this type of framework provides. First it removes the issue of having to convince the victim about the need to report. "I (the worker/volunteer) have no choice – the Law says I must report." Victims and parents understand this type of statement. Second it hands over, indeed shares, the responsibility of dealing with a very difficult issue. This is quite relieving

psychologically. Third, this method and process empowers workers/volunteers as they realize “I have started a process to protect a child” – a sense of accomplishment as well as a compliance with a civic responsibility to protect the most vulnerable, our children.



The experience, processes, oversight and methodology of dealing with “red flag” predatory behaviour, etc. that was presented by the Deputy Ombudsman and Commissioner of Community and Disability Services New South Wales to the Inquiry would seem an essential addition to mandatory reporting to be implemented here in Victoria in the quest for better and more effective protection of children.

Individuals, their families, workers and associated organizations in whom families placed their trust, indeed all of society, are damaged by child sexual abuse. With these recommendations and public education in place, children will better know how to counter the ploy of secrecy used by perpetrators. As well, and critically, with the implementation of these recommendations, one element of the healing of both victim and worker who have been forced to confront such a horrible situation is assisted. The families of victims will also be assisted by such sureness and relative simplicity of process.

Recommendations

1. That all people who hold Working With Children Cards type accreditation be subject to the mandatory reporting of child sexual abuse to the police.
2. That workers/volunteers/institutions are not empowered to provide a confidentiality option to the victim and must report the abuse to the police. It is the police alone, in conjunction directly with the victim, who will decide any such options.
3. That those workers/volunteers/institutions who do report be subject to the current confidentiality provisions by the authorities of making such a report.
4. That an education campaign for the public and the police be required as part of this implementation process.
5. That where the seal of confession may seem to operate, that religious institutions publish a protocol about how they will apply the principles of mandatory reporting within a confessional setting. A child who talks about abuse in confession is not the one who has committed a sin, therefore the seal of confession does not apply.

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