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Victims of Crime Assistance League (Hunter) NSW

**Submission to the
National Office for Child
Safety**

*National Strategy
to Prevent
Child Sexual Abuse*

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Introduction

Victims of Crime Assistance League (VOCAL) Hunter NSW is an Incorporated Charity organisation that supports men, women and children who are victim-survivors of any crime type throughout NSW. For the past 30 years we have been providing information, guidance and support to individuals and families who have been impacted by crime. We act in a consultative capacity to State and Federal governments on matters pertaining to victims' rights.

VOCAL's Victim Support Unit receives funding from NSW Department of Communities and Justice (Victims Services) to assist victims of crime in the Hunter region. Support is individualized to the specific needs of each client. Working with both current and historic sexual abuse matters, we have extensive experience in working with police, child protection, criminal trials and family court matters that involve child sexual abuse matters.

Do the proposed vision and objective reflect what our aim should be and what success should look like under the National Strategy?

VOCAL supports the proposed vision and objectives as stated in the National Strategy consultation paper. We propose including acknowledgement and/or validation of harm in the objective. For example:

The National Strategy will reduce the risk and impact of child sexual abuse while acknowledging and validating ongoing harms to victim-survivors in Australia.

Do the proposed values reflect the values that should be guiding our work under the National Strategy?

It is our experience that the education of children, from a very early age, encourages children to disclose to a protective parent instances that have exposed them to sexual harm. It is not sufficient to educate children to recognise behaviours that constitute sexual abuse and instruct them to tell someone if they are abused.¹ Protective parents, usually mothers, find that reporting child disclosure of sexual harm or actual abuse significantly increases the risk to both child and mother. Our work in the area of child sexual abuse and family court indicates there is a significant prejudicial assertions against mothers who take their child to police and/or child protection to report abuse. The assertion by agencies and the court that mothers fabricate child sexual abuse allegations to gain advantage in Family Court proceedings is dangerous. Information VOCAL has information that Family and Community Services caseworkers and managers reference significantly out of date research, from other countries, when preparing reports that are submitted to the Family Court. This cultural flaw fails children and will undermine any strategic intent if

¹ Royal Commission into Institutional Responses to Child Sexual Abuse: Identifying and disclosing child sexual abuse. <https://www.childabuseroyalcommission.gov.au/identifying-and-disclosing-child-sexual-abuse>

not addressed and VOCAL recommends including a value that focuses on treatment and responses from the legal systems:

Professional accountability in all legal Jurisdictions when working with reports, disclosures and/or allegations of child sexual abuse.

Systemic change in effectively responding to disclosures of abuse *will not occur* unless *all* systems that are involved with child protection and reducing risk of harm work collaboratively, receive regular training in trauma informed care and best uphold practice policies. This must include Police, child protection units, the criminal justice system and the Federal Family Court system.

Do the strategic priority themes reflect the areas of focus for Australia over the life of the First National Action Plan and First Commonwealth Action Plan under the National Strategy?

VOCAL agrees and acknowledges that significant time and money is being put into increasing education, support, prevention, intervention and research when addressing child sexual abuse. We strongly recommend effective procedures to evaluate and measure when interventions are successful. For this reason, we advocate that an essential priority theme includes ***improving the legal systems responses to child sexual abuse allegations.***

Despite disclosures of abuse and risk of significant harm reports by qualified and competent assessors, the legal systems responses are inconsistent, inadequate and dismissive of trauma and abuse. This is especially true, in our experience, where allegations of child sexual abuse is perpetrated by a family member. It is our experience that victim-survivors and protective parents of children who disclose sexual abuse are repeatedly let down by police, child protection, the criminal justice system and the family law system.

An underlying principle of the NSW Joint Child Protection Response Program (JCPRP) is that children are protected from repeat interviews,² saying repeat interviews can cause further trauma because they require the child or young person to relay the same information for different purposes (ie to inform care and protection, clinical and criminal investigation decision making.)³ However disclosure is rarely a one-off event. It is a process. Believing that a child will relay the *same information* is not in line with current research and finding from the Royal Commission into Institutional Responses to Child Sexual Abuse. Disclosures may be verbal or non-verbal, accidental or intentional, partial or complete⁴. Reports to our service from parents include JCPRP concluding the child is lying because disclosures are inconsistent, or that the parent has coached the child because the information is consistent and clear. VOCAL recommends that a full review of current child protection practices take place if the National Strategy wants to create effective change.

² [The Joint Child Protection Response Program \(JCPRP\) | Family & Community Services \(nsw.gov.au\)](https://www.nsw.gov.au/family-community-services/jcprp)

³ [Statement of Intent NSWPF FACS Sep18](#)

⁴ Royal Commission into Institutional Responses to Child Sexual Abuse: Identifying and disclosing child sexual abuse. <https://www.childabuseroyalcommission.gov.au/identifying-and-disclosing-child-sexual-abuse>

Parents are advised by police and health professionals to ‘immediately after the disclosure write down and date the comments and statements made by the child using their exact words. Record any observations about the child’s mood or demeanour’.⁵ In practice, when (JCPRP) cannot substantiate child sexual abuse allegations, they advise protective parents to document any further disclosures and keep reporting. However, when a mother followed this advice and documented ongoing disclosures from her child she was told by a Family Court Judge that she was “fixated” on sexual abuse allegations. The Judge deemed the mother as a “significant psychological risk” to her child, ordered that the child be from the mother’s care and placed with the alleged abuser. We can provide more examples on many similar cases if required.

Transparency and professional accountability is required for all professionals, in all sectors and jurisdictions, when working with reports and/or allegations of child sexual abuse. It is imperative that child protection agencies, lawyers and Judges receive ongoing and up to date training in order to prevent bias and deliver best practice.

What are the best ways for Australian, state and territory governments to listen engage and collaborate with groups/individuals? Are there any groups missing?

VOCAL believes discussion papers, roundtable discussions and consultations are effective ways to engage with service providers. Feedback we receive is that victim-survivors prefer surveys that are short and specific.

VOCAL recommends adding a group that specifically looks at families engaged with the child protection system for both substantiated and unsubstantiated allegations of child sexual abuse. There is benefit from lived experience in identifying and understanding systemic failures.

Group involvement for design and implementation

VOCAL welcomes the opportunity to participate with various actions once the National Strategy is launched and identifies with the following priority themes:

- Education and building safe cultures (specifically education around grooming);
- Supporting and empowering victim-survivors;
- Improving the evidence base.

Conclusion

The findings from the Royal Commission has brought to the forefront many issues that victim-survivors and trauma informed service providers have been speaking about for a very long time. VOCAL is encouraged by development of the National Strategy and hopes that the information provided in this submission on the inconsistencies and inadequacies of police, child protection and legal responses will be used to create systemic change in how different jurisdictions treat and respond to disclosures of child sexual abuse.

⁵ [If a child tells you about abuse - Child at risk of harm and neglect | Family & Community Services \(nsw.gov.au\)](#)