

Submission : Issues paper working with children check

The Royal Commission into Institutional responses to Child Sexual Abuse Dear Commissioners,

In writing my submission to Issues Paper 1 – working with Children Check I would preface my submission suggesting the Commission may recommend the adoption of a fundamental principle that no one has a right to work with Children – it is a responsibility a responsibility to put the welfare of children above ones own needs an obligation to deny ones need for self gratification for it would appear that sexual abuse of children is founded on an adults self gratification at the expense of children's welfare.

In selecting employees or volunteers there is a solemn duty of care and responsibility to screen out adults motivated by a desire to fulfill their desire for self gratification or to exercise and abuse power over children, as some have done.

No one has a right to work with Children. A prospective employee or volunteer must not only demonstrate but guarantee the safety and well being of children in care.

I shall now respond to each point in the issues paper:

1. Should there be a national WWCC?

Yes, it is absolutely essential. A national system is necessary to prevent abusers moving interstate and applying for positions where there is access to children

2. What features should be included in any national scheme?

criminal convictions

information for a risk assessment and activation of protocols to prevent access or to limit access eg never alone with a child absolutely no touching whatsoever

eg accusations of molestation from more than one child

Since I wrote my first draft I have given much thought of balancing screening out those at risk of offending and guidelines which would not permanently exclude a potential employee who was falsely accused or a person who committed ONE minor offence and my suggestion is that the sentencing judge should call for an assessment by a court appointed psychologist or expert and rule :

a) never to access children again

b) never to work with children again

c) not to work with children until a period of time elapsed eg 5 years and satisfactory completion of a programme and assessment with a parole period.

d) if assessed as unlikely to re offend to be monitored for say 3 – 5 years

and to attend a course on employee obligations to protect children.

e) an offence such as watching pornographic images ,. subject to assessment, to be placed on parole and attend a course on obligations to respect children.

I am a survivor and I distinguish between someone who watches pornographic images and never does any thing to a child from abusers who do terrible things to children subject to the proviso that if someone watches such images may be prone to fantasising whilst with children and this would

make them feel uncomfortable hence prohibition of such offenders is warranted though there is the question as to whether such offenders can be rehabilitated.

I'm trying to address very complex issues to balance protecting children with not suggesting a regime which may be seen to be excessive.

The fact is however, that Children, unlike adults are vulnerable.

Now that most schools have high fences that would prevent a child running away from a abuser there is all the more need to thoroughly screen all adults who enter a school gate.

That school attendance is compulsory imposes a great responsibility on the School authorities to ensure that students are safe from abusers.

I would add that the system also needs to protect students from other sexually abusive students and any form of bullying.

I am not convinced that certain school authorities appreciate that sexual abuse has consequences so severe as to negate and undo all that the school attempts to do. It is my sad observation that there are adult survivors of sexual abuse in their school who would have a better quality of life had they never entered a school gate and never suffered sexual or extreme physical abuse.

In fact I would advocate that the my school website include statistics of past students who suicided within 5 years of leaving the school as an indicator of student well being in that school should not only be safe but a place where abuse is detected and student support activated. and record the conviction of any teacher, student or volunteer. Efficient school administration should prevent and detect any sexual abuse of children.

3. If there is no national scheme, should there be minimum requirements for each state and territory scheme?

Definitely

mutual access to data bases

how can each state be effective unless there is data sharing?

In the Maitland Hearings it was brought out that an accused Priest was transferred interstate.

4. How long should any clearance be granted for?

Most employees and volunteers do the right thing. I had teachers I would trust impeccably. I was also indecently assaulted by two teachers.

I would see no reason why in most cases the clearance could be for life or maybe 5 years with the provisor that:

1) the system be more interactive as in each clearance numbered and a requirement for contact details and current place of working with children be kept up to date.

2) any conviction voids the clearance

3) a graded system where accusations of sexual abuse or suspected abuse or inappropriate behaviour activate a notation or a downgrading of the life clearance to annually or every 5 years. Conditional upon assessment and training.

5 years revocable if a conviction is recorded

a notation of any internal investigation has serious concerns following an accusation or observed inappropriate behaviour

It is my concern that the current system of requiring a Police check each time one applies for a position or volunteers is burdensome to the Police or in NSW I understand the RMS doing the check.

It would be more efficient for a clearance to be valid as in presenting a WCC card to new employees or where one volunteers. It may be that therefore a 5 year card would be a double check against system reporting and data matching procedures subject to the conditions and procedures recommended above.

I would note here that a particular issue in say churches is the risk of sexually abusive members of the congregation. There should be congregational briefings to increase awareness of the need of the congregation to be committed to child protection.

5. Should a person be able to commence work before the check is completed?

no. it would negate the whole purpose of the check.

Children need protecting from cunning sexual abusers

I am a survivor and therefore know that the sexual abusers who harmed me were very cunning and able to present as very respectable members of the community.

it's time the community took the seriousness of sexual abuse more seriously and for decent citizens to think of the need to protect children in care

6. How should child-related work be defined?

any access to children in an institution or organisation
place of employment place of worship, social sporting
educational or cultural

7. How should child-related sectors and roles be defined?

Not sure what this issue is discussing.

If there are children present in a place, a building, a facility
then it is a child related sector.

An issue needing to be addressed is protection of children from a fellow employee or volunteer or supervisor from accessing the child and sexually abusing the child, as occurred to me when I was little.

The wife of the alleged now deceased abuser said to me "if you say anything your father will loose his job and you will loose your house".

Likewise there needs to be protocols to protect children of school teachers, Ministers and Pastors in Churches where power is shared with Elders, Deacons or the Congregation and an abuser may be in a position to threaten the "employment" or stipend of the parent.

8. Are current exemptions for a WWCC adequate or appropriate – in particular, should a WWCC apply to those:

a. living in the homes of children in out-of-home care?
definitely

b. parent volunteers?

yes the parent of one child can be a sexual abuser of another

Parent volunteers also need to be trained in child protection.

With digital photography and the technical ability to load up images within minutes onto internet sites increased protocols are needed. I know some parents complain but schools and institutions ought to explain to parents that children's privacy needs to be protected.

The ability of a parent to photo his or her child needs to be balanced against the privacy of other students.

I would recommend that parents be required to sign a document that only photographs of their children will be taken and no photo be posted on the internet without the child's permission eg to be shown to relatives but not say a public face book posting.

The more discussion the more we as a society can work through complex issues and balance child protection with say parents sharing the accomplishments of their children with say grandparents living in another city or country, without a person of ill intent indiscriminately photographing children.

Should a parent share or post on the internet such images there ought to be a review of that persons access to school events or attendance conditional upon not having a camera or mobile phone.

9. What records should be included in the check? For example, should the check include juvenile records?

any sexually abusive act should be included

but not sex in a dating relationship of peers

juvenile behaviour should be included up to the age of 30

criminal behaviour for life

but after say 10 years teenage "sexual experimentation" should be excluded

maybe after psychological assessment

the above was my draft response which left me thinking over the complexity of the matter.

What I have concluded is that sentencing judges should stipulate whether and for how long the conviction should show up on a working with children check.

Options might include – no notation if the pair were in a dating relationship and each said the sexual act was consensual verified by friends of both parties.

Or a 5 year notation to be removed if the declared consent is withdrawn or the reverse – that subject to the “offended” party affirms that it was consensual or invited and the declaration made 5 years after the offence.

Eg teenagers who sexually experiment where a student initiates and invited a sexual encounter with a teacher
In this case school procedures need to be ungraded to support a teacher who is being sexually harassed or pursued and interventions activated.

HOWEVER

the records of a teenage rapist should be recorded for life.

Again , I would suggest a graduated system for sentencing judges to use.
Life situations have many variables.

Whilst as a survivor of sexual abuse I want to ensure that what was done to me does not happen to other children I would want to protect employees and volunteers from excessive punitive action

10. How should an appeal process operate?

Should there be an appeal process?

If so there should be the right of the child to be heard

the dilemma is keeping it tight to protect children but having an appeal process for those falsly accused

but no appeal of accused by three or more separate victims on three separate occasions

those observed to behaving inappropriately should be monitored and assessed.
there should be courses on appropriate and inappropriate behaviour.

I was the Minister of a Church where the accused inappropriate behaviour was observed by me and I confronted him and went to the Police. My elders resisted taking action on more than one occasion. The accused friends supported him and sought my in effect dismissal. After I was told be a functionary of the Assembly to “do no more” the alleged abuser began stalking the hall where I was conducting worship.

Fortunately the parents of children activated strong child protection policies and a parent walked outside to monitor the alleged abuser.

Under these conditions it is very difficult to have an appeal process that does not put children at risk. The setting up of an appeal process is challenging.

My mother stopped the abuser from accessing me after she observed blood on my underwear. What if one of my father's bosses had have told him he was being unfair to his colleague and demanded my father keep sending me to the home of his colleague? One of his bosses indecently assaulted me at school as it was when I was 14. If anyone complains that I should not write this make it a hypothetical to illustrate the power imbalances which place children at risk.

11. What issues arise from the current regime of records that result in automatic barring of a person from working with children?

Children are protected from sexual abuse by repeat offenders.

Sexual offenders do protest – they are obsessed with accessing children

The seriousness of the impact of sexual abuse on children is from my experience underestimated by society even when such impacts are quantifiable.

I believe that conceptually recovery is possible but our understanding, research and lack of adequate resources mean that most survivors of sexual abuse only reach a functioning level of coping with many below that level some suicide some are trapped in addictions a life of unresolved residual issues

Policies and procedures need to balance the uncoded cost to survivors and the community of unchecked sexual abuse. I suggest we are talking of up to 5 million adult survivors and billions of dollars in the impact of sexual abuse.

12. The adequacy of the risk assessment process.

at the moment the teachers who molested me and the accused abuser at the [REDACTED] [REDACTED] (now deceased) could sign a form and pass the test as none were ever convicted.

and yet all three were alleged abusers.

Applicants should be asked to refrain from applying if they are aware of committing an offence

Applicants should agree not to commit an offence

Applicants should agree to enforce and support Child Protection policies and accept an obligation to protect children.

13. To what degree should the WWCC minimise the need for institutions to establish clear processes for responding to inappropriate behaviour of staff in child-related positions?

Those in authority ought to be trained and require to be accredited to be aware of their duty of care mandatory reporting obligations

It ought to be made clear that the obligations to train and supervise employees and volunteers is not diminished by WC checks – it's just the beginning.

inspectors should do spot checks of protocols, training, screening and supervision.

14. How should the effectiveness of any existing or proposed WWCC be evaluated and / or monitored?

After the Royal Commission there needs to be a Government Department to constantly do this as an ongoing process.

Survivor groups should be formally involved in the process

Adult survivors should be able to make submissions as part of ongoing evaluation and monitoring.

Mandatory reporters should also be able to make such submissions.

As a survivor and a Mandatory reporter I have observed several unanticipated scenarios and am disappointed at the lack of opportunities to make a difference.

The Royal Commission is a welcome opportunity to make such submissions.

[REDACTED]

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