Responding to Disclosures of Past Child Sexual Abuse

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1.0 Purpose

The purpose of this paper is to provide advice and guidance for YMCA Associations in responding to allegations of past child sexual abuse. The paper aims to ensure that all YMCA Associations and their staff or volunteers have a process by which they feel confident in responding to and managing disclosures that are supportive of the individual making the disclosure and the YMCA staff or volunteers engaged in this process. This paper also aims to set out a framework to ensure accountable and sensitive responses to survivors, employees and volunteers affected by sexual assault.

The YMCAs of Australia consider sexual abuse of any form as intolerable under any circumstances. Sexual assault is a violation of human rights and is a crime. Sexual assault has far reaching emotional, social, health and development consequences for individual and families. The prevention and elimination of sexual assault is the responsibility of everyone in the community.

**Important Note: If a disclosure involves a current employee or volunteer of the YMCA then existing Sexual Misconduct and Child Protection policies will apply**

The information and advice provided below has drawn on resources available through specialist sexual assault counselling and support services and has been developed in consultation with the Australian Childhood Foundation.

2.0 Background

The Royal Commission into Institutional Responses to Child Sexual Abuse commenced in February 2013 and is currently conducting private sessions to provide an opportunity for individuals to tell their story. The commencement of the Royal Commission and subsequent media coverage may act as a ‘trigger’ for many people in the community to come forward, some for the first time, to disclose their experiences of childhood sexual abuse. This is a challenging and complex issue for YMCA staff to deal with and each YMCA Association needs to understand the best and most appropriate way to respond if an individual makes a disclosure about an experience of sexual abuse that occurred in relation to a YMCA service, staff member or volunteer. Some disclosures may relate to incidents that occurred 30, 40 or even 50 years ago, whereas others may be more recent. Disclosures may involve YMCA facilities, services and programs that no longer exist. Some people may make a disclosure about an incident that occurred at a different YMCA or even in a different state or territory. If a disclosure is made regarding another YMCA or a YMCA that no longer exists, the matter will be managed in consultation with the National Coordinator.

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1 While each YMCA Association policy may differ slightly, responding to allegations of child sexual abuse made against a current YMCA staff member of volunteer will involve informing the police, child protection authorities and immediately standing the individual down until the outcome of a police investigation.
Regardless of the circumstance, it will be important that all disclosures are treated seriously and respectfully.

### 3.0 Key Principles

Our overall response to disclosures of past child sexual abuse will be underpinned by:
- transparency, honesty and integrity;
- understanding and acknowledging our past, recognising the often devastating life-long impacts of child sexual abuse on individuals and their families; and
- proactively working to prevent the abuse of children and young people in the future; and
- the promotion of accountable, supportive and sensitive responses across the YMCA to survivors, employees and volunteers affected by sexual assault.

In addition, our initial response to a disclosure will ensure that:
- every claim or disclosure of past child sexual abuse will be taken seriously;
- care for the wellbeing of the individual making a disclosure is paramount;
- individual/s making the disclosure will be treated with dignity and respect at all times; and
- requests for privacy and confidentiality will be respected at all times.

### 4.0 Confidentiality

Confidentiality is of utmost importance in dealing with disclosures of past child sexual abuse. Care must be taken to ensure that only those who need to know certain details of the disclosure have access to that information.

The individual making the disclosure may seek assurances that their privacy will be protected. The National Privacy Principles stipulate that sensitive personal information should only be shared on a need to know basis \(^3\). If required, documentation and communication in relation to a disclosure of past child sexual abuse may be conducted in a non-identifying manner. This is to protect the privacy and anonymity of the individuals concerned and should not include names, addresses, contact details or any other information that may reveal the identity of the individual. Practices that may assist in this regard include allocating a number to the disclosure ensuring that identifying information relating to the disclosure is stored separately.

Of critical importance is the secure storage of documentation (hard copy and electronic) and the secure management of electronic communications.

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5.0 Initially responding to a disclosure

Disclosures may be made in person, via email or a letter, and sometimes over the phone. In the event that a junior member of staff or volunteer is involved in receiving a disclosure of past child sexual abuse, it will be critical that the matter is referred to a senior member of staff as soon as practicable. It will, however, be important that the process for individuals making a disclosure is streamlined and managed in a supportive way.

The decision to come forward and make a disclosure of childhood sexual abuse is an extremely difficult one and there may be many complex reasons behind this decision. For some individuals, they may have reported the incident at the time, but perhaps felt it was not adequately addressed and for others it may be the first time they have spoken to anyone about their experiences. Regardless of the circumstance, telling someone else about an experience of childhood sexual abuse is most likely to be highly distressing and may be accompanied by a range of deeply felt, emotional responses.

Each case of a disclosure will be different and there is no single way of responding. It is important however, to ensure that:

1. if a person calls to make a disclosure over the phone, this needs to be promptly referred to the most senior staff member available who will need to take clear and accurate notes of the disclosure;

2. if a disclosure is being made in person, ensure the individual is comfortable with whom they talking. For some people, they may feel more at ease speaking with a female rather than a male, or vice versa. It may also be important for the individual to speak with a person in authority with an appropriate level of seniority (in most cases this will be a person designated by the Association CEO), but always ask permission before you bring someone else into the conversation;

3. if possible and practical, that two staff members are present. This is an important protective factor for all parties and the individual making the disclosure;

4. if the individual making the disclosure would like to have a support person present, they should be encouraged to do so. Advise the individual that sexual assault support services can also provide a professional support person to attend and the YMCA can assist in arranging this, if requested;
5. the physical environment is comfortable, supportive and is respectful of the individual’s privacy;

6. clear notes are taken, in an unobtrusive manner. It is important to document the disclosure as this will help ensure that any follow up required is appropriate and founded on an accurate understanding of what the person wished to disclose. A copy of these notes can also be provided to the individual making the disclosure;

7. you actively listen in an open and supportive manner. For many people, the most important thing you can do is simply listen to whatever they choose to say – do not feel as though you need to offer advice or solve any problems;

8. you are non-judgemental and accepting in your response and ensure that the individual understands they are believed and supported in making their disclosure;

9. you allow the individual to disclose as little or as much detail about their experiences as they choose – it is not your role to ask intrusive questions or ‘check the facts’. There should be no expectation that an individual talks about the details of their experience and they should not be asked to talk about anything they are not comfortable with;

10. you allow the individual to decide what course of action, if any, they would like to take next. It will be important for an individual making a disclosure to feel they have as much control as possible over the process;

11. Advise the individual/s, if they wish to do so, they can report the abuse to police and let them know that the YMCA will support this and be of full assistance with any official inquiries. If an individual is unwilling to report the matter to police and the YMCA believes there is an ongoing risk to any person who could be harmed by the person about whose behaviour a disclosure is made, discuss the issue of reporting to police with the National Coordinator. The individual should be advised that this can be done without identifying them and while generally a matter is not investigated unless there is a formal complaint, the police may be aware of other allegations relating to the same perpetrator;

12. Again, ensure the individual is aware of their right, if they wish to do so, to contact the Royal Commission. Inform them of the free and independent legal advisory service

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4 The NSW Mandatory Reporting Guidelines state, “If you are aware of historical allegations concerning past abuse or neglect of a child/young person, including where this child/young person is now an adult and you suspect a crime has been committed, you should contact the Police.”
available to them through the Royal Commission. Advise the individual that the YMCA is supportive of this and will provide any assistance that is required;


13. Inform the individual/s of the sexual assault and support and counselling services that are available and that the YMCA will assist them to access those services, if desired. These are listed at the Royal Commission’s website. Perhaps print out the list of services at:


14. At the earliest opportunity, the Association CEO must be informed that a disclosure has occurred, who will immediately inform the National Coordinator, Royal Commission Oversight Committee.

6.0 The YMCA’s response

As noted above, an important aspect of the YMCA’s response to individuals making disclosures of past child sexual abuse will be the support that we can offer. This will typically involve a referral to specialist sexual assault counselling and support services, the offer of ongoing support in terms of advocacy and working with individuals to ensure they are empowered to engage with civil authorities, legal advisors and the Royal Commission, if they choose.

Compensation

Some individuals making a disclosure may seek YMCA assistance to meet any costs associated with support needs such as counselling. Others may seek compensation as an acknowledgement and recognition of the abuse that occurred. The issue of compensation is a complex one and each case must be assessed with regard to individual circumstance and need. A determination about the provision of compensation will be an issue for the Royal Commission Oversight Committee to consider and no formal offer should be made to individuals in the first instance.

Whether it relates to compensation or other forms of support, it is of critical importance that the YMCA does not make an offer of support to individuals that we do not have the capacity to provide.

7.0 Caring for your staff and volunteers

A disclosure of child sexual abuse by a member of the general public and the media coverage of the Royal Commission and related issues may act as a 'trigger' for staff or volunteers who may have experienced child sexual abuse, sexual assault or other forms of abuse or neglect. Discussing issues of child sexual abuse can bring painful past memories to the surface and can sometimes contribute to 're-traumatisation'. It will be important to ensure that all staff and
volunteers are offered support and the opportunity to seek counselling, should they choose. Some staff and volunteers may wish to talk about their own experiences and it will be important to ensure that this happens in a safe and supportive environment in which their privacy is respected. The Royal Commission website provides a comprehensive list of specialist counselling services in each state and territory and YMCA staff and volunteers can be referred to this list, if required.

8.0 Roles and responsibilities

**Person to whom the disclosure is made:**
The role of the person receiving a disclosure is to document the disclosure, support the individual and determine from the individual what further steps, if any, they would like to take. It is the responsibility of the person receiving a disclosure to inform their Association CEO at the earliest possible opportunity and to ensure that privacy principles are adhered to.

**Association CEO:**
The responsibility of the Association CEO will be to inform the National Coordinator and their Association Board President at the earliest possible opportunity.

A responsibility of the Association CEO will be to liaise with the National Coordinator in relation to any ongoing matters. If continued support of the individual making the disclosure is required, the Association CEO will liaise with the National Coordinator in relation to this.

**Royal Commission Oversight Committee:**
In the context of responding to disclosures of past child sexual abuse, the role of the Royal Commission Oversight Committee will be to provide advice and support to Association CEOs, and to oversee the YMCA's response to the disclosure and any related matters on behalf of the National Board. It will be the responsibility of the Royal Commission Oversight Committee to inform the National Board of any disclosure and the subsequent response and to promote consistent, good practice in responding to disclosures of past sexual abuse across the movement. As a specialist subcommittee of the National Board, the Royal Commission Oversight Committee will undertake any action or instruction from the National Board in relation to disclosures of past child sexual abuse.

It will also be the responsibility of the Royal Commission Oversight Committee to consider the implications of any disclosures of past child sexual abuse with respect to the Royal Commission into Institutional Responses to Child Sexual Abuse. The Royal Commission Oversight Committee will determine the nature and process of any subsequent engagement with the Royal Commission.

The role of the Royal Commission Oversight Committee will also be to manage any response to the media in relation to disclosures of past child sexual abuse and the Royal Commission.
Oversight Committee will determine any course of action necessary to protect the brand and reputation of the YMCA in Australia.

Staff of YMCA Australia and in particular, the National Coordinator, will provide support to the Royal Commission Oversight Committee.

9.0 Supporting Policies

<table>
<thead>
<tr>
<th>National Policies:</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safeguarding Children and Young People Best Practice Template</td>
<td>National Board Endorsed</td>
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<tr>
<td><em>(link)</em></td>
<td></td>
</tr>
<tr>
<td><em>Issues Escalation Management Policy</em></td>
<td><em>In-principal endorsement</em></td>
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**YMCA Association Policies (for example):**

- Child Protection Policy
- ChildSafe Code of Conduct
- Complaints Procedures Policy
- Confidentiality Policy
- Critical Incidents Policy

10.0 Contact Details

Following a disclosure of past child sexual abuse, immediately contact:

**Jacki Whitwell**  
National Coordinator, Royal Commission Oversight Committee

**YMCA Australia**  
88 Market Street, South Melbourne, VIC 3205

Direct: [REDACTED]  
Main: (03) 9699 7655

Mobile: [REDACTED]  
Fax: (03) 9699 2365

If the National Coordinator is unavailable, please contact:

**Ron Mell**  
Chief Executive Officer

**YMCA Australia**  
88 Market St, South Melbourne, VIC 3205

Direct: [REDACTED]  
Main: (03) 9699 7655

Mobile: [REDACTED]  
Fax: (03) 9699 2365
Appendix A: Definitions

Child Sexual Abuse: is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Child sexual abuse encompasses a wide range of sexual misconduct perpetrated against children and may occur in a wide range of situations and contexts. In general terms child sexual abuse is: “considered to be any sexual activity between a child and an adult, or older person ... [and may] include fondling genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism and exposing or involving the child in pornography”. *(Australian Institute of Family Studies)*

Disclosure: shall mean the process by which an individual chooses to share information about a past experience. Disclosures may be verbal, written or, in the case of young children, may be in the form of drawings. Disclosures may also be made in relation to the known experiences of another person.

Royal Commission Oversight Committee: A specialist sub-committee of the National Board established in response to the commencement of the Royal Commission into Institutional Responses to Child Sexual Abuse.

YMCA Association: Any Member Association of the National Council of the YMCAs of Australia.

YMCA Australia: the National Office of the National Council of the YMCAs of Australia, located at 88 Market Street, South Melbourne.

YMCA Facility: shall mean any pre-existing or current facility from which the YMCA conducted or conducts programs, services or activities.

YMCA Program or Service: shall mean any past or current YMCA program, service or related activity.

YMCA Staff: shall mean a person engaged by the YMCA or any of its subsidiaries, on a full-time, part-time, casual or contract basis.

YMCA Volunteer: shall mean a person engaged by the YMCA on a voluntary basis in the provision of program and services, fundraising, or for the purpose of governance.