

## Royal Commission Into Institutional Responses to Child Sexual Abuse Response to Consultation Paper on Redress and Civil Litigation

26 February 2015

### **Submission from the Open Place Dandenong Social Support Group for Forgotten Australians**

Open Place is a Victorian based support and advocacy service that co-ordinates and provides direct assistance to address the needs of people who grew up in orphanages and homes during the last century. Open Place works with individuals who spent a significant period of time 'in care' prior to 1989.

The Dandenong Social Support Group for Forgotten Australians was established in late 2011. The group was established to provide Forgotten Australians in South Eastern outer Melbourne with the opportunity to meet regularly for social activities, peer support and to share information pertinent to the needs of Forgotten Australians.

The Dandenong Social Support Group meets monthly in Noble Park. The group is advertised in the Open Place newsletter which has a nationwide distribution, 50 individuals are currently on the Dandenong Social Support Group mailing list. At present, the Dandenong Social Support Group has a membership of 53 Forgotten Australians. Some of these Forgotten Australians attend this group with their partner or a friend for support. The group runs on the last Wednesday of the month in Noble Park, is facilitated by Megan Jordan and Claire Wilson of Open Place, and has a regular attendance of approximately 20 Forgotten Australians.

Interested members of the Dandenong Social Support group have made the following comments on the proposed issues raised in the redress consultation paper. These comments were collected by Virginia Carey, Claire Wilson and Megan Jordan of Open Place. Comments were conveyed by group members in a focus group, one on one and by phone.

The experience of Forgotten Australians is not a homogenous one, and subsequently, individual responses to the consultation paper are diverse. The individuals within the Dandenong Social Support group have a diverse range of experiences 'in care' and sometimes a divergent opinion on how redress and civil litigation ought to be facilitated. Where there was a marked difference in opinion of the Forgotten Australians who chose to discuss their thoughts on the consultation paper, a variety of opinion is listed.

#### Elements of Redress

##### *On Apologies-*

If desired by the survivor, a meaningful apology from the institution should be provided. This apology should be provided in writing, directly addressed to the survivor and signed by the representative authority within that organisation. An organisational stamp should not be used by way of signature.

An apology is made more meaningful by the institution stating that they believe the claims of abuse made by the survivor. Many Forgotten Australians, whose experience of childhood trauma has been denied, feel that this admission of belief is important to the redressing of the wrong.

#### *On lifetime access to counselling and psychological care-*

Lifetime access to therapeutic counselling and psychological care is essential to redressing the wrongs perpetrated on Forgotten Australians 'in care'. Group members reflected on the benefits of counselling inclusive in a redress scheme but also discussed the current under-funding and ineffectiveness of some psychological trauma responses.

One group member suggested that mental health crisis response teams, such as the CAT team in Victoria, be furnished with additional funds to respond more therapeutically to distress after hours ie: a qualified counsellor attending with mental health response staff. Under resourcing of existing after hours telephone counselling services was also highlighted as a concern, one group member stating that they had to wait for prolonged periods for phone crisis counselling after hours due to the extensive demand on the service, putting them at enhanced risk of self harm. This group member stated that whilst online counselling is offered as a back up to phone counselling, that this enhances the feeling of isolation and in their opinion, was counter therapeutic. Online counselling is also inaccessible to many Forgotten Australians who may not own a computer, have access to the internet or be computer literate.

The emotional and physical impact of childhood trauma cannot be redressed by counselling and psychological care alone. The Dandenong Social Support Group proposes that the Royal Commission must recommend priority access to publicly funded dental and other medical services (including optometry and pharmaceuticals). The group proposes that the costs of medications and treatment required as a result of trauma (psychiatric medications or pain management for example), should be borne by the responsible institution and/or government.

In addition to priority access for medical services, the group discussed the need for Forgotten Australians to be meaningfully recognised as a special interest group within the Aged Care sector. Isolation, dislocation from family and a history of institutionalisation makes entering the aged care system a frightening prospect for many Forgotten Australians. Providing priority access and choice would enhance aging Forgotten Australians' access to services to support their continued living at home and also make the shift into supported living environments more accessible and affordable.

Group members indicated the importance of continued funding for support programs and social support groups such as the Dandenong Social Support group. Some group members stating that they are otherwise physically and/or emotionally isolated by their childhood experiences. Group members indicated that the opportunity to engage in social outings provided peer support and the opportunity to build new positive memories as a group.

#### *On monetary payment-*

Monetary payment that recognises the wrong a survivor has suffered is an essential component of recognising the lifetime impact of childhood trauma. Currently, the options for pursuing monetary compensation or redress are difficult to access and require the employment of a lawyer to facilitate mediation. If a lawyer is required to facilitate a fair settlement, the survivor should not have to bear the cost of legal fees.

The payment of a redress payment should not adversely affect any provision of Centrelink benefits or access to subsidised housing.

### Eligibility

On the matter of eligibility there were some divergent opinions between the individuals who chose to participate. The scope of these opinions are listed below.

- All individual Forgotten Australians should be eligible to some amount of redress from any proposed scheme. A redress scheme should not only be conditional upon the individual experiencing sexual abuse whilst 'in care'. The context of being removed from the family home and placed in an institutional care setting, even one where physical and/or sexual abuse was not perpetrated, is damaging to a developing child.
- Redress should be available not only to those who were sexually abused, but those who suffered neglect, emotional abuse and physical brutality in institutional care. Group members discussed extensive barriers and challenges in life post care resultant to mistreatment in the homes and lack of follow up following their departure. One group member wanted conveyed their long experience of homelessness and transience after leaving the homes. Now in their 70s and securely housed, this group member still lives with a fear of going cold or hungry.
- While monetary payments should be available to all individuals who experienced any kind of abuse in institutional care, the level of compensation allocated should be determined on a sliding scale, with those that were sexually abused should receiving more financial compensation than others.

### Redress Scheme Process

The group overwhelmingly felt that there should not be a closing date for any proposed redress scheme. Group members indicated that many individuals can take a long time to feel comfortable enough to speak about their trauma history and having any time restriction on this, may force individuals to expose themselves to this process before it's therapeutically safe to do so.

The group agreed that application and assessment should be kept as simple as possible and that survivors should not be *required* to give evidence in person, but offered the opportunity if the survivor believes that it would help their recovery.

The group agreed that it would be appropriate for higher levels of payment be subject to some additional requirements. These additional requirements should be flexible, as provision of evidence such as witnesses or records, after such a long period of time is very difficult. Suggestions from one group member included provision of letters of support from treating professionals or support workers commenting on impact.

### Level of Proof

The group agreed that assessing claims of abuse based on 'plausibility' would be a positive shift from the current onus of proof.

### Severity of Abuse and Impact

The amount of redress allocated to an individual should be assessed on the basis of severity of abuse and subsequent impact upon an individual's life. Some group members made the statement that those who have had to live with the impact of the abuse longer should be compensated to a larger degree.

The Dandenong Social Support Group hopes that these insights will be useful in informing the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse in the matter of redress and civil compensation. We look forward to hearing the final recommendations of the Royal Commission in this matter.

Sincerely,

Members of Dandenong Social Support Group for Forgotten Australians

*Note: 8 members of the Dandenong Social Support Group chose to contribute to this statement. Statement collected by Open Place support workers Claire Wilson, Megan Jordan and Virginia Carey. Statement collated by Megan Jordan.*