

ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

SUBMISSION FROM THE VICTORIAN WOMEN'S TRUST

9 MARCH 2015

The Royal Commission Into Institutional Responses to Child Sexual Abuse is to be commended in the highest possible terms for its diligence thus far, for its preparedness to listen closely and constructively to victims and to take counsel from interested parties and relevant experts. It is a critical inquiry and must be supported as much as possible in order to generate those changes across the nation that are vital for effective redress as well as the prevention of abuse of children into the future.

The Victorian Women's Trust (VWT) is motivated to prepare and lodge this submission from a different entry point. Although we have a substantial track record of public advocacy on issues of violence and abuse, we are not engaged directly in the provision of services and supports for women and children who have experienced abuse and sexual abuse.

However, over the past six years, we have been intimately involved in seeking redress for women who were former members of religious Orders. We began this journey with some published research. We then designed an Independent Advocacy Program. In the time since, we have successfully sought appropriate redress on behalf of many women religious.

From this significant advocacy experience, we believe we can offer some insight into the broader question of institutional culture and impact on victims as well as adding value to the consideration of key elements that must be involved in ensuring effective redress of past abuse and harm.

As such, we wish to confine our observation and commentary to matters covered in Chapter Four of the *Consultation Paper: Redress and Civil Litigation*.

Background and Context

In 2006, a woman who had left her religious Order after long service came to us at the VWT with her story. We listened. While we were not in a position to provide any material or other relief, we were nonetheless moved by her story and the harshness of her treatment on departure. We decided to research more widely this question of appropriate departure policies and practices. We also decided to focus in the first instance on the plight of women religious.

Our research culminated in the publication in 2009 of a research and discussion paper entitled *The Paradox of Service*. (<http://vwt.org.au/wp-content/uploads/2013/10/The-Paradox-of-Service-Research-Paper.pdf>)

There were several striking discoveries from our research into the status of women former religious:

- Life within various Orders could, and did, take a terrible toll on large numbers of women religious;

- It was not uncommon for women religious to be subjected to harsh conditions including cruel and callous behaviours that caused emotional, psychological and physical ill-health both in the short and long term;
- There were few, if any, appropriate departure policies and practices in place to guide Orders in providing the positive support necessary that would assist women to transition effectively and without undue distress into the secular world;
- The distress brought about by this institutional ‘neglect of the person’ has been so great that many former women religious simply do not have the wherewithal to make an individual approach to their Order for any form of redress. Where some former religious did indeed venture to contact their Order with a plea for help, they were usually met with diffidence, disdain and a paltry material response.

The release of *The Paradox of Service* appeared to be the first time that this issue of inadequate departure policies and practices had received such a public airing. As such, it was not surprising that the research and its findings attracted significant media, both in Australia and internationally. In turn, its release generated a significant response from former religious who had departed some time ago.

Some of these women had been subjected to a range of unacceptable abusive behaviours. What they had in common was the experience of being treated with institutional disdain and what we have termed the ‘*neglect of the person*’ at the time of their departure from their Order and in the Order’s stance over the years since the former religious departed.

We could have left the matter at the point of publication of the research, relying on people’s reading of it to generate responses and maybe considering some ameliorating outcomes. But it troubled us knowing that the women we had listened to would have found it very difficult, even traumatic, to contemplate going back to their Orders and requesting a listening ear and some form of redress.

We decided to take a further step on from the research and to establish what we termed an *Independent Advocacy Program*. The central operating principle was that former religious could enlist an independent person who would listen to their story, make the contact with the Order, represent the former religious without her being present, and seek redress through effective advocacy.

Three of us did this design work and establishment. Mary Crooks, Executive Director of the Victorian Women’s Trust, was very ably assisted by Hilary Irwin and Susan Powell. Both Hilary and Susan have given all of their time to the Program as trained volunteers and the Program has operated with very few financial resources.

The Independent Advocacy Program

In essence, the Program consists of a seven-step process:

1. *Gathering the story* – accurately and comprehensively but with an emphasis on the particular departure policy and practice of the Order involved. Several drafts with final sign off by the former religious;
2. *Identifying ‘the ask’* that we would make, including an apology, a statement of service, and some extent of financial remediation;

3. *Permission to act* – a form signed by the former religious granting VWT the permission to act on her behalf;
4. *Contacting the Order* – the Advocacy team initiates contact through a standard letter from VWT;
5. *Arranging to meet the Head of the Order*;
6. *Meeting and making the case for redress* – at this meeting the story is presented in written and verbal form and left with the Order;
7. *Negotiating the nature and extent of redress* – post meeting consideration, discussion and resolution

This Independent Advocacy Program has been running for the past four years. The process is considerably time-consuming – from the careful gathering of stories, to the time spent negotiating and arranging meetings and then finally closing off cases. Seven Orders have been involved in dealing with eight cases of individual women as former religious. All but one of these independent advocacies has been very successfully negotiated, and invariably, each successful case has generated powerful and positive outcomes all round – both for the former religious and the personnel attached to the Orders.

CASE STUDY NO. 1: positive, powerful and genuine redress

‘ELIZA’S’ (not her real name) STORY

August 2010

Eliza writes to the Victorian Women’s Trust (VWT) after reading the research document *The Paradox of Service*. Eliza is a 73 year old woman. She speaks of her 25 years of service to her Order, the complete lack of support that she received upon departure, her struggle to find employment in the outside world, and the fact that she only had 15 years of a working life left in which to provide for herself before retirement.

September 2010

VWT emails Eliza suggesting that an advocate visit her on the Central NSW coast at some point, to hear her story, with the purpose of making a claim to her former Order.

September 2010

VWT receives an email from Eliza who details major medical problems that she suffers from, and the fact that she cannot afford the surgery required to fix these. She also states that she needs ongoing counselling, which is currently provided at a cheaper rate than usual. Eliza states that she feels suicidally depressed.

An Advocate from the Independent Advocacy Program immediately rings Eliza and talks through issues, and outlines what VWT could do for her.

September 2010

Eliza emails the Advocate saying that she has had to get welfare vouchers to pay her gas and electricity bills and that she feels extremely depressed and humiliated.

First week October 2010

As a direct response to Eliza's feelings of distress and depression the Advocate visits Eliza at her central NSW home and takes her story.

December 2010

Eliza sends an email with more information for her story.

First half of 2011

Eliza's story continues to be checked and honed for accuracy. The Advocates also work on other cases.

September 2011

Eliza has surgery and some weeks of rehabilitation. The Advocate keeps in contact with her during this time.

Over 2011 Eliza's spirits continue to improve and her visits to the counsellor become less frequent. She says that her experiences while a part of the Order, and also in the years afterwards, are being validated in the process of having her story listened to and recorded.

May and June 2012

Advocate continues to communicate with Eliza re final clarifications to her story, and to finalise what Eliza seeks from her former Order.

Discussions between Eliza and the Paradox of Service Team result in a request for an apology from her former Order and an amount of financial restitution

June 2012

Eliza signs the *Permission to Act as an Advocate* form, allowing the VWT to contact Eliza's former Order and arrange a meeting time at which two advocates will present her story on her behalf.

June 2012

Letter sent to the Congregational Leader of Eliza's former Order explaining the background to the Independent Advocacy Program, stating that Eliza has contacted the VWT and asked the organisation to advocate on her behalf, and requesting that a time be made for a meeting to consider Eliza's story and ask. This is a standard letter sent to all Orders.

June/early July

Phone calls between the VWT and the Order to clarify a time.

31 July 2012

The Congregational Leader attends the VWT offices and meets with two Advocates to go over Eliza's story. The meeting lasts for two hours and is cordial. The Congregational Leader listens carefully and with compassion to Eliza's story. She also raises the issue of accommodation in the future for Eliza, as she has heard from her story that she still has medical issues and cannot walk far.

First week of August 2012

The Congregational Leader emails the Advocate who has mainly had contact with Eliza and offers to transfer two thirds of the funds requested to Eliza immediately. She wants to do this as Eliza still owes money for medical bills.

The Congregational Leader also indicates that she wishes to discuss accommodation for Eliza as soon as possible after returning from an overseas trip.

14 August 2012

A letter of apology is sent to Eliza via the VWT. With Eliza's permission the Advocate opens it before sending it on, to ensure that it will not in any way distress Eliza.

This letter of apology states the following:

- Recognition of Eliza's 25 years of service.
- Recognition of her skills as a teacher.
- An apology for the practices of the Order which distressed Eliza, such as being moved often and not being able to say goodbye to the children she was teaching.
- Acknowledgement of Eliza's feelings of loneliness and fear after finding herself with few finances in the outside world, and with no support.
- Compliment on her on her resilience in finding accommodation and a job.
- Expression of gratitude to the VWT for giving Eliza the means to tell her story and be listened to.
- Suggestion that she would love to meet Eliza for a coffee sometime.

This letter is sent on to Eliza by VWT.

Third week of August 2012

This letter sits on Eliza's table for several days because she is too frightened of what it might say to open it. The Advocate finally reads the letter to Eliza over the phone, moving her to tears.

September 2012

The remaining one third of the financial restitution is paid into Eliza's account.

Third week of October 2012

The Congregational Leader and Eliza meet in a neutral spot nominated by Eliza-a truckies café on the outskirts of a nearby town. Eliza is very nervous beforehand and talks the matter over with the Advocate by phone. Despite being apprehensive Eliza finds the meeting very satisfying.

December 2012

Eliza and the Congregational Leader begin to discuss the possibility of Eliza moving into a retirement village provided by the Order.

January 2013

At the suggestion of the Congregational Leader Eliza begins to visit retirement villages to see what is available. Eliza finds a suitable village with a number of new units.

February and March 2013

With two other members of her former Order Eliza visits the retirement village that she has found and discusses the merits of different units.

March 2013

The Congregational Leader agrees to purchase a new three bedroom unit, in the name of the Order, at the identified retirement village. Eliza is overwhelmed and incredibly grateful, and is able to communicate this to the Order. She stays in touch with the VWT Advocate during this time and talks the details over with her.

End March 2013

A legal agreement is signed between Eliza and her former Order, setting out the conditions under which Eliza may remain in the unit during her lifetime, or until she wishes to move out. These conditions cover the payment of some fees and utility bills by Eliza.

March/April 2013

Eliza packs up the small and old unit where she is currently living.

June 2013

Eliza moves to her new unit.

June 2013 to present

Eliza keeps in periodic contact with the VWT. She pays off all debts that are owed.

Eliza no longer sees a counsellor and her medical conditions are stable. She appears happy and calm when talking to those at VWT. Eliza maintains a keen interest in the VWT'S Independent Advocacy Program.

CASE STUDY NO. 2: Institutional obduracy and quiet arrogance

'JOAN'S' (not her real name) STORY

2010

Joan made contact with the Executive Director of VWT, having read the *Paradox of Service*.

Late 2010

Two advocates visited Joan in Melbourne and started the process of gathering her story.

2011

Her story is honed and clarified.

November 2012

Joan signs the permission to act form, enabling her story to be tabled with the Order.

December 2012

Standard letter is sent to the Head of the Order in Sydney requesting a meeting to present Joan's story and case for redress.

January 2013

The Order chooses to instruct a lawyer and a letter of high-handed and officious legal tone comes to VWT rejecting the possibility of independent advocacy. Instead, the Order offers to meet only with Joan.

March 2013

VWT rejects this approach on the basis that Joan is adamant she will not meet alone with the Head of the Order.

May 2013

VWT writes again to the lawyer pointing out that there has been response to VWT's letter regarding Joan and reiterating that a meeting between the Order and Joan is not acceptable to Joan.

May 2013

The lawyer writes reiterating that the Head of the Order is agreeable to meet directly with Joan; and that the Head of the Order is keen to address 'pastoral needs' that Joan may have.

December 2013

VWT writes to the President of Catholic Religious Australia regarding the impasse between Joan's Order and VWT; and a copy is sent to the Order.

January 2014

The lawyer writes to VWT advising that the Head of the Order is now prepared to meet with Joan, with a support person from VWT. The Head of the Order will also be accompanied by a support person. The lawyer writes that the Head of the Order has 'reluctantly agreed to this arrangement as it would appear to be the only way to consider the Joan's needs'.

July 2014

After two changes of meeting arrangements by the Order, which only served to add distress to Joan, a meeting finally took place at a central Melbourne office. The Head of the Order opened the meeting with a prayer. She was accompanied by a lay person who acts in a senior advisory role for the Order. This lay person then conducted the meeting on behalf of the Head of the Order.

Joan's story was accepted without demur. They presented no argument with the facts as presented. When the enforced isolation of Joan was described as abuse whichever way it was put, there was no contestation.

August 2014

A registered letter from the Head Order arrives at VWT. It contains a cheque for a very miserly amount of money (which actually represented one tenth of the 'ask') and in our view a most unfortunate stipulation that this money should be used for counselling for Joan – even though Joan did not seek such assistance, nor indeed requires it.

August 2014

VWT writes to the Head of the Order pointing out that the Order has accepted no culpability for the serious negative impacts on Joan caused by the Order. VWT reiterated (from the July meeting) that the Order's treatment of Joan by long periods of enforced isolation constituted abuse. The letter

confirms that Joan is angry and deeply insulted by the Order's response; and that Joan wishes VWT to continue to advocate on her behalf.

September 2014

The Head of the Order responds that they have dealt fairly with Joan and has offered 'an appropriate pastoral and financial response'. The Head waspishly 'regrets that (Joan) is not happy with the offer that has been made to her but that is (my) decision'.

November 2014

VWT writes to the Order stating that it is virtually impossible to fathom the reasoning behind their behaviour towards Joan; and that is now surprising that they have retreated from the allegation of abuse when they did not resile in any way from this claim at the July meeting.

VWT advises that it intends to write up this Order's response as a case study in institutional obduracy and unwillingness to attempt to make effective personal redress over a clear case of abuse and poor treatment.

VWT continues to communicate with Joan and provide a level of positive personal support.

Redress: Three issues for consideration

We support the statement of general principles (p.57) to guide the provision of all elements to redress – survivor-focused; no wrong door; cultural needs of survivors including proper training and understanding; and redress that needs the needs of particularly vulnerable survivors.

We also support the statement of principles (p.85) for an effective personal response – re-engagement should only occur if the survivor wants it; the institution should make it clear what they are willing to offer; and that at a minimum, all institutions should offer an apology; an offer to meet with a senior representative of the institution; and an assurance as to the steps taken to protect against further abuse.

With these principles as a guide, we would nevertheless like to pinpoint three particular issues which we feel are worthy of consideration in establishing the framework within which to respond to the matter of personal redress.

(1) A champion in the corner. There is no doubt in our mind that the key to the success of our program has rested on the fact that each of the former religious has been able to rely at every step of the way on an advocate who is trusted and effective in representing her position and effort to gain some personal redress.

This champion *swiftly and effectively changes the power balance* between an Order and a former religious, who is likely to have been damaged by the past behaviour of the Order, especially upon departure.

What has been significant here is that the storytelling to our advocates has commonly been the first and only time that the story has been told – often decades later. Our feedback from the former religious is that they felt an overwhelming emotion and relief that their story has been believed.

Conversely, we would confidently argue that none of the former religious with whom we have had contact would have been able or prepared to make the journey alone – to knock on the Order’s door, seek a meeting with senior personnel; and communicate the level of distress and suffering without being totally overwhelmed by the enormity of the task.

In every case bar one, we have effected very successful personal redress. A significant aspect of this experience is that the Orders themselves have come away with a profound recognition for past hurt. In large measure, this is because they have had to listen, in the right spirit, not just to the former religious, but also deal with trusted brokers with a commitment to see some form of redress. Indeed, some Orders have felt such a sense of gratitude for the outcome that they have made financial donations to the ongoing work of the Advocacy Program.

In Joan’s case, we saw an Order incapable of acting in this same spirit. Instead, they seemed intent on delay, obfuscation and closing the matter down by setting up impossible meeting arrangements. Their inability to work within this sort of process has denied them a much-needed experience of positive reconciliation as well as adding to Joan’s distress.

(2) *Transparency of institutional response*

The response of Joan’s Order should not be allowed to escape a higher level of scrutiny and accountability. Here we have the situation where an Order has been presented with a very modest and fair set of requests on behalf of a former religious who had experienced abusive behaviour from her Order at the time she was in her early twenties. It was not possible not possible to satisfy a degree of personal redress – because the senior personnel, including the Head of the Order and her lay advisor, were not interested in seeking to effect redress along the lines set out in the Royal Commission’s Consultation Paper on pages 57 and 85.

At this stage of proceedings, this information as to the obduracy and ill-spirited response from the Order, rests with VWT and the Order itself. Short of going to the media, we have no further means of highlighting what we see as an unfortunate example of an institutional culture that is not yet able to process past behaviours and act on past wrongs.

Even in this submission, and in the interests of fairness, we have chosen not to name the particular Order, although we have been very close to wanting to do so!

But this in our mind raises the question as to whether Orders or other institutions should be allowed to escape a higher level of accountability and scrutiny when their approach to effective redress has remained too limited or damaging.

(3) ***Education about the nature of abuse.***

In the course of our Independent Advocacy Program, we were struck by the fact that some senior personnel have been disinclined to acknowledge abusive behaviour even when it was clear and indeed profound. In the case of 'Joan', for example, as a young woman in her early twenties, she was isolated from people for periods of weeks on the occasions that she tried to raise the question of leaving the Order. These lengthy periods of enforced isolation were extremely traumatic and remain as painful memories.

Our own advocacy experience has brought us closer to different forms of institutional abuse. We have been undertaking this work at the same time as hearing publically the extraordinarily sorry stories arising from the assiduous work of the current Royal Commission.

There is a danger that the impact of this work of the Royal Commission in revealing past abuse becomes diffused with the passage of time – unless one of the direct outcomes is indeed the creation of training and teaching interventions in all corners of institutional and community life. In working with children, for example, people now need to produce police checks. But in an ideal world, we would also want to know that emerging graduates and other professional entered the world of community life with sound ethical understandings of behavioural cornerstones, sound understandings of what constitutes abuse and abusive behaviour and a preparedness to stand up and act if they witness abuse and poor treatment of 'the other'.

We appreciate the opportunity to be able to make a submission to the Royal Commission and we hope that our approach may be of some assistance. In order to make this submission, we have had to err on the side of brevity. We would be happy to follow up with people concerned should there be a desire to expand on any of the detail contained in our submission.

Mary Crooks AO
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Victorian Women's Trust