



# REDRESS & CIVIL LITIGATION

Submission to:

Royal Commission into Institutional Responses to Child Sexual Abuse

Consultation Paper:

Redress & Civil Litigation

Date:

27 February 2015

## About ISA WA

ISA was the first non-government association in Western Australia to deal specifically with child sexual abuse and associated post-traumatic stress disorders later in life, and remains one of very few organisations in the state specialising in this area.

ISA provides long term counselling to people who have suffered sexual abuse as children and seeks to leverage its specialised expertise by partnering with other organisations to improve recognition and responses to child sexual abuse.

## About this submission

ISA WA welcomes the opportunity to respond to the Royal Commission's consultation paper on Redress and Civil Litigation.

In particular, ISA hopes its experience in supporting people who have suffered child sexual abuse may be of value to the Royal Commission, especially in relation to chapter five of the consultation paper, dealing with counselling and psychological care.

## Chapter 5: Counselling and psychological care

ISA WA supports the findings in this chapter summarising:

- severity and complexity of impacts of child sexual abuse trauma
- variability of impacts between individuals
- difficulty of predicting the severity, duration and complexity of impacts in individuals
- benefits of specialised, client-led, long term counselling support in assisting people to recover from these impacts
- possible negative impacts of interventions which are applied without specialised knowledge and experience in the area of child sexual abuse
- importance of trauma informed practices
- importance of access to practitioners and services with adequate capabilities, training and experience.

## Principles for counselling and psychological care

ISA WA supports most of the principles outlined for counselling and psychological care, with some qualifications, as outlined in the table below.

Principle	ISA WA comment
Counselling should be	Supported.

Principle	ISA WA comment
available throughout a survivor's life	<p>ISA clients have presented at all ages, often many years after suffering child sexual abuse.</p> <p>Some ISA clients have engaged with our service over a period of many years, particularly as ISA has been operating in WA now for more than 30 years. Clients will take 'breaks' from counselling and then re-engage as needed. The reasons for their 'breaks' and their 'reengagement' with counselling varies for each individual client and ISA respects and supports those unique and individual needs.</p>
Counselling should be available on an episodic basis	<p>There is potential to misinterpret the use of the word 'episodic' in this context, as meaning a response to an 'episode' or crisis event. ISA WA believes such an interpretation is contrary to the intent of the Royal Commission.</p> <p>It is important to note clients present for a range of reasons, at different stages of recovery, and treatment should be long term, beyond the response to any momentary crisis or trigger event.</p> <p>ISA WA recommends rewording this principle as: 'Counselling should be available from time to time, as and when people require it.'</p>
Survivors should be allowed flexibility and choice	<p>Supported.</p> <p>ISA strongly supports client-led treatment.</p>
No fixed limits on services provided to a survivor	<p>Supported.</p> <p>As stated above, some ISA clients have sought services over a period of many years.</p>
Psychological care should be provided by practitioners with the right capabilities to work with complex trauma clients	<p>Supported.</p> <p>ISA is already concerned about the unmet need for specialist services like our own to tackle the incidence of sexual abuse trauma in the community.</p> <p>ISA has noticed an increased demand for services, which may be correlated with publicity surrounding the Royal Commission and other high-profile media coverage of sexual abuse prosecutions in the UK.</p> <p>ISA has some concerns about a possible rush by service providers who may be well-intentioned, but underprepared, seeking to position themselves to treat sexual abuse trauma, as a result of this publicity.</p>

Principle	ISA WA comment
	<p>ISA already seeks to leverage its own specialised expertise by partnering with other providers and adjacent services to build capacity to recognise and respond to child sexual abuse. ISA recommends mechanisms to increase the capacity of existing specialised services and to support this transfer of knowledge from existing specialist services to increase the community's capacity to respond.</p> <p>Recognition of the work provided by specialised services such as ISA is important, particularly as much of this work has been developed in an environment of limited funding, capacity and infrastructure. Despite these challenges, excellence in service delivery has been achieved and clients highly value the service received and therefore continue to reengage on an as-needs and long term basis.</p> <p>Service delivery knowledge and expertise has been developed over a long period of operating in this field and there is an opportunity for leadership to be provided by these specialist services including ISA to inform principles of good practice.</p>
<p>Suitable ongoing assessment and review</p>	<p>As above, ISA WA has some concerns about the use of the word 'episode' in this section. ISA recommends replacing the word 'episode' with another word or phrase, such as 'period' or 'treatment window'.</p> <p>ISA cautiously supports the concept of independent assessment, although this may be problematic in practice. ISA strongly supports client-directed care and recommends goals and the pace of treatment are set by the clients.</p> <p>Forcing individual clients to be assessed face-to-face by another, independent practitioner would be costly, unwieldy, highly likely to cause a range of undesirable, counter-therapeutic impacts and is therefore not recommended.</p> <p>ISA recommends a more systemic approach to assessment. For example, service providers could be assessed for compliance with a set of agreed service standards.</p>
<p>Services for family members if necessary for survivor's treatment</p>	<p>Supported, with the following qualifications.</p> <p>The sentence, "It is important to target limited resources to the needs of survivors," is problematic in its current form. While ISA understands and supports a focus on primary victims of sexual abuse, it is important to note the concept of a 'survivor' can also extend to family members.</p> <p>At a therapeutic level, it is often helpful to consider the client presenting for treatment as part of a system of deep interpersonal relationships – most commonly family relationships. In this</p>

Principle	ISA WA comment
	<p>context, sexual abuse has a catastrophically damaging impact on the entire system.</p> <p>In a sense, child sexual abuse represents a chronic failure of the family system to perform one of its primary functions, ie: to protect one of its vulnerable members from harm. The impact of this failure on different family members, and their subsequent responses to those impacts have a direct bearing on all other members of the family system.</p> <p>Therefore, when treating any one member of the family, ie: the person who has primarily suffered sexual abuse, it is vital to consider the complexity of interactions and possible interventions with other members of the client’s immediate system.</p>

## Current services and service gaps

As a specialised provider of sexual assault services, ISA is pleased to note the report’s finding that such services are often highly regarded.

When considering the categories of service, ISA is in a very unusual category, as the vast majority of ISA’s clients are adults or mature minors who have experienced sexual abuse as children.

In this respect, ISA is uniquely placed to provide services to survivors of institutionalised abuse and has noticed an increase in presentations, which may be correlated with publicity surrounding the Royal Commission and other high-profile media coverage of sexual abuse prosecutions in the UK.

## Resource limitations of specialist services

Because ISA specialises in treating adult survivors of child sexual abuse, ISA does not experience the issues described with client waiting periods or ‘triage’ between recent victims and past victims.

ISA believes the main limitation to its service is awareness – ie: how do people in need find out about the service?

ISA has identified the name of the organisation is a barrier to reaching its client base and is currently taking steps to change the name to improve this situation.

## Restrictions on access to Medicare

ISA supports the findings in this section of the report, and notes the GP referral pathway to Medicare funding is highly problematic for *all* people seeking mental health services.

## Principles for supporting counselling and psychological care through redress

ISA WA supports most of the principles outlined for supporting counselling and psychological care, with some qualifications, as outlined in the table below.

Principle	ISA WA comment
Supplement existing services	Supported.
Provide funding not services	Supported.  ISA WA recognises the geographical limitations of existing specialist services, and has been successfully providing services to a wider area by partnering with other service providers. ISA is highly interested in expanding this model and believes it provides a most cost-effective way of delivering high-quality specialised services to regional and remote clients.
Fund as needed by survivors	Supported.
Institutions to fund where possible	Supported, with the following clarification: some providers of sexual abuse counselling services are also aligned with particular church or religious groups. Feedback from clients suggests this is a major barrier for some clients seeking services. Therefore, it is important to distinguish between institutions providing funding and institutions providing services. Wherever possible, specialist services should be perceived by clients as secular, without alignment with any religious group or church.

## Options for service provision and funding

ISA WA supports the proposed approach of supplementing existing services and filling funding gaps.

## Substantially expanding Medicare funded services

ISA WA does not support this option for many of the reasons noted in the report. The report notes specialised services such as ISA are often the best placed to provide high quality service, but these services are typically not approved Medicare providers.

ISA employs tertiary qualified counsellors based on their experience and ability to provide specialised sexual abuse trauma support. We have found the best counsellors do not necessarily come from a particular educational or theoretical background. The best counsellors may have been trained as counsellors, psychologists, or social workers.

Involvement of a single certifying body such as the Australian Psychological Society has the potential to precipitate an unhelpful 'professional standards schism' which would exclude many excellent, highly effective, specialist counsellors and counselling services. This would have the undesired impact of reducing, rather than increasing availability of services.

In addition, not all psychologists have been trained to provide counselling as this is a specific set of skills, yet there is a perception that often exists that a psychology qualification equates to being skilled in the provision of counselling. Effective counselling requires a discreet set of skills, particularly if it involves working with clients who have experienced significant trauma.

Therefore, this option would have little or no benefit for the majority of people in need.

ISA supports the idea of Medicare reform to remove some of the barriers to mental health services, and include a broader range of counselling approaches. However, such reforms would take years to implement, and a more immediate solution is required.

## Stand-alone Australian Government scheme

While ISA broadly supports this proposal, this section of the report is skewed towards reliance on Medicare approved providers, which would exclude a majority of specialised sexual abuse trauma counselling services, as noted above.

ISA recommends decoupling any support scheme from Medicare and broadening the scope, to include effective, evidence-based, client-led interventions which need not be covered by Medicare rebates.

## A redress scheme fund to fill gaps

As above, while ISA broadly supports this proposal, this section of the report is skewed towards reliance on Medicare approved providers, which would exclude a majority of specialised sexual abuse trauma counselling services.

ISA recommends decoupling any support scheme from Medicare and broadening the scope, to include effective, evidence-based, client-led interventions which need not be covered by Medicare rebates. However, one option would be to broaden Medicare approved providers to include counsellors that meet certain regulatory and professional membership requirements.

## Additional general comments

ISA WA recommends anyone counselling those who have experienced child sexual abuse have an understanding of these key areas:

- Screening and Assessment
- The impact of trauma on an individual
- Traumatic representations in behaviour and psychophysiology
- Neurobiology, brain development and brain plasticity
- The science and philosophy of self-regulation
- The use of relevant mindfulness and body awareness approaches
- Protective behaviours and the dynamics of power and control
- An approach that offers unconditional regard and compassion
- An understanding of vicarious trauma and ability of the worker to implement self-care strategies.

ISA WA also recommends

- If the worker is a survivor, personal work has been completed and healing and integration are evident
- Any work with children needs to be age appropriate
- All work is consensual, client centred, empowering, respectful, relevant, and not time limited
- Regular clinical supervision is undertaken and ongoing professional development is accessed.

As indicated above, ISA WA recommends consideration be given to the provision of services to 'secondary' victims of Institutional child sexual abuse. For example: children

who may have not been a 'direct' victim, but may have witnessed what occurred and been powerless to stop it, or were terrorised by threats if they were to disclose what they witnessed; or staff who worked in institutions who may have had suspicions about what may be happening and were silenced in their attempts to be heard and seek appropriate action through reporting. Families, close friends and/or confidants of those children impacted may also require some form of support as a result of secondary trauma.

ISA WA acknowledges while the Royal Commission is focused on Institutional Child Sexual Abuse we recommend any prevention strategies focus on child sexual abuse more broadly to raise awareness in the community about the impacts from any form of child sexual abuse. ISA WA is of the view increased understanding by the general community of the impact of trauma on brain development, and the long term implications of this, particularly from experiencing child sexual abuse is critical. If any community education media strategies are considered, ISA WA encourages the Royal Commission to review formative research used to inform Western Australia's 'Freedom From Fear' media campaign run from 1998 to 2001.

ISA WA is in the process of changing the current name of the organisation to more accurately reflect the services delivered for those who have experienced child sexual abuse or are considered a secondary victim of abuse. ISA WA is keen to share knowledge and expertise through processes such as sector training and education, specialist clinical supervision, prevention strategies, development of good practice principles, advice on the development of child safe organisations and practices and the development of community education campaigns.

ISA WA would welcome the opportunity to meet with representatives of the Royal Commission into Institutional Responses to Child Sexual Abuse to assist the Commission in the deliberations into how best to address the consequences, and prevent ongoing repetition of the past.

ISA WA would like to acknowledge and thank the Commission for their important work, their consultative approach and their compassionate stance thus far.



## For more information

**Address:** ISA WA, 404 Walcott St, Coolbinia, WA, 6050

**Telephone:** +61 8 9443 1910

**Fax:** +61 8 9227 1510

**Email:**

**General enquiries:** [info@isa.asn.au](mailto:info@isa.asn.au)

**Counselling enquiries:** [counsellor@isa.asn.au](mailto:counsellor@isa.asn.au)

**Website:** [www.isa.asn.au](http://www.isa.asn.au)