

Relationships Australia Victoria (RAV) Interim Report Submission to the Joint Standing Committee on the Implementation of the National Redress Scheme



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Contents

| | |
|---|-----------|
| ABOUT RELATIONSHIPS AUSTRALIA VICTORIA..... | 3 |
| INTRODUCTORY COMMENTS | 3 |
| WHAT IS NOT WORKING IN THE SCHEME AND RECOMMENDATIONS..... | 4 |
| 1. The Traumatic Nature of the National Redress Scheme Application Process | 4 |
| 2. Negative Impacts of Institutions That Have Not Joined the National Redress Scheme | 5 |
| 3. Issues with Counselling Offered within the National Redress Scheme Compensation | 6 |
| 4. Legal Issues Related to the National Redress Scheme | 7 |
| <i>4a. Support During Civil Litigation.....</i> | <i>7</i> |
| <i>4b. Private Lawyers' Fees</i> | <i>7</i> |
| 5. Issues with the Redress Application Process | 8 |
| <i>5a. Application Length</i> | <i>8</i> |
| <i>5b. Application Criteria For 'Extreme Circumstances'</i> | <i>8</i> |
| <i>5c. Applications Relating to Multiple Institutions.....</i> | <i>9</i> |
| 6. Issues with the National Redress Scheme Phone Line | 9 |
| 7. Issues with the Direct Personal Response Component of the National Redress Scheme..... | 10 |
| WHAT IS WORKING WITH THE REDRESS SCHEME | 10 |

About Relationships Australia Victoria

Relationships Australia Victoria (RAV) is a community-based, not-for-profit, secular organisation that has been supporting Victorians since 1948. Our vision is for positive, respectful, safe and fulfilling relationships for all Australians.

RAV offers a diverse range of clinical services including counselling; therapeutic case management; family violence prevention, support and recovery services for men, women and children, including men's behaviour change programs; parenting programs; group programs and family dispute resolution (mediation). RAV is a Registered Training Organisation and delivers accredited training courses and professional development workshops.

Services are delivered through 15 principal centres, a Central Office and several additional outreach sites across metropolitan Melbourne and regional Victoria. RAV has over 70 years' practice expertise in delivering services and programs for individuals, families and communities affected by family violence, child protection issues, high conflict family law disputes, relationship difficulties, mental health difficulties and extreme climatic disasters including droughts, floods and bushfires.

RAV provides a range of services that are funded by the Australian Government Department of Social Services (DSS) to support people who have complex needs, including due to trauma. Our specialised trauma and family mental health services include our:

- Redress Support Services for survivors of institutional child sexual abuse
- Forced Adoption Support Service, which offers counselling, information and referral to those affected by past forced adoption practices
- I-Connect Family Mental Health Support Services (Bairnsdale), which delivers early intervention services to and supports children and young people aged under 18, who are at risk of, or affected by, mental illness, to stay connected and engaged in education and social activities.
- Counselling and Support for People Affected by the Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disability.

Introductory Comments

Since 2013, Relationships Australia Victoria has been one of the DSS funded providers in Victoria of the Royal Commission into Institutional Child Sexual Abuse Support Services and continues to support survivors since the implementation of Redress Support Services. During this period, we have provided face-to-face and telephone support to survivors, their families and others who were affected by institutional childhood sexual abuse.

This paper responds to the Terms of Reference for the Joint Standing Committee into the Implementation of the National Redress Scheme by conveying what is not working with the National Redress Scheme, and what is working with the Redress Scheme. The predominant focus of this paper is on relaying several issues with the Scheme and providing accompanying recommendations. The report concludes with a final reflection on the positive outcomes of the Redress Support Service delivery; a key aspect of the National Redress Scheme that is working.

What is Not Working in the Scheme and Recommendations

1. The Traumatic Nature of the National Redress Scheme Application Process

Survivors who have presented to RAV's Redress Support Services have all experienced severe sexual trauma and psychological harm due to abuses perpetrated against them while in an institution. Such experiences have lifelong impacts and irrevocably change the course of a person's life and development. Survivors who have applied for Redress have reported significant negative psychological and physical impacts, which they consider to be directly caused by having to think/talk/write about their experience as part of their Redress applications. These negative impacts include increased depression; increased flashbacks; lack of concentration and motivation; insomnia; anxiety; dissociation; hyper-arousal; and night sweats, as well as physical symptoms such as migraines, stomach aches and the worsening of pre-existing autoimmune conditions.

Based on these survivor reports, our Redress Support Services observe that the process of completing a written Redress application, which requires detailed descriptions of the incidents of sexual abuse and their impacts, is causing significant harm, and is therefore not working. There is a growing body of literature¹ and practice-based evidence to suggest that re-telling traumatic experiences may not be in the interests of trauma survivors, and that a trauma-informed approach should instead focus on establishing safety and stability in the survivors' internal and external environments, drawing on body-oriented, mindfulness-based approaches. This is in keeping with advice from the Blue Knot Foundation, which states that attempts to "process trauma (retell) in the absence of ability to self-regulate can precipitate overwhelm and re-traumatisation"².

When survivors come to our service, it is difficult for us, as support workers, to apply a trauma-informed approach, as we are required to support people to re-tell and then re-read their traumatic memories of childhood sexual abuses in order to complete Redress applications.

We have also had first-hand accounts from clients that they had no idea as to the psychological and psychosomatic impacts that the process of completing a Redress application would have on them. These are clients who came to our service after they had already completed their Redress applications independently, and then engaged afterwards with our Redress Support Service.

¹ Herman, J. L. (1998). Recovery from psychological trauma. *Psychiatry and Clinical Neurosciences*, 52(S1), S98-S103; Fisher, J. (2017). Twenty-five Years of Trauma Treatment: What Have We Learned?. *Attachment*, 11(3), 273-289.

² Kezelman, C., & Stavropoulos, P. (2012). Practice guidelines for treatment of complex trauma and trauma informed care and service delivery. *Sydney: Adults Surviving Child Abuse*.

Recommendation 1: The National Redress Scheme needs to provide greater clarity and consistency as to the level of detail that is or is not required within applications, in relation to experiences of sexual abuse, and its impacts. It is recommended that the Scheme request as little detailed information as possible around the incident/s of sexual abuse, and that applicants are not penalised for providing brief descriptions. Clear guidelines should be released and incorporated into the beginning of the application form, to provide guidance on the level of detail survivors are expected to provide, and the impact of this on the outcome of the Redress application. Such an approach would more greatly empower survivors to decide how much detail they choose to share based on their emotional and psychological wellbeing, rather than making decisions out of fear of being penalised for providing less information than is required. Finally, considering survivors who may complete the Redress application independently without a Redress Support Service, it is recommended that a list of common emotional and psychological impacts of the application process be listed on the front of the application form, to support informed consent for all survivors embarking on the National Redress Scheme process.

2. Negative Impacts of Institutions That Have Not Joined the National Redress Scheme

Some perpetrating institutions have not joined the National Redress Scheme. When survivors discover that the perpetrating institution involved in their abuse has not joined the Scheme, they report profound feelings of being silenced. When survivors were abused by institutions as children, they were frequently forced or coerced into secrecy and silence about what happened to them. Even when survivors did speak out, they were often disbelieved and punished. Learning that a perpetrating institution has not signed up to the Scheme is a continuation of this trauma, as survivors feel that once again, institutions are not taking responsibility for the abuse. Additionally, the fact that the Redress applications of survivors of institutional child sexual abuse who have not joined the Scheme will not be processed until or unless the institution joins the scheme, further compounds this re-silencing of survivors' experiences and voices.

Additionally, several survivors have approached our service under the impression that the perpetrating institution has signed up to the Scheme, only to discover that this is not the case when a RAV Redress Support Service practitioner completes a check of the institution. This tumultuous and confusing experience regarding survivors' expectation and understanding of the scheme has further exacerbated trauma symptoms and caused significant harm.

When it becomes apparent that the perpetrating institution has not signed up to the Scheme, it remains unclear to our clients what survivors should do regarding Redress. For example, it is unclear whether survivors should still complete the application or not. DSS have encouraged survivors to still complete a Redress application in these circumstances, however, enduring the distress associated with the application process for potentially no gain is a significant ask of survivors, and may even be ethically questionable. Such a process could potentially cause further harm to survivors. Although we are aware that the federal government has recently spoken of penalising those institutions that have not signed up to the Scheme, it is unclear if the government will put pressure on these organisations, and if so, what this would involve and what the expected outcomes would be.

Finally, it is unclear as to whether survivors should directly contact institutions to ask them to sign up to the Scheme. RAV has received reports from survivors that the National Redress Scheme phone line has advised them to contact institutions themselves. As an organisation providing Redress Support Services, however, we are unclear if this advice is firstly, universal, secondly if it is a trauma-informed approach and thirdly if it is safe for the client. We suggest that, in many instances, it is not advisable for the survivor to contact the institution directly, and we believe that it is unfair, inappropriate and unreasonable to ask them to do so. Requesting that institutions sign up to the National Redress Scheme should be solely the responsibility of government, and survivors should not be expected or asked to be involved in this process.

In summary, survivors have reported an overwhelming sense of powerlessness on hearing that institutions responsible for sexual abuse perpetrated against them have not signed up to the Scheme, resulting in feeling that they have no control over whether they will be able to apply for Redress. Survivors have reported feeling re-traumatised, as if the institution is abusing them again, by not opting into the Scheme, and taking away their ability to attain Redress for the abuses perpetrated against them.

Recommendation 2: Survivors who suffered abuse at institutions that have not signed up for the National Redress Scheme should not experience any negative impacts on their Redress offer, compared with other survivors who were abused by institutions that have signed up to the Scheme. Secondly, government should be responsible for approaching institutions to sign up to the National Redress Scheme, and clients should not be advised nor expected to be involved in this process. Thirdly, recognising the distress that delays or failures of institutions to sign up to the Scheme cause for survivors, government should, as a matter of urgency, re-double their efforts to compel institutions to sign up to the Scheme, and consider financial or other penalties for those that delay signing up.

3. Issues with Counselling Offered within the National Redress Scheme Compensation

Survivors have raised concerns regarding the limited amount of counselling funding offered after receiving their offer of Redress, and their fears of being left without required support once their funding has been exhausted. Survivors are concerned about the National Redress Scheme's decision-making process, which involves an allocation of a set amount of funding for counselling sessions based on the type of abuse a survivor experienced. This process does not comprehensively consider the impact of the abuse upon survivors' lives, nor does it recognise that the type of abuse experienced has no relationship to the impact of the abuse. For example, an applicant who experienced "exposure abuse" may endure lasting detrimental impacts upon his/her life and need extensive counselling over a substantial number of sessions, however such an applicant would not be eligible for this ongoing support as this type of abuse only qualifies for counselling funding up to the amount of \$1250 under the Scheme.

Recommendation 3: The amount of counselling funding that an applicant is eligible for should not be linked to their type of abuse. Every applicant should be eligible for the maximum amount of funding.

4. Legal Issues Related to the National Redress Scheme

4a. Support During Civil Litigation

We have observed that survivors are being deterred from pursuing a civil litigation process for the abuse perpetrated against them, as there are no Redress Support Services available to support them through the civil route. An absence of such support impacts the ability of survivors to freely decide if the National Redress Scheme, or civil litigation is the best option for them. Survivors are cautious in proceeding with civil litigation due to the lack of support available.

Recommendation 4a: Survivors should be afforded the option of accessing emotional and therapeutic support through a Redress Support Services worker if they decide to pursue civil litigation. In order to meet the needs of this additional client group, Redress Support Services would require increased funding.

4b. Private Lawyers' Fees

A second concern regarding legal issues relates to the private lawyers' fees/settlement policies, which risk taking advantage of survivors, with extremely disturbing instances reported to us by other services and our clients, of private lawyers requiring contracts that allocate large percentages of the survivors' Redress payments to lawyers, should civil litigation be successful.

Recommendation 4b: We would recommend that the Scheme investigates this matter, and takes all steps possible to prevent this from happening in future. Additionally, we recommend that the Scheme increases the distribution of information to ensure all survivors are informed of the supports, choices and rights available to them. We also recommend that the government take steps towards preventing private lawyers from charging whatever fees and settlement arrangement they choose, and instead establish some regulations with limits on fees and settlement percentages paid to lawyers, in order to prevent survivors from exposure to exploitative situations.

5. Issues with the Redress Application Process

5a. Application Length

Survivors have reported that the Redress application is “extremely long” and is a task that is too overwhelming to complete without assistance. Survivors have come to our service having completed their Redress application independently, and express feelings of shock at experiencing such significant negative psychological after completing the form. With one institution, the form is 44 pages long, and with additional institutions, the length increases. While Redress Support Services are available, some survivors do choose to complete the application independently. We understand the intent of the National Redress Scheme was to provide a less cumbersome and more approachable process for survivors to gain acknowledgement and compensation for the sexual abuses perpetrated against them by institutions. It is positive to see the efforts of DSS in providing and promoting information about Redress Support Services and Knowmore Legal Service within the application form, on the Scheme’s website, and through other marketing avenues. However, we also believe survivors should have the right to choose to complete the application independently, and acknowledge that many survivors are choosing to do so. We therefore believe that the application form should be a more reasonable length, in order to offer survivors a Redress application process that is manageable and that minimises harm as far as is possible.

Recommendation 5a: The National Redress Scheme should review the length of the application form, and wherever possible, shorten it to minimise psychological and emotional harm caused to survivors through enduring an extremely long application completion process.

5b. Application Criteria For ‘Extreme Circumstances’

Redress applications are being assessed, in part, as to whether they meet the criteria for ‘extreme circumstances’. Thus far, the National Redress Scheme has been unable to provide any guidelines as to the definition of ‘extreme circumstances’, resulting in applicants potentially inadvertently omitting information that may be crucial to assessing this point. As a Redress Support Service, we are unable to explain to applicants what “extreme circumstances” means, and therefore we are unable to provide applicants with realistic expectations as to what they can expect when they receive the outcome of their Redress application. This lack of clarity places pressure on survivors to include more extensive information regarding the abuses perpetrated against them, due to fear of their application not qualifying for ‘extreme circumstances’, and consequently, their monetary acknowledgement amount being reduced. Without this clarity, it is difficult to apply the aforementioned trauma-informed approach of minimising exposure to memory recall as much as possible, to decrease re-traumatisation.

Recommendation 5b: The term ‘extreme circumstances’ should be defined and the definition made publicly available.

5c. Applications Relating to Multiple Institutions

Where an applicant has experienced abuse at more than one institution, and one of these institutions has not opted into the Scheme, applicants have two options available to them.

Option one is to apply to the Scheme with all accounts of abuse perpetrated by all institutions, inclusive of institutions that have not signed up to the Scheme. As the monetary acknowledgement amount due to the survivor is divided up based on the type of abuse among the perpetrating institutions, if one institution has not signed up, the portion that institution is required to pay will not be paid to the survivor. In this way, the amount received by the survivor will be reduced if the survivor decided to include an account of the abuse perpetrated by the institution who has not signed up to the Scheme.

Option two is to include on the application form only those institution/s that have opted into the Scheme. This would involve not mentioning any abuse experienced at the institution/s that has not opted in. While the amount due to the survivor through monetary acknowledgement is not reduced, the negative impact of this is to entrench the often-held belief by applicants that they have no opportunity to tell their story, to be heard and to be believed.

Recommendation 5c: Applicants should be able to include in their applications, all institutions where they experienced abuse, and should receive all monetary payments for all abuse, regardless of whether institutions have signed up to the Scheme or not. Government should ensure that this occurs through whatever means necessary, including by compelling the institutions to sign up to the Scheme as detailed in Recommendation 2, and by negotiating an interim payment for survivors and recouping the payments from institutions who have failed to sign up to the Scheme at the time.

6. Issues with the National Redress Scheme Phone Line

We have received reports of survivors' concerns regarding their communications with the National Redress Scheme phone line and case managers. Survivors have stated that they have been dissatisfied with how some of the staff at the National Redress Scheme phone line have engaged with them. In one case, a survivor has informed the Redress Support Services worker of their experience with a staff member of the phone line, who allegedly stated that they did not believe the survivor's experience of sexual abuse to be true.

Recommendation 6: While we understand that these experiences reported to us are subjective in nature, we wonder if it would assist survivors in their experiences if it could be ensured that all National Redress Scheme phone line staff are adequately trained in trauma-informed care, to support appropriate and safe communications with survivors who have suffered from trauma due to sexual abuse perpetrated whilst they were in the care of institutions. There should be clearly communicated and accessible pathways for survivors to share feedback regarding any concerns they may have in relation to National Redress Scheme staff and services, without the fear of their Redress offer being penalised as a result.

7. Issues with the Direct Personal Response Component of the National Redress Scheme

We have received feedback that the process to obtain a Direct Personal Response for survivors is unclear, and what is known about the process can be intimidating for clients. It is our understanding that clients need to contact the institutions themselves in order to request the Direct Personal Response they are entitled to following a successful Redress application. Redress Support Services such as RAV's, may support survivors with this process, however the role of support workers within Redress Support Services is not clearly defined, nor do they have any formalised authority or role to facilitate the process of obtaining a Direct Personal Response being given by an institution.

Overall feedback provided to RAV is that survivors are declining the opportunity for a Direct Personal Response, due to the lack of clarity regarding the process, and the associated fear and overwhelming feelings survivors experience when they contemplate contacting institutions directly themselves. It is also our understanding that the nature of the Direct Personal Response is to be discussed between the survivor and the institution, and decided on in a case-by-case basis. This assumes a degree of empowerment and stability of the survivor, which may be present for some survivors, but considering the traumatic impacts of survivors' childhood sexual abuse, this assumption may be an unrealistic expectation for others.

Recommendation 7: To increase the accessibility of, and safety for survivors, in pursuing a Direct Personal Response, by developing an action plan based on a consultation process with survivors about their concerns and experiences related to Direct Personal Responses. Changes to the Direct Personal Response process could include formalisation of the role of a professional service, either within DSS or as part of the Redress Support Services, to enable assigned professionals to contact institutions and act as representatives/advocates for survivors, if survivors request such support. Formalised guidelines as to the expectations of institutions regarding what Direct Personal Responses may or should include, would also support more formalised discussions between survivors or survivor representatives/advocates, and institutions. These guidelines could present a number of clearly outlined options for how a Direct Personal Response could take place, and a survivor could be given the right to choose the option that best suits them. Institutions would be expected follow these guidelines and options, to ensure Direct Personal Responses occur in a safe, ethical, and meaningful manner.

What is Working with the Redress Scheme

While most of our clients are still in the process of completing and / or submitting Redress applications, or are waiting for their outcomes, to date, we have had several clients who have received Redress outcomes. Each of these clients have been pleased with the outcome of their application and have experienced feelings of validation and acknowledgement from both the government and the institutions responsible for the childhood sexual abuse they suffered. Additionally, for several clients, the experience of the DSS National Redress Scheme in providing a formal avenue to be heard and acknowledged has been a positive and healing experience. The process of being asked about their experiences, and being heard, can be a powerful and edifying experience for survivors, and in and of itself, can provide some sense of compensation for the years and decades of not being believed, understood, and having the impacts of abuses perpetrated minimised.

We would also like to acknowledge the positive impact of the decision of the DSS National Redress Scheme to fund Redress Support Services, to assist people throughout the Redress application process. Our specific Relationships Australia Victoria Redress Support Services have resulted in significant positive outcomes for the survivors we support.

We have established strong therapeutic rapport and trust with survivors we work with, and these relationships have allowed us to facilitate increased emotional and psychological safety for survivors while they are completing Redress applications. Our service takes a trauma-informed approach, founded on the three stages of trauma-recovery. While appreciating the remarkable resilience and strength of the survivors we support, we also understand that due to the complexity and severity of traumatic experiences, clients often come to our service distressed and in significant emotional and psychological pain. We see our role as collaborating with the client to pace the Redress application process as per the clients' needs, and to also, as much as possible, minimise exposure caused by re-telling traumatic stories while simultaneously fulfilling the requirements of the application process.

We are happy to share that the survivors we work with have reported feeling supported by, and safe in our service, and having had positive experiences in their engagement with our service. This has assisted them to find the courage to deal with the National Redress Scheme application process.

Specifically, from 63 client surveys completed throughout the duration of our Redress Support Services;

- 93 per cent of our clients have reported they felt listened to and understood by our service;
- 90 per cent of clients felt they are now better able to deal with issues that they sought help with as a result of our service support;
- 93 per cent felt they worked on and talked about what they wanted to work on and talk about; and
- 95 per cent of clients stated they felt satisfied with the service.

In summary, whilst we are suggesting that a number of areas could be improved now that the Scheme has been in operation for some time, providing an opportunity for feedback and review, we acknowledge the good intent of the Scheme, and some very positive outcomes to which we have been witness.

We are mindful that there are many thousands of people who have not yet chosen to pursue Redress and we look forward to being involved in any way that leads to greater knowledge of, and feelings of safety about, accessing the National Redress Scheme, and ultimately healing and recovery for survivors.