

The Royal Commission into Institutional Responses to Child Sexual Abuse: Institutional Cultures, Policy Frameworks and Social Change

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Introduction

The Royal Commission into Institutional Responses to Child Sexual Abuse (2013-2017) is a landmark public inquiry. It was established amid growing concern about child sexual exploitation and associated organisational cover-ups, and followed intense lobbying by survivor groups and increasing recognition of the traumatic effects of abuse in childhood. Through its investigations, the Royal Commission has laid bare the reality of child sexual abuse in institutional settings and challenged how organisations operate. It has exerted considerable influence on public discourse, policy, legislation and child safe practices in Australia, and has shaped directions of similar inquiries internationally.

This paper is the outcome of a Workshop supported by the Academy of the Social Sciences in Australia in conjunction with La Trobe University, held in April 2017. The aim of this Workshop was to explore the background to the Royal Commission, its social, cultural and historical significance, and the role of the social sciences in building its knowledge base and in understanding its legislative, policy and justice implications. It brought together academics from a variety of disciplines (criminology, history, law, legal studies, social work and sociology), research staff from the Royal Commission, and legal practitioners and survivor advocates, providing a valuable opportunity for knowledge exchange between stakeholder and researcher agendas.

The Workshop took place as the Royal Commission had reached the end of the public hearing component of its work. It was thus timely to reflect on its activities and critically assess its social, cultural, legal, historical and policy implications. The Workshop was organised around key themes, summarised below, and raised important questions about the focus, both in Australia and internationally, on institutional child abuse, public inquiries, historical injustices, the role of research and the contribution of the social sciences, and the ways in which institutions can be made safer places for children in the future.

Childhood, historical abuse and redress

The Workshop began with an opening plenary. Professor Shurlee Swain FASSA surveyed the long history of institutions for children and of the existence of abuse within them. By examining the ‘othering’ of children in need of care, the function such institutions were designed to perform and the forms and structures devised to achieve those purposes, she showed that abuse was all too often not simply inherent within institutions, but essential to their operation.

Turning to questions of justice and redress for past abuse, Professor Kathleen Daly FASSA noted that the Royal Commission is the first instance of a body established to investigate and make redress recommendations for institutional abuse of children in both ‘closed’ (e.g. residential care) and ‘open’ settings (e.g. schools and religious organisations). She argued that merging these two adult survivor groups (‘care leavers’ and ‘non-care leavers’), ignores the historical specificity of institutional abuse and undermines equitable redress.

Responding to the plenary papers, Professor Mark Finnane FASSA drew attention to the role of the social sciences in the work of inquiries, in understanding their vexed and contested nature and in the law of unintended consequences. Many institutions were established with positive ambitions, yet too often these fell apart. A key question arising in discussion, which will become clearer in time, is what it is about our historical moment that reduced the focus of this inquiry to sexual abuse, when there have been so many other forms of institutional abuse.

Public inquiries, social policy and cultural change

The first panel began with Dr Katie Wright discussing the forms, functions and purposes of historical institutional abuse inquiries. She noted key functions of redress, policy change and legislative reform, but also aspects often overlooked, including an inquiry's role in knowledge production and the part it plays in social and cultural shifts. She argued that understanding the complexity of the inquiry mechanism, its inherent tensions and its intrinsic effects, is crucial to evaluating inquiry outcomes.

Dr Lisa Featherstone then charted shifts in public consciousness in the 1970s and 1980s around child sexual assault, particularly new understandings of psychological harm. During the 1970s second wave feminists exposed and articulated the impact of sexual abuse, noting that trauma could be deep and long lasting, while the 1980s saw rising public recognition about the dangers of sexual violence against children. Yet despite changes in social and cultural views, improvements for child victims were slow to filter through to the criminal justice system.

Turning to the Royal Commission, Mr Frank Golding explored the disillusionment felt by 'care leavers', many of whom were excluded from its terms of reference. He argued that the terms of reference were both too broad and too narrow, encompassing institutions never before the subject of official inquiries, yet focusing on sexual abuse only. While the Royal Commission will benefit child safety, questions remain for care leavers who suffered other forms of abuse, rendering the proposed national independent redress scheme problematic.

Authority, bureaucracy and religion

The second panel drew on Royal Commission case studies to explore and analyse religious organisations. Employing critical theories of organisations, Dr Michael Salter explored why child sexual abuse is a frequent correlate of male authority. Focusing on allegations of abuse in the Anglican Diocese of Newcastle, he argued that rationalised structures of governance facilitated rather than inhibited child sexual abuse, contesting the assumption that institutional abuse represents paedophilic 'infiltration' of otherwise neutral organisations.

Continuing the exploration of faith based organisations, Dr Kathleen McPhillips explored the issue of spiritual trauma which emerged through many Royal Commission hearings. Defining it as a form of personal disturbance caused by sexual abuse mediated through the institutional prism of religiosity, she argued that the Royal Commission had facilitated new understandings of spiritual abuse, that redress should be expanded to include this form of trauma, and that further research is required to understand its nature and impact.

Research agendas in the field of institutional abuse

Day two began with a presentation by Mr Andrew Anderson, Research Manager for the Royal Commission. He noted that research was identified early as a central issue for the inquiry's findings and recommendations, thus establishing a new role for research in inquiries. While the primary purpose of research has been to inform the terms of reference, the research agenda was

also designed to contribute world class research to the international evidence base, to facilitate knowledge dissemination and lay the foundation for future research in child safety.

The next two papers reported on contracted research undertaken for the Royal Commission. Professor Judy Cashmore examined patterns of timely and delayed reporting of child sexual abuse and the likelihood of legal action commencing. Drawing on crime statistics in two states, the longest delays involved alleged perpetrators in positions of authority, with male victims reporting later than females. Similarities between states included the influence of inquiries on reporting rates. Yet there were also differences in how reporting delays affected prosecutions.

Dr Tamara Blakemore presented results of a rapid review of data on the impacts of institutional abuse on victims/survivors. Consistent with abuse in other settings, institutional child sexual abuse is associated with numerous, pervasive impacts on psychological, physical, social, educative and economic wellbeing. Studies suggest that it may also be associated with distinct and discernible impacts on spiritual wellbeing and with vicarious trauma at the individual, family and community levels.

Law, rights, advocacy and redress

This panel began with Dr Judy Courtin discussing how victims of Catholic clergy sex crimes face significant legal impediments in their attempts to seek justice. She noted that the Catholic Church and the legal system are set up such that all too often the Church and its offenders are protected at the expense of the victim, thus corralling victims into the Church's internal complaints processes in the search for justice. Her research demonstrates that justice is not being delivered, and most victims suffer additional psychological harm.

In the next presentation, Ms Nicola Ellis discussed the trauma informed non-adversarial legal practice she developed with Mr John Ellis to support survivors of child sexual abuse to hold institutions accountable in ways that prioritise dignity, respect, and re-integration, while minimising re-traumatisation. This alternate therapeutic pathway is not curtailed by technical legal barriers to justice but rather advocates for a client-focused response in which survivors are heard, believed and experience a positive connection with the institution.

The issue of institutional criminal accountability was then explored by Mr Peter Gogarty. He noted that it has proven difficult to prosecute those who have concealed offences. He discussed the case of an Adelaide Archbishop, the most senior Catholic in the world to be charged with this crime, noting that the matter remains the subject of protracted legal argument. A way forward, he suggested, was the creation of an International Criminal Court under the auspices of the United Nations so that officials could be charged with Crimes Against Humanity.

Creating better futures

The final panel session of the Workshop turned to questions of improving child safety. Professorial Fellow to the Royal Commission, Professor Leah Bromfield, discussed future directions for the field. The Royal Commission has rapidly advanced research, through more than 100 distinct projects undertaken with over 70 academic consortia from more than 30 universities across three countries. Yet critical research gaps remain. It is hoped that initial exploratory studies might be extended to build on the evidence-base of institutional abuse.

Reporting on research conducted for the Royal Commission, Dr Tim Moore presented findings from three participatory studies with children and young people. He noted that while the Royal

Commission has set in train welcomed approaches to identify and respond to child sexual abuse, many concerns held by children and young people about safety have not been fully explored. He argued that the development of child-informed policy and practice requires greater involvement of children and young people in research.

In the final presentation, Dr Cathy Kezelman looked beyond the Royal Commission to the broader issue of childhood trauma and policy strategies for the future. She suggested that the stigma, taboo and trauma related to abuse, neglect and violence in the home is the next frontier. What is needed, she argued, is a better understanding of complex, compounded and unresolved trauma as a public health issue, and the systematic embedding of trauma informed and therapeutic practice approaches across services.

The social sciences and the Royal Commission

The centrality of the social sciences to the Royal Commission's work was a theme that ran throughout the Workshop, evident in presentations and in wider discussions amongst attendees. Papers underscored the importance of social science knowledge in providing frameworks for understanding the Royal Commission, its knowledge base and the research projects it contracted, its policy and legislative implications, and in a range of complex issues related to this major public inquiry, including analysis of its wider social and cultural significance.

This was evident in the various disciplinary approaches employed and in the breadth of topics covered. Topics included experiences of victims and survivors; commonalities and differences in forms of victimisation; historical contexts which rendered some children more vulnerable to abuse than others; institutional conditions facilitating abuse; the functions of inquiries in creating new knowledge, legitimising victim experience and fostering community discussion; the complexity of trauma and the identification of new forms, including trauma arising from spiritual abuse; and the many challenges facing survivor groups, including achieving justice.

The relevance and role of the social sciences was also canvassed during roundtable sessions held at the end of each day. They were an important component of the Workshop, designed to provide focused reflections upon key points raised through papers and discussion, and to draw together and build on important themes. The roundtables began with commentaries by three participants before discussion was opened up to the wider group. While space does not permit a full analysis of the depth and wide-ranging discussion, the key issues canvassed in relation to the social sciences are summarised below.

Importantly, the Workshop reflected the social sciences in action, illustrating their profound relevance to a major social issue of our time – institutional child sexual abuse – through generating research to better understand this form of victimisation and its history, how it has flourished, the depth and complexity of its effects, how it can be better prevented, how children can be made safer, and the ways in which abuse can be better responded to and redressed when it does occur. The social sciences have also been critical to informing ongoing public debate and in providing critical analysis of the Royal Commission and its work and the responses of governments and institutions to its emerging findings and recommendations.

As the Royal Commission was established with research as one of its central pillars, it has directly generated considerable new knowledge and it has been a stimulus for research and innovation in practice more widely. Its work will feed into ongoing discussions about evidence based and trauma informed practice. However, the challenge is to ensure that this work continues once the inquiry has concluded. Indeed, despite the considerable achievements of the

Royal Commission, there are precedents that serve as dire warnings as to what can happen to the findings and innovations that arise out of inquiries when there is a lack of commitment and political will, or when advocate groups are unable to keep the issues in the public eye.

There were important discussions about ethics and research, including the delicate issue of the extent to which victims and survivors need to be protected and/or enabled, particularly when structures devoted to protect people may function to silence them. The participation of survivors was a critical issue that arose during the Workshop. Survivor advocates stressed the importance of participating in discussions that affect them, being involved in research and shaping policy rather than merely being subject to it. Researchers likewise affirmed the value of survivor participation and its importance in strengthening research.

The Royal Commission has generated highly valuable material and resources, particularly through its powers of subpoena, and ongoing access to that material was the subject of much discussion. The importance of the Royal Commission developing a robust archiving and accessing strategy was identified as a critical issue. It was agreed that considerable thought and investment is required to ensure continued access in ways that safeguard the integrity of confidential materials and the conditions under which they were created. It was also suggested that consideration be given to training archival staff in trauma informed practice.

Perhaps the key challenge identified was how to continue the work across many domains that has been set in train by the Royal Commission. How can the momentum be maintained once the inquiry has concluded? Again, a crucial role for the social sciences was identified. There is ample opportunity to build upon and extend the research base of the Royal Commission. There is also an important role for the social sciences in monitoring and evaluating implementation of recommendations, from the national redress scheme to legislative and policy reform.

Finally, it was recognised as critically important that issues of out-of-home care today are kept on the agenda. Notwithstanding critiques about the narrow focus on sexual abuse and the implications of this, there has been much progress made in acknowledging past forms of abuse. However, children and young people in out-of-home care today are too often surviving rather than thriving. Improving conditions for these young people remains a key challenge.

Conclusion

The Royal Commission and the nation's significant investment in its work represents critical acknowledgement of the tremendous injustices inflicted against children in a range of organisational contexts. Institutional child abuse is a social failure that has resulted in considerable psychological, social, economic and spiritual impacts for many Australians.

A critical theme that emerged throughout the Workshop was the courage and persistence of survivors. It was noted that much of what is now known is because of survivors, who have been the whistle-blowers, the advocates, the people who have been willing to tell their stories to inquiries, who have participated in research projects and become researchers themselves. Their bravery, persistence and the importance of their role was acknowledged by the group.

Participants brought a distinctive range of skills, knowledge and expertise, that generated important insights and complex understandings of this landmark public inquiry. The Workshop affirmed the importance of bringing together researchers from a range of disciplines, Royal Commission staff, survivor advocates and legal practitioners, to take part in challenging, in-

depth and focused discussions. The opportunity for knowledge exchange that the Workshop provided was widely acknowledged as highly valuable.

Two journal special issues drawing on the Workshop will be guest edited by the convenors with contributions from participants. A special issue of the international journal *Child Abuse & Neglect* will include articles drawing on research contracted by the Royal Commission, articles reflecting on the Royal Commission and related matters, and commentaries by international experts. A special issue of the *Journal of Australian Studies* will contain articles that provide an insight into the work of the Royal Commission, its historical context, its social and cultural significance, and its implications for justice.

A key theme that emerged was the importance of the social sciences in ensuring that the Royal Commission has an enduring legacy and that its contribution to knowledge and Australian society is not lost once the work of the inquiry has concluded.

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