



# Response to Discussion Paper

Victorian Aboriginal Child Care Agency

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## Introduction

The Victorian Aboriginal Child Care Agency (VACCA) is the lead Aboriginal child welfare organisation and the largest provider of Aboriginal family violence services in Victoria. Our Purpose is to support culturally strong, safe and thriving Aboriginal communities progressing towards our shared vision of Aboriginal self-determination – Live, Experience, Be.

VACCA welcomes the opportunity to provide feedback on the National Redress Scheme's Direct Personal Response (DPR) Consultation Paper.

VACCA's feedback is based on our unique position as a Victorian Aboriginal Community Controlled Organisation (ACCO) providing a suite of services across the state supporting children, young people, families and community members. We have protected and promoted the rights of Aboriginal children and families for over 40 years. We are committed to promoting and upholding the rights of Aboriginal children to maintain and celebrate their identity and culture, recognising that connection to culture is critical for children's emotional, physical and spiritual wellbeing.

VACCA believes that all children have a right to feel and be safe and live in an environment that is free from abuse, neglect and violence. We also believe that any abuse suffered by children while in the care of VACCA is totally unacceptable. We acknowledge the harm done to people who have experienced institutional child sexual abuse. We support the establishment of the National Redress Scheme and its work to provide redress to survivors. VACCA runs a reunification serve for Stolen Generations, Link-Up Victoria, as well as Ngarra Jarra Noun our Redress Support Service.

## Recommendations

VACCA provides the following recommendations to DSS:

1. For the DPR Framework be updated to allow eligible survivors to change their mind and opt-in for a DPR after they have accepted their offer and prior to the NRS' sunset day.
2. For ACCOs who are participating institutions to receive DSS funding to ensure they can provide culturally safe, trauma informed DPRs on Country for survivors and their family members.
3. For Ngarra Jarra Noun to be resourced to develop and deliver resources and training to Victorian participating institutions, including government departments, and professional facilitators to ensure that provide culturally safe and trauma informed DPRs.
4. For each reporting indicator that institutions are required to report on to include the number and percentage of Aboriginal applicants, as well as the total number of applicants.
5. That the DPR process be renamed, it is a bureaucratic term that is meaningless to survivors. The process should be named for the intent of the outcome (apology, healing) rather than the process itself.
6. VACCA seeks assurances from NRS that there are alternate Aboriginal led culturally safe, trauma informed supports available to all Aboriginal survivors of institutional sexual abuse; this ensures their right to self-determination is upheld so they have a choice of RSS and where Ngarra Jarra Noun cannot provide support due to the survivor seeking redress from VACCA.



## Feedback

VACCA provides the Aboriginal Redress Support Service; Ngarra Jarra Noun (NJN), as well as the only ACCO who is a participating institution in the National Redress Scheme (NRS). VACCA is therefore well placed to identify barriers to engagement around the Direct Personal Response process, as we have done so ever since the establishment of the scheme in 2018 and preceding this from our engagement and advocacy throughout the Royal Commission into Institutional Responses to Sexual Abuse's Inquiry. Our feedback is based on our experience and engagement in the scheme through both avenues, as well as our advocacy for the rights of Aboriginal survivors of institutional sexual abuse to seek just and healing redress.

We understand the intent of the DPR process as being one of the three elements of redress available under the NRS and needs to be a survivor led process that is “sincere, genuine and respectful,” and one that intends to “do not further harm”. Even so, VACCA would contend that the current DPR process is not culturally safe, nor trauma informed.

VACCA's experience is that a direct personal response done meaningfully and genuinely in a trauma-informed and culturally-informed way can be an important part of a survivor's healing journey. Done poorly, a direct personal response can add to survivors' pain and betrayal. An ill-considered direct personal response has the potential to be more damaging than receiving no direct personal response at all.

Institutions, and the boards and leaders of institutions need to undertake professional development, culturally respectful training and cultural change required to ensure institutions are both prepared and able to deliver apologies that are led by survivors' needs, expectations and preferences.

### **About Ngarra Jarra Noun**

Ngarra Jarra Noun, which means ‘remedy heal’ in Woiwurrung, is VACCA's statewide program supporting Aboriginal survivors of institutional sexual abuse to access and apply for redress through the National Redress Scheme. The team's approach to supporting survivors on their redress journey is therapeutic and trauma informed. Workers have built trust and respect with the clients, to which they have reflected that they feel supported, heard and culturally safe during the entire redress process. Intensive support in sourcing and documenting evidence alongside emotional support is critical to ensure the best possible outcome for the survivor. 99 percent of clients have disabilities as a result of their abuse; this can pose a barrier in their ability to tell their story. We know that their redress journey is also an opportunity for healing.

Over the past year Ngarra Jarra Noun has supported:

- 74 people seeking redress
- 6 Redress Clients successfully received an outcome, they all received the maximum amount they were eligible for
- 12 have finalised the process and are receiving ongoing support from our service through the Restore program
- 23 are in the application stage. They may need to provide further information or may be awaiting an outcome
- 7 people have chosen to pursue civil action. We do not receive funding for the support we provide to these survivors.
- 5 Royal Commission clients to reach successful outcomes for redress via civil litigation
- 18 Restore Clients through providing ongoing counselling and cultural healing
- 17 people began the intake and information gathering stage whilst incarcerated. They are unable to apply for Redress while incarcerated.

None of the survivors that NJN has supported since the establishment of the NRS have chosen to have a DPR. However, there are two current claimants waiting for their assessment to be completed who

have sought a written response from the responsible institution and requested for their DPR take place on Country from where they were forcibly removed as a child.

Our feedback on the action areas below seeks to highlight our concerns with the current DPR process and our recommendations on how to improve the uptake of DPRs ensuring they are culturally safe, and trauma informed.

### Action Area 1

Identifying and removing barriers (legislative or otherwise) to allow facilitation of a direct personal response by someone other than the survivor.

**OPTION 1.1: Change the current default arrangement, whereby an applicant is required to indicate their interest (opt-in) to receive a DPR from the responsible institution/s as part of their Acceptance Document.**

- This change would mean that all applicants that are eligible for DPR in their offer of redress would automatically be recorded as accepting the DPR component of their offer unless they elected to opt-out of this in their Acceptance Document.
- The applicant would never be obligated to follow through with the DPR if this was not their preference, and would always maintain the right to choose and control progressing with a DPR. However, this change would, mean that the option of DPR would always be available to an applicant should they wish to pursue it.

#### 1.1 VACCA Response

- Whilst this option seeks to ensure that any applicants eligible can access DPR, there is a risk that the intent of a survivor led DPR is overlooked in the proposed process. In this proposal all survivors would be eligible to access DPR as part of their offer of redress, however their choice, and therefore self-determination has been taken away. This approach will not address the issues facing the DPR process itself, it will only increase the statistics of survivors eligible to access the DPR.
- The DPR must be survivor led, survivors must also be supported to make decisions about the kind of redress they are seeking, and there needs to be assurances that the DPR process will be trauma informed and culturally safe.
- A survivor led solution, where the principle of self-determination is embedded, is to revise the DPR Framework to allow eligible survivors to change their mind and opt-in for a DPR after they have accepted their offer and prior to the NRS' sunset day<sup>1</sup>. This allows time for supportive discussions with an appropriate support person or RSS, such as Ngarra Jarra Noun, about the benefits or concerns with participation in the scheme and what provisions are available to ensure the DPR they receive is trauma informed and culturally safe.

**OPTION 1.2: Update the Scheme's Notice of Acceptance, where an applicant is eligible for DPR, to ask applicants additional questions about DPR, including asking the applicant if they agree to:**

1. the institution contacting the applicant to commence the DPR process
2. a third party contacting the institution on the applicant's behalf to commence the DPR process, specifying the name of the third party

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<sup>1</sup> As per s193(1) of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Vic) the sunset of scheme is the tenth anniversary of the scheme start day.

3. provide their preference on the format of DPR they are seeking:
  - Direct – for example, a face-to-face meeting
  - Indirect – for example, a letter
  - a combination of Direct and Indirect DPR
  - an option for the applicant to indicate that they are not yet ready to identify their preferred DPP format.

To ensure that applicant expectations are managed appropriately, the Notice of Acceptance would need to include a statement that the responsible institution may not be able to provide a DPR that exactly aligns with the applicant’s preference.

## 1.2 VACCA Response

- In regard to this proposed option VACCA is concerned that the survivor may not wish to be contacted by the institution, so it must be made clear how they can opt-in for DPR without fear of unwanted contact from the institution or contact before they are ready.
- All third parties need to be trained to respond to and support Aboriginal applicants in a culturally-safe manner. VACCA recommends that Ngarra Jarra Noun be resourced by the scheme to develop and provide mandatory training to any third parties who would be working with Aboriginal survivors.
- VACCA contends that the survivor should be able to change their preference for the format of DPR they are seeking after this point in time in the process.
- VACCA requests consideration is given to include additional information including the option for the survivor to nominate who else they would like included in the DPR, for example their parents and/or child(ren). Their inclusion would acknowledge the impact of intergenerational trauma and need for collective healing.
- Secondly a question could be posed for consideration of the survivor about where Aboriginal applicants would like the DPR to take place. In VACCAs experience having a DPR in a place of significance to the survivor, such as on Country from where they were first removed, holds far greater significance and opportunity for healing rather than in the institution itself.
- Currently when a DPR is being arranged the responsible institution must consider the survivor’s “suitability and readiness for engagement”. VACCA would contend that careful consideration needs to be given to the suitability of the apology and the person providing the apology rather than making this about the survivor’s “suitability”. Similarly, careful consideration needs to be given as to how the institution engages with survivors and ensure that this is trauma-informed and culturally-informed rather than only considering the survivor’s “readiness for engagement”.

**OPTION 1.3: Provide a course of action whereby the Scheme Operator issues a written acknowledgement of the survivor’s experience, providing a symbolic gesture that may support transformative healing for the applicant.**

**If implemented, the letter would be developed in consultation with the Scheme’s Redress Support Services to ensure it aligns with trauma-informed principles.**

This alternative option aligns with point 6 of the Royal Commission’s Civil Litigation Report, which identified that: *“Those who operate a redress scheme should offer to facilitate the provision of a written apology, a written acknowledgement and/or a written assurance of steps taken to protect against further abuse for survivors who seek these forms of direct personal response but who do not wish to have any further contact with the institution.”*

This approach would only be applied in instances where:



1. The responsible institution is a participating government institution and is the funder of last resort for a defunct institution, and the applicant is therefore not eligible for a DPR from the participating government institution.
2. An applicant did not accept a DPR in their Acceptance document, and later changes their mind. For example, where the applicant did not fully understand the DPR process at the time of accepting their offer and the institution declines to provide an outside-of-Scheme DPR.
3. Where a participating institution refuses to provide DPR, despite their legislative obligations to do so. Note that the Scheme encourages an institution to fulfil its obligations in a trauma informed manner, but does not have a compliance role.

1.3.1 Alternatively, the Scheme could consider the provision of a letter, as routine practice to all Scheme applicants, recognising and acknowledging the survivor's experience and providing a formal apology that the abuse occurred.

### 1.3 VACCA Response:

- VACCA strongly contends that this option is not an acceptable alternative for Aboriginal survivors. Participating institutions must be accountable to those that have been abused and this means that the applicant must have the opportunity to hear directly from the institution responsible should they wish to do and so, and presuming the institution is not defunct.

### **OPTION 1.4: Changing the current arrangement, whereby the applicant is the point of first contact to reach out to the institution to commence the DPR process, to include an alternate first point of contact:**

- The applicant contacting a central point within the Scheme to advise their readiness to start the DPR process with the institution. The Scheme would then take steps to put the applicant in direct contact with the relevant contact in the institution, but would not play a role in acting as the intermediary between the applicant and the institution, or participate in the DPR.
- The applicant liaising with one of the Scheme's RSS or Counselling and Psychological Support providers to advise their readiness to start the DPR process with the institution. The RSS then acts as the intermediary between the applicant and the institution to organise the DPR - and supports the applicant across the DPR process. This could include the RSS participating in the DPR, where this is the applicant's express preference.

### 1.4 VACCA Response:

- Whilst an alternate point of first contact is welcome, given significant adverse experiences for both individuals and community with government, it is likely that many Aboriginal survivors will not want to or not feel comfortable to contact a government worker to notify that they are ready to start the DPR process.
- A holistic trauma informed approach could ensure that survivor will have an RSS support worker to contact the institution or government focal point to start the DPR process.
- Ngarra Jarra Noun currently proactively encourages and supports applicants to engage with the DPR process as a critical part of healing and way to hold government and institutions accountable. Ngarra Jarra Noun should be resourced to support Aboriginal survivors in the DPR process, including leading conversations with the institutions at the direction of survivors, as well as supporting survivors in lead up to, during and following DPR. This would ensure that the process is only initiated at the survivor's direction, and that they have adequate support and knowledge to do so.



**OPTION 1.5: Are there other alternate options not considered above under Action Area 1, which are achievable within the scope and intent of the Scheme?**

**1.5 VACCA Response**

- In VACCAs submission to the Joint Select Committee’s Inquiry on the Royal Commission into Institutional Responses to Child Sexual Abuse – Oversight of redress related recommendations in August 2018 we stated that an ill-considered direct personal response has the potential to be more damaging than receiving no direct personal response at all. VACCA recommends that Ngarra Jarra Noun be resourced to provide holistic support to Aboriginal survivors, specifically regarding DPR; so that survivors feel supported before during and after undertaking a DPR.
- VACCA believes that that DPRs for Aboriginal community members should be offered on Country. It is critical that DPRs for Aboriginal survivors can be conducted outside of the responsible institution, at the survivors discretion, so as to not further traumatise survivors and instead by on the Country of the survivor, so they can be connected to their family, culture, community and land as part of their healing journey. To acknowledge and address the impact of abuse beyond the individual, including intergenerational trauma, and the subsequent need for healing to be inclusive of an individual’s family and community, survivors should have the option to include other impacted persons such as their siblings, parents and children in the DPR.
- We understand that as per s11(1)(d) responsible institutions are responsible for all DPR costs, however we firmly believe that the NRS should not hold ACCOs and Government Departments equally responsible where institutional abuse took place for Aboriginal children and young people. It is an injustice if ACCOs are deemed equally responsible, and the repercussions of racist, violent and dehumanising government policies are not understood in the full context. The government must be held to greater responsibility, and VACCA strongly contends that not only should a lower level of responsibility be established to better reflect the nature of ACCOs involvement with supporting Aboriginal children, young people and families, and they should receive adequate funding to provide trauma informed holistic DPRs on Country. As an indication of potential cost for on Country DPR, reunions cost Link-Up Victoria anywhere between \$2-10,000, depending on location, numbers of family members involved and so on. VACCA would be happy to provide cost modelling details of the Link-Up Victoria program.
- VACCA recommends that the language of the DPR should be reviewed as we strongly believe that the term DPR is causing an unnecessary barrier in uptake for the process itself. Community members are seeking an apology, and the term DPR is perceived as evasive and meaningless. Given that the guiding principle of the DPR is for “meaningful recognition of the institution’s responsibility by way of a statement of apology, acknowledgement or regret<sup>2</sup>, the term for this aspect of redress needs to be better reflective of the outcome, not just the process.
- There is also an enormous difference between an apology and a statement of acknowledgement or regret. Particularly for Aboriginal survivors, not receiving an apology but rather a statement of acknowledgement or regret will be deeply hurtful and potentially re-traumatising. Survivors need to be informed before engaging in a DPR from an institution whether this response will be in the form of an apology or only a statement of acknowledgement or regret, so that survivors can decide whether to proceed or not.

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<sup>2</sup> National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Vic), s56(1).

- DPRs need to provide culturally safe avenues for responsible institution(s) to take responsibility and show accountability for the harm they caused to an individual, and to apologise for their actions, and inactions, in not protecting this person from abuse. Furthermore, we know from many survivors who gave evidence as part of the Royal Commission that they told their stories in order to ensure that this could not happen to anyone else. As such, a meaningful apology needs to acknowledge the steps undertaken by the institution to protect other o are not adequately reflective of the nature of accountability and responsibility needed by institutions nor the impact of what a meaningful apology can mean for survivors of abuse.

## Action Area 2

Offering better support to survivors by appointing dedicated liaison officers to individual survivors, where requested by the survivor

**OPTION 2.1: Build on the Scheme's current Service Delivery model (communication with the applicant verbally via the: Outbound Acknowledgement Call; Outcome Determination Call; and during inbound phone enquiries) to deliver improved front-end induction of an applicant, by providing earlier access to information aimed at supporting an understanding DPR.**

This solution would include enhanced messaging across the applicant journey, for example:

- information about the associated benefits (transformational outcomes and healing) of DPR
- plain English explanation of the DPR process, and referral to the [Translating and Interpreting Service \(TIS National\)](#) for applicants with Culturally and Linguistically Diverse communication needs
- responding to applicant requests for alternate format information about DPR (for example to meet specific accessibility or diversity needs)
- managing applicant expectations to ensure they are not given assurances on the format of DPR which potentially cannot be met by the institution
- communicating the support available to applicants to engage in the DPR
- cross referral of applicants to RSS to support the applicant in the DPR process.

### 2.1 VACCA Response

According to the Final Report of the Second Year Review of the NRS, as at 31 December 2020 Aboriginal survivors of institutional sexual abuse made up 29.5 per cent of applications for redress. Aboriginal survivors must be afforded Aboriginal specific support to ensure they can access the NRS in a trauma and culturally informed manner, and yet there is only one Aboriginal led RSS service available to support these survivors. Rather than resourcing additional supports within NRS, VACCA seeks assurances from the NRS that there are alternate Aboriginal led culturally safe, trauma informed supports available to all Aboriginal survivors of institutional sexual abuse; this ensures their right to self-determination is upheld so they have a choice of RSS and where Ngarra Jarra Noun cannot provide support due to the survivor seeking redress from VACCA. Currently in claims where one of the institutions responsible is VACCA, there is no culturally appropriate alternative to Ngarra Jarra Noun where these survivors can access support.

- As the experts in this area, Ngarra Jarra Noun should be funded to provide training to participating institutions, and mainstream RSSs to ensure they provide culturally safe, trauma informed DPRs and support in accessing the NRS more broadly.



**OPTION 2.2: Introduce a new role to the operation of the Scheme to act as dedicated DPR liaison officers for individual survivors that request this support, and provide a more active support role across the applicant journey.**

**There are two models for introducing a dedicated DPR liaison officer role to the Scheme:**

### **2.2.1 Internal dedicated liaison officers (within the Scheme)**

The introduction of a new role within the Scheme, acting as an intermediary between the applicant/their nominee and the institution to organise the logistics of the DPR.

This role would undertake a process similar to that provided under the [Defence Abuse – Restorative Engagement Program \(www.ombudsman.gov.au/ data/assets/pdf file/0021/46920/RE-factsheet-updated.pdf\)](http://www.ombudsman.gov.au/data/assets/pdf_file/0021/46920/RE-factsheet-updated.pdf).

Under this model, the Scheme would provide a dedicated liaison officer (DSS Scheme staff member) to work with applicants to explain the purpose of the DPR and identify what the applicant would like to achieve through participation in a DPR. This may occur over several conversations and may involve discussion of the possible benefits and limitations of the DPR (e.g. costs and reasonable requests).

The liaison officer would discuss applicant motivations and expectations of the process and the steps involved in the process leading up to a DPR, and undertake conversations about participant safety and applicant readiness.

There are obvious benefits with a dedicated liaison officer role being created within the Scheme. These include:

- Applicants may feel more comfortable knowing they can engage with a Scheme staff member that has access to their application so there is no need to retell information. This model may be of particular benefit to applicants that are supported by case coordinators in the Indigenous Service Delivery Section.
- Reduced time to address queries and complaints, with Scheme staff having direct access to institutional information and supporting areas within the Scheme. This offers efficiencies in the resolution and escalation of issues and complaints without the potential security and privacy concerns that could apply to an externally appointed liaison officer.
- The Scheme has established relationships with institutions and has direct access to systems that enable fast identification of institution contacts and escalation points.
- The Scheme's role as DPR Liaison Officer would be complementary to the work of RSS, which already perform some liaison functions with institutions in relation to DPR. For example, to attend as a support person with the applicant during delivery of their DPR, if this is the applicant's preference.

### **2.2 VACCA Response**

- As stated above VACCA recommends that Aboriginal specific RSS' are funded to provide this intensive case management support for survivors throughout their engagement with the NRS. This would ensure that the support provided is culturally safe and trauma informed. If this internal dedicated liaison officer role was established there is greater risk of alienating and disenfranchising Aboriginal survivors for engaging in the NRS as there is significant mistrust and fear held towards government.

**OPTION 2.3: Are there alternate options not considered above under Action Area 2, which are achievable within the scope and intent of the Scheme?**

### **Action Area 3**

The merits of professional facilitation of face-to-face direct personal responses, particularly where there is survivor feedback regarding the quality of the delivery

**OPTION 3.1: That the Australian Government explore an approach to professional facilitation that builds on the model used in the Restorative Engagement Facilitator Services Panel, developed by the Commonwealth Ombudsman, as part of the Defence Abuse – Restorative Engagement Program.**

- This could include an approach to market to develop a similar panel arrangement for state and territory jurisdictions to engage professional facilitators via a fee for service arrangement.
- This option would limit application of use by participating government institutions, due to the nature of the Commonwealth Procurement Rules and the Whole of Australian Government Procurement arrangements applying to Commonwealth entities only. However, it may address some of the supply issues currently experienced with professional facilitators and potentially free up the restorative engagement experts available through organisations like the Australian Association for Restorative Justice, for use by NGIs.

#### **3.1. VACCA Response**

- VACCA supports the need for professional facilitation, particularly in government and NGOs where they may not have the skills to provide a culturally safe, and trauma informed DPR process. However, VACCA requests assurance that this model will be tailored specifically to the needs of Aboriginal survivors, and that the trained facilitators are themselves trained in cultural awareness, or that there are Aboriginal trained facilitators available. Given this model will not be available to VACCA, however survivors where VACCA is jointly responsible with DFFH may be accessing this service, it is critical that this model is appropriate.

**OPTION 3.2: Respective state and territory governments provide linkages to accredited professional facilitators within their jurisdictions on an accessible platform, for NGIs to access. For example, centralised website location.**

#### **3.2. VACCA response**

- It is VACCAs understanding that there are currently very limited accredited Aboriginal professional facilitators promoted through the NRS. So while this option has merit, the suitability of this option for Aboriginal survivors needs greater assurances. Holding professional facilitation qualifications does not promise appropriate levels of cultural safety. This model must ensure that listed DPR facilitators are suitably qualified to work in a culturally safe and trauma informed approach that promotes healing for Aboriginal survivors.
- Ngarra Jarra Noun should be adequately resourced to develop, implement, deliver and evaluate training, resources and support to participating institutions including government departments.

**OPTION 3.3: Are there alternate options not considered above under Action Area 3, which are achievable within the scope and intent of the Scheme?**



## Action Area 4

Enhanced training and educational resources to support institutions, applicants and professional DPR facilitators to increase engagement with DPR and experience the meaningful outcomes associated with the restorative engagement process.

### **OPTION 4.1: Develop enhanced training and educational resources to support institutions, applicants and professional DPR facilitators to increase engagement with DPR, and enable survivors to experience the meaningful outcomes associated with the restorative engagement process.**

Resources would include:

- Development of nationally consistent training resources with critical input from survivors and stakeholders to build their confidence and understanding of the benefits of a DPR.
- Learning modules that:
  - can be delivered live via virtual face-to-face format, as an essential component of engaging with institutions, supported by comprehensive online materials (eLearning) that enable self-paced learning, and refresher training for institution's DPR representatives.
  - address the need for DPR training that exists throughout the life of the Scheme
  - provide nationally consistent information for each of the states and territories
  - meet the need for easily accessible, flexible learning options that allow for just in time and refresher training and address gaps created by staff turnover
  - complement and enhance opportunities for interpersonal engagement and the inclusion of local and institution specific material at face-to-face training
  - support continuity of service and ensure access to quality training during COVID-19 pandemic restrictions
  - address the intersectionality and diversity of applicant needs including with respect to, for example, disability and cultural and linguistic diversity
  - adhere to Aboriginal and Torres Strait Islander self-determination and include consultation with Indigenous peoples.

#### 4.1 VACCA response

- Institutions and any external facilitators should undertake mandatory cultural safety training alongside the DPR training. Ngarra Jarra Noun should be contracted to develop and deliver DPR training specific to the needs of Aboriginal community. This approach would help to ensure that DPR facilitators, and participating institutions would better understand how to appropriately engage with Aboriginal people using a culturally safe, therapeutic and trauma informed approach and support their right to self-determination.
- VACCA is well placed to support this cultural safety training as we have a well developed and experienced training team. In the last financial year VACCAs external training team delivered 122 cultural awareness training workshops to mainstream NGOs and government departments, and our Family Violence Initiatives team has developed Aboriginal specific training modules and tools to support the implementation and adherence to MARAM.

##### 4.1.1 To address specific applicant feedback regarding:

- The need for more clarity on nominee and support person arrangements.
- General lack of information across RSS and for survivors in relation to the DPR process and DPR formats (i.e. face-to-face, written, memorial), complaints/feedback processes (between survivor and institution), and limited or no understanding of the professional facilitation of DPRs by facilitators.
- A general lack of understanding of what guidance information is given to institutions, what their roles and obligations are to deliver safe and effective DPR under the Scheme.
- Provision of more targeted information to help applicants understand the benefits of engaging in DPR, and this would be factored into any new Products.

#### **4.1.1 VACCA Response**

- VACCA agrees that greater clarity, transparency and information needs to be available for the survivor and RSS' about the DPR process and the responsibilities of the participating institutions in delivering a DPR.
- Whilst ensuring flexibility and room for survivor led requests, a suggested format or components for DPR could be included in training and resources to ensure optimal outcome. For example:

- What happened to you?: To ensure that the apology is meaningful and significant, the institution needs to hear, understand, and speak to the applicant's experience. To ensure that this takes place, the facilitator may start the DPR by asking the question 'what happened to you?' and inviting the applicant to share their story to the extent that they feel comfortable and safe to disclose.
- What has changed?: Many survivors reflected in the Royal Commission that they do not want this experience of abuse to happen again to their families and communities. Institutions need to show meaningfully how their practice is safer now – what they have learnt and what has been done to ensure that this never happens again.
- What do you need?: Institutions need to understand what survivors would like in a written apology. To ensure written apologies are meaningful, it would be useful to provide an example of a written apology, including an example of an apology on specifically designed letterhead or artwork that makes the apology a keepsake.

#### **4.1.2 Specialised restorative engagement expertise to develop improved training and support materials:**

- For NGIs – to provide improved guidance on: the importance of professional facilitation, the pathways to access accredited restorative engagement experts (like the Australian Association for Restorative Justice), the value of DPR for both the applicant and the institution, applicant readiness, participant safety, how institutions can deliver culturally appropriate DPR and respond to an applicant's preferences.
- For DPR professional facilitators – to help them develop an understanding of: how restorative engagement practices apply within the context of the Scheme; the diverse nature of the institutions that have joined the Scheme, and the assistance that professional facilitators can offer to institutions with limited financial resources.

#### **4.1.2 VACCA response**

- As raised earlier, the NRS needs to commit to ensuring that the professional facilitators that they recommend have also undertaken cultural awareness training.
- VACCA recommends that Aboriginal specific DPR training be developed for institutions who will be working with Aboriginal survivors, currently the training is very generic and not

tailored to the specific needs and experiences of the Aboriginal community. This generic approach to the DPR training does not prepare institutions to understand the transgenerational trauma Aboriginal peoples suffer due to the impact of invasion, historic policies of forced removal and institutional racism on the rates of Aboriginal children being placed in out of home care. Facilitate referral to culturally specific RSS Narra Jarra Noun who can engage with institutions directly – through general training and/or on specific cases to ensure safe and meaningful DPR.

**4.1.3 To ensure resources are user centric, and include co-design with Scheme Stakeholders, development will comply with the Australian Government’s best practice Digital Service Standard (applicable to both digital and non-digital options). This approach seeks to ensure that resources are complete, accessible, and reflect the whole survivor experience.**

#### **4.1.3 VACCA response**

- It is imperative that ACCOs are involved in the development of resources to ensure they are culturally safe, and relevant to the experiences of Aboriginal community members.

### **Responding to the diverse needs of Aboriginal and Torres Strait Islander applicants**

#### **OPTION 4.2: An appropriately qualified Indigenous organisation would lead the process to:**

- Identify culturally appropriate support for Aboriginal and Torres Strait Islander applicants, including the most appropriate format for delivery of identified supports that enables self-determination for these applicants.
- Consider the barriers facing Aboriginal and Torres Strait Islander applicants’ uptake of DPR in remote localities, and how these differ to the broader barriers faced by first nations people in urban and regional locations.
- Understand available support networks in local communities and the role they can play in assisting indigenous applicants across their applicant journey.
- Identify practical options that are realistically achievable and factor in the needs of both applicant’s and institutions, within the scope of Scheme legislation.
- Identify opportunities to utilise existing Scheme services to support indigenous applicants to engage in the DPR process. For example, the current RSS and Counselling and Psychological Care providers and the DPR liaison officer role under [Action Area 2](#).
- Identify co-design opportunities and appropriate relationships to ensure that Aboriginal and/or Torres Strait Islander survivors have the opportunity to inform development and testing of any options that aim to improve access and uptake of DPR.
- Ensure that options reflect the needs of Aboriginal and Torres Strait Islander applicants and their right to self-determination, and seek to build cultural awareness with institutions as the starting point for them engaging with applicants in the DPR process.

**4.2.1 Align identified actions under Option 4.2 with Outcome 14 of the Commonwealth Closing the Gap Implementation Plan, which requires that Trauma-aware and healing-informed approaches must be tailored for diverse Aboriginal and Torres Strait Islander people. This includes ensuring that actions empower these applicants to determine and control their social and emotional wellbeing outcomes.**



## VACCA Response 4.2

- VACCA would welcome the opportunity to help ensure that the specific needs of Aboriginal survivors are met and their right to redress is upheld. VACCA and our Ngarra Jarra Noun program, as the only funded Aboriginal RSS in Australia, are best placed to lead this consultation process and ensure that the voices of the survivors we have supported are heard and respected.
- VACCA has played a pivotal role in advocating for and supporting the development of the National Agreement on Closing the Gap and the respective national and state-based implementation plans. It is imperative that the NRS align with this strategy and ensure the experience of Aboriginal survivors of institutional sexual abuse's engagement with the NRS is one that supports their healing journey.

## Responding to the needs of Non-government Institutions (NGIs)

### **OPTION 4.4 Ensure that the approach identified under Option 4.1 includes resource development for NGIs that includes:**

1. Guidance for institutions on best practice contact arrangements to ensure that the institution's DPR Contact mechanisms are user friendly and accessible.
2. Specific guidance to help institutions undertake continuity planning for their institution's DPR Contact, including: catering for staff changes, building DPR Training into their organisational on-boarding process and allocating shared mailboxes and phone numbers as opposed to individuals contact details, thereby reducing ongoing need for changes across the life of the Scheme.
3. Supporting discussions with applicants around the benefits of engaging in DPR and how DPR can act a transformative process.
4. Support for institutions to manage an applicant's interaction with the DPR process, where the applicant is homeless or has recently left care.
5. Advice on how to factor in COVID-19 related restrictions and limitations on DPR, whilst also aligning with applicant expectations.

Guidance on options NGIs can consider offering to applicants where financial capacity is limited, or where the DPR contact for the institution has limitations on how they can engage with the process (due to disability, CALD etc.). Complementing this guidance with information on how the institution can have related discussions with applicants without being perceived as disingenuous.

### **VACCA response 4.4**

- As raised earlier Ngarra Jarra Noun should be resourced to help support NGI's, through training and guidance on how to undertake respectful, culturally safe and trauma informed DPRs.

### **OPTION 4.5: While this paper explores the needs of Indigenous applicants, and applicants with disability, in some detail, are there measures that should be considered to ensure the diverse needs of other unique applicant cohorts?**

**For example, to address known barriers that prevent care leavers, child migrants, Culturally and Linguistically Diverse (CALD), and lesbian, gay, bisexual, transgender, queer and intersex applicants from engaging in a DPR?**

### **VACCA Response 4.5**



- There is an intersectionality within the Aboriginal community that is largely ignored when it comes to government engagement. Intersectional identities for community members cannot be dealt with separately, and we know that Aboriginal community have faced and continue to face greater risk of discrimination and abuse when they also have a disability and/or identify as LGBTIQ+. We must work holistically with survivors of abuse in their healing journey.
- Inclusive work practices and support services for all Aboriginal community members is critical. VACCA understands that 99 percent of our Ngarra Jarra Noun clients have a disability. This can significantly impact their ability to engage in the NRS process. Some clients are also members of the LGBTIQ+ community and VACCA has committed to working towards the Rainbow Tick Accreditation so all our staff will have completed LGBTIQ+ Inclusive Practices Training by the end of this year.

**OPTION 4.6: Are there alternate options not considered above under Action Area 5, which are achievable within the scope and intent of the Scheme?**

### Action Area 5

Ongoing feedback mechanisms to encourage the continuous improvement of DPR

**OPTION 5.1 Introduce professional practice workshops for Redress Support Services, to facilitate sharing of DPR good practice, peer to peer learning and improved oversight and improvement of DPR.**

#### 5.1 VACCA response

- VACCA believes this option could be beneficial for RSS', as learning from best practice as well as sharing issues and concerns can build better practice and inform necessary practice reform.
- As part of these professional practice workshops, Ngarra Jarra Noun should be resourced to develop and facilitate training for RSS' regarding how to support Aboriginal applicants navigate the scheme in a manner that is culturally safe and trauma informed.
- These should be ongoing and not one-off training events. Ngarra Jarra Noun could offer a coaching/mentoring service if funded adequately by the scheme.

**OPTION 5.2 Introduce an annual Community of Practice (CoP) forum between key institutional representatives involved with DPR, including representatives from participating government and non-government institutions, to identify and share good practice relating to DPR through peer learning.**

#### 5.2 VACCA response

- VACCA supports this idea. As part of these forums, Ngarra Jarra Noun should be funded to develop and train participating government and non-government institutions on how to provide DPRs that are culturally safe. This should not be one off training, but also have option for ongoing coaching/mentoring to support institutions continue to develop and provide meaningful and culturally sensitive DPR that entail healing not just for individual but also family and community where appropriate. For example, directing apology to the parents and the children of applicant also, acknowledging the intergenerational trauma of the abuse and healing that needs to take place.

- VACCA would be interested in taking part in the CoP and sharing our learnings both from the perspective of a participating institution as well as a RSS provider.

**OPTION 5.3 Continuing to inform the DPR continuous improvement process through the ongoing collection and analysis of key themes of DPR feedback received via:**

- the Inter-jurisdictional Committee
- calls from applicants to the Scheme's Contact Team
- the Scheme's Redress Support Services and Counselling and Psychological Care providers
- dedicated complaints mechanisms
- NGI responses to the DPR Annual Reporting process; and
- the types of questions raised by institutions during the DPR Immersion Training.

**5.3 VACCA Response**

VACCA's Ngarra Jarra Noun program should be engaged consistently to provide feedback to ensure continuous improvement to the DPR process and the NRS more broadly.

**OPTION 5.4 Ongoing analysis and synthesis of applicant feedback gained through the dedicated liaison officer role under Option 2.2.**

**OPTION 5.5 Are there alternate options not considered above under Action Area 5 that are achievable within the scope and intent of the Scheme?**

**Action Area 6**

Ongoing Reporting and oversight of DPR by the Scheme's Inter-jurisdictional Committee (IJC)

**OPTION 6.1 Build system enhancements into the Scheme's existing institutional portal, whereby institutions are required to record updates relating to an applicant's engagement with the DPR process across the year.**

- These system enhancements will:
  - enable automation of DPR reporting by institutions as it occurs
  - ensure that point in time data is available to the Scheme as needed, including for DPR Annual Reporting requirement
  - improve availability of the evidence base that will be used to inform oversight of DPR outcomes as well as policy settings
  - enable point in time analysis of how an applicant's acceptance of DPR translates into the DPR process starting, as well as completion.

**6.1.1 Use the automated DPR data identified under [Solution 6.1](#) to build detailed reports that drill down to specific Scheme applicant demographics, for example, uptake by indigenous applicants and applicants with disability, as well as other diverse applicant cohorts.**

**6.1.2 Development of a report combining the DPR data sets, and provision to the Scheme's Inter-jurisdictional Committee (IJC) on a quarterly basis.**

The quarterly report will include identification of the key themes arising from the data, providing the IJC with improved oversight on DPR related outcomes that enable evaluation of the DPR policy settings and specific areas for improvement.

**OPTION 6.2: Introduce more frequent reporting, utilising current manual reporting processes.**





- In a situation where system enhancements are not possible, consider introducing more frequent, manual reporting:
  - Currently, participating institutions are required to report annually; propose that this be increased to quarterly, to allow the Scheme access to more current data.
  - While this will not provide a system based solution, it will still improve the availability of an evidence base that can be used to inform oversight of DPR outcomes as well as policy settings.

## 6 VACCA Response

- For each reporting indicator that institutions are required to report on, the number and percentage of Aboriginal applicants should be included as well as the total number of applicants. It is important there is accountability and transparency in the extent to which the NRS is meeting the needs of Aboriginal survivors of institutional child sexual abuse.
- It is clear that the current level of data capture and reporting is not adequate in understanding the barriers to access and undertaking the DPR process. Ngarra Jarra Noun has reported that of the eligible survivors they have supported, none have chosen to undertake a DPR. There are currently two claims being considered that have requested a DPR, one in the form of a letter and the other on County from where they were forcibly removed from their families.
- VACCA has consistently advocated to the NRS Scheme for reform. In 2018 when feedback was sought on the Rules, Assessment Framework, Direct Personal Response Framework and Declaration, VACCA detailed that while it was asserted that consultation was undertaken with “key non-government institutions” VACCA was not included, nor was any Aboriginal organisation. This clearly identifies that Aboriginal survivors of institutional abuse were not a priority, and their right to a culturally safe and trauma informed access to redress has been largely ignored. VACCA also articulated concerns about the assessment framework being re-traumatising, and shared serious concern about the exclusion of some types of sexual abuse being excluded from the scheme.
- This appears to be a failure in providing a culturally safe, therapeutic and trauma informed process for the survivor to have their story heard, for them to receive an apology from the responsible institution for the trauma and abuse they have suffered and for there to be a commitment for this never to happen again. How could a system accurately capture that if it itself is an unsafe, abusive and traumatic scheme? This was obviously not the policy intent, but there needs to be critical reflection and immediate reform to ensure that no further harm is done to survivors who choose to seek redress through the scheme. The Yoo-rrook Truth and Justice Commission will become another opportunity for survivors of institutional sexual abuse to share their story, it will be informing to see the impact of their engagement with this scheme as to whether it has supported their healing, or further traumatised them.

For more information, or to arrange a time to discuss our submission in more depth please get in touch with Sarah Gafforini, Director, Office of the CEO on [sarahg@vacca.org](mailto:sarahg@vacca.org).