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Improving responses to allegations involving sexual assault

March 2006

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To

The Honourable the President of Legislative Council

and

The Honourable the Speaker of the Legislative Assembly

This report summarises my conclusions and makes recommendations from a comprehensive enquiry into the important matter of how government agencies, including the Department of Human Services, the Department of Justice, the Department of Education and Training and Victoria Police, respond to allegations involving sexual assault. The enquiry was initiated on my own motion.

The enquiry proceeded against the backdrop of the review of sexual offences undertaken by the Victorian Law Reform Commission (VLRC) and its Final Report issued in 2004. The newly enacted *Crimes (Sexual Offences) Act 2006* reforms a number of aspects of the law and procedure governing sexual offences as recommended by the VLRC.

The VLRC recognised that legislative reform alone could not achieve all of the change required, a view in which I concur. My enquiry has shown that not enough attention has yet been given to broader areas of government administration to reduce the incidence of sexual assault and to support those who experience it. This is the focus of my report.

The enquiry found:

- inconsistent understanding of mandatory or other reporting requirements;
- differences in the way government agencies categorise and collect information;
- difficulties in identifying offending patterns and systemic issues;
- a lack of formal inter-agency liaison processes;
- process issues in agencies with employees accused of sexual assault;
- a lack of uniform vetting of employees working with vulnerable people;
- limited specialist training for agency employees responding to reports of sexual assault;
- deficiencies in some aspects of police practice relating to sexual assault investigations; and
- significant lack of understanding within the community about sexual assault.

The recommendations contained in this report are an agenda for further action to address these issues and to establish administrative arrangements that will:

- provide environments that discourage sexual assault;
- encourage early reporting of sexual assault; and
- give early access to support services necessary for the long-term recovery of victims from the mental and physical harm caused by such assaults.

The conduct of this enquiry has involved extensive consultation. A discussion paper was issued and a consultative forum convened in February 2005 to canvass the issues which had emerged. The information and insights provided by individuals, agency representatives, service providers and key interest groups have been valuable and greatly assisted in developing the recommendations for reform which are set out in this report.

A number of initiatives have been implemented by the various agencies since my enquiry commenced. Agencies currently have in place many practices which aim to improve the response to allegations involving sexual assault. I commend the departments and Victoria Police for their prompt action. The response to the issues which have been identified gives me confidence that there is strong support for many of this report's recommendations and to addressing the issues which have been identified in the course of the enquiry.

Many of the issues are complex. They have serious consequences for the community, particularly for the well-being of some of the most vulnerable. Implementation of some of my recommendations will require a whole-of-government approach. The efforts of government agencies involved must be directed to working collaboratively with each other and the community they serve if there is to be long-term and durable change.

I will assess the progress in implementation and the effectiveness of initiatives which follow this enquiry and its recommendations.



G E Brouwer
OMBUDSMAN

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THE ENQUIRY

Enquiry process

The enquiry process included:

- an analysis of relevant complaints made to the Ombudsman or the Police Ombudsman from 2000 to November 2004¹;
- consultation with a wide range of agencies, service providers and key interest groups, including representatives of people who face significant barriers in reporting sexual assault or may not report sexual assault to anyone;
- an invitation to the general public for written submissions about personal experiences of reporting sexual assault to government agencies, and suggestions about how agencies might improve their response to such reports²;
- the development and distribution of a discussion paper *Improving Responses to Allegations Involving Sexual Assault* to relevant stakeholders on 4 February 2005³; and
- a forum on 23 February 2005 for key agency representatives to discuss cross-agency issues.

A note on terminology

The terms ‘sexual abuse’, ‘sexual misconduct’ and ‘sexual offence’ do not have the same meaning, but for convenience the term ‘sexual assault’ is used throughout this report to cover the range of behaviours covered by the other terms.

¹ The functions of the former Police Ombudsman were transferred to the Office of Police Integrity following amendments to the Police Regulation Act 1958 which came into effect on 16 November 2004

² This invitation was posted on the Ombudsman Victoria website and appeared in the media on 11 February 2005

³ The discussion paper was published on the Ombudsman Victoria website on 10 February 2005

REPORTING INCIDENTS OF SEXUAL ASSAULT

When is a formal report made?

The circumstances that give rise to a formal report of an allegation of sexual assault vary between government agencies. My enquiry identified inconsistencies in the understanding and application of reporting requirements. What is meant by the term sexual assault is not consistent between agencies and mandatory and other reporting requirements are not always well understood by staff.

Legislation requires a number of classes of people to report incidents of sexual assault involving children. These include registered medical practitioners, persons registered under the *Nurses Act 1993*, persons registered as a teacher under the *Victorian Institute of Teaching Act 2001*, school principals or head teachers and members of the police force.⁴ Others, such as disability workers in adult residential services, are required by policy, not legislation, to report such incidents to police.⁵ In practice, these and other public sector employees have some discretion to decide whether or not what has happened is a 'reportable incident' of sexual assault.

In response to the discussion paper distributed as part of this enquiry⁶, CASA

House described an incident that had occurred recently.

Helen⁷ has a mild intellectual disability and a mental illness. She lives in a government funded residential facility. She reported to staff that she had been sexually assaulted by a co-resident. She advised that she was not taken seriously by the staff and nor was she offered to be taken to a crisis care unit for counselling or a forensic examination. Consequently, she was not able to access a crisis care unit until three days after the incident at the instigation of her mother.

Some primary and secondary schools are also not always clear about when sexualised behaviour between students might constitute a criminal offence. The CASA House submission described such a case:

When Fatima⁸ was 15 years old, she was held down; her breasts were exposed and touched by a male student on the school oval during recess. A number of other students witnessed the assault. Fatima reported the assault to her principal and year level coordinator. She was not offered specialist support or counselling nor was she offered the option of speaking to the police. Fatima was highly distressed and requested to see the school counsellor. The principal told Fatima the counsellor 'did not have time for such petty things'. Fatima subsequently left school.

⁴ Section 64 Children and Young Persons' Act 1989. New legislation, the Children, Youth and Families Act 2005, is to commence later in 2006. It includes an identical provision

⁵ Protecting Children, Protocol between Department of Human Services and Victoria Police

⁶ Improving Responses to Allegations Involving Sexual Abuse, Sexual Assault and Sexual Misconduct – Discussion Paper. Office of Police Integrity, Ombudsman Victoria, February 2005 (Discussion Paper) p.6

⁷ Not her real name

⁸ Not her real name

As these examples highlight, a failure to respond appropriately to allegations of sexual assault can compound the impact of the assault on the person and may have significant implications for any subsequent criminal investigation or prosecution.

The Department of Human Services, the Department of Education and Training and Victoria Police all advise that significant community education sessions, training and resources are dedicated to explaining that reporting of child abuse is mandatory.

Notwithstanding this, my enquiry was told that a significant number of people required to report incidents believe they need further professional training about mandatory reporting and child abuse so they can discharge their responsibilities properly. Teachers in particular have expressed a desire for better training.⁹

The Department of Human Services advised that it is implementing a revised policy for reporting allegations of physical and sexual assault to the police. The revised policy affirms the role of the police to decide if a crime has been committed, removes any discretion about reporting alleged incidents of sexual assault to the police, and reiterates the previous policy for mandatory incident reporting and for supporting people with a disability who are alleged victims of sexual assault.

In response to the proposal that targeted training packages for use in schools by teachers and principals be developed, the Department of Education and Training advised that it considered such work should follow an audit undertaken in conjunction with the Department of Human Services of what training currently exists. New training packages should have an additional focus on mandatory reporting requirements.

There is evidence to suggest that because of the smaller population in rural communities, professionals living and working in these areas face specific problems discharging their mandatory reporting responsibilities. Factors such as lack of anonymity and links between people in the community act as barriers to reporting suspected child sexual abuse.¹⁰

Respondents to the discussion paper who were in favour of removing any discretion for those receiving reports of sexual assault to decide whether to report the incident argued that every report needs some form of external scrutiny and that each report needs to be taken seriously. Those in favour of retaining some form of discretion said that without it, there is a risk of pathologising normal sexual behaviour.

Police receiving a report of sexual assault at a police station also have discretion about how to deal with the matter. The Code of Practice for the Investigation of Sexual Assault¹¹ describes how Victoria Police should respond. The Victoria Police

⁹ See Blaskett, B. & Taylor, S.C. *Facilitators and Inhibitors of Mandatory Reporting of Suspected Child Abuse. A report prepared for the Criminology Research Council, December 2003*

¹⁰ *ibid.*

¹¹ *Code of Practice for the Investigation of Sexual Assault, Victoria Police 1999*

Manual states that:

Any police member receiving a report of an incident (including sexual assault) must make sufficient initial enquiries to satisfy themselves that a crime has been committed or not. Where the facts indicate that a crime has been committed, (members are required to) complete and submit all relevant Law Enforcement Assistant Program (LEAP) reports, containing the best quality information available at the time.¹²

This means the officer receiving the report has discretion to decide whether the person is reporting an offence, whether there is enough information to begin an investigation and whether a LEAP entry should be made. Where it is decided that a LEAP entry is not required, the officer is required to make a note in her or his notebook, daybook, official diary or patrol duty return.

Individuals have complained to my office about this process. Some described presenting at a police station to report a previous sexual assault that has happened some time ago, usually in childhood, only to be told to go away and get more information. When they return at a later stage, they say there is often no accessible record of their previous visit.

Submissions in response to this issue unanimously agreed that Victoria Police officers should be required to formally record details in all such circumstances. Recording information about a potential

sexual assault only in a police officer's notebook, daybook or official diary is not adequate. I consider that all allegations of sexual assault reported to police should be centrally recorded.

Centrally recording all reports of sexual assault would:

- make sure important details of a case were retained if further evidence later became available;
- capture data relevant to the prevalence of such offences to inform crime prevention strategies;
- capture data that may be critical to the successful detection and prosecution of serial sexual offenders; and
- assist the person making the report in her or his long term recovery.

In August 2005, the government announced its commitment to developing a new centralised police data system to replace LEAP. Victoria Police advised my enquiry that this focus on data collection and information access provides a timely opportunity for police to consider methods of recording incidents of sexual assault, irrespective of sufficiency of evidence to support such claims. Currently there are processes in place which require police members to record incidents of family violence which have come to their attention, irrespective of police attendance at a scene or incident. A similar form could be adapted for reports of sexual assault.

Describing what is reported

Terminology

As well as having differing reporting responsibilities, my enquiry found that agencies use different terminology to describe and record what occurred.

The use of different terminology across agencies means that reports on the prevalence of different forms of sexual assault are at best difficult to compile. This affects the capacity of agencies to develop and apply effective preventative strategies.

There is considerable support for the proposal that agencies adopt common terminology using plain language to enable an analysis across all relevant agencies of what kinds of sexual assaults are being reported.

While generally supportive of the proposal, the Departments of Human Services and Justice, along with Victoria Police, indicated some concerns about the benefits of a uniform terminology given the different statutory responsibilities of agencies involved and the different purposes for which information is collected and used.

In my view, it is in the public interest that a common terminology using plain language be developed for application across relevant agencies, even if relevant legislation needs to be amended to reflect language changes.

Common terminology would:

- make it easier for agencies to exchange meaningful information;
- help track and identify problems to inform crime prevention strategies;
- reduce confusion between people reporting sexual assault and those receiving reports;
- assist in identifying and responding to training needs for those receiving reports of sexual assault; and
- inform community education strategies.

Terminology to do with children and young people

Pejorative terminology associated with the criminality of sexual assault such as ‘perpetrator’ or ‘offender’ used with adults may not always be appropriate for use when children instigate sexual contact with other children.

In my view well-defined, objective terminology for the consistent description of the range of behaviours exhibited by children and young people should be developed.

This would:

- minimise the risk of attaching pejorative labels such as ‘perpetrator’ inappropriately or prematurely; and
- assist in determining when intervention is necessary and what should happen when a child or young person exhibits anti-social or precocious behaviour.

Information sharing

Some agencies have difficulty tracking patterns of sexual assault from their own data collections, let alone having the capacity to analyse or understand the sorts of sexual assault taking place in the community at large. This can make it hard for police to detect and prosecute sexual offenders. Such patchy information also makes it difficult to implement effective crime prevention and community safety strategies.

Both government and non-government agencies collect data relating to allegations of sexual assault for a variety of purposes, but no single agency is responsible for collecting or collating this data. As the majority of alleged sexual offences are not reported to police,¹³ relying on police reports alone to identify individual or community patterns of offending can be problematic.

Agencies must have clear and workable processes in place to share data that can be lawfully cross-matched so that systemic and individual patterns of offending may be identified. This can only be achieved if agencies develop and apply consistently agreed terminology and have compatible information systems.

Information from non-government agencies that deal with allegations of sexual assault should be similarly recorded and analysed. The South Eastern Centre Against Sexual Assault provided the following example of how information from a non-government agency was used to assist police.

The South Eastern Centre Against Sexual Assault identified a pattern of offending at a local nightclub through the accounts of a number of people attending for counselling. The individuals did not wish to make a report to police. While preserving the victim/survivors’ anonymity, the Centre provided information to the police relating to the assaults. Victoria Police subsequently conducted a safety audit and charges have been laid following a further incident at the nightclub.

The Centre submitted that:

- this process should be formalised with agreement about the type of information to be made available and the format. It should not rely on individuals and single organisations to develop idiosyncratic systems in their region.

¹³ *Sexual Offences: Law and Procedure – Final Report*. Victorian Law Reform Commission, 2004 (VLRC Final Report).

Those who commented on this issue generally agreed that, subject to privacy considerations, compatible information systems and the ability to share information between agencies were desirable.

Victoria Police has advised that its code of practice for the investigation of sexual assault provides direction to members of sexual offences and child abuse units and criminal investigation units to establish regular liaison committees with Centres Against Sexual Assault to identify and address issues that may have an impact upon working relationships and service delivery.

Victoria Police further advised that it would support the development of information systems capable of linking information from one service provider to another provided issues of information/privacy and infrastructure costs are addressed.

Streamlining information systems will have resource implications but there would be tangible benefits from such investment. The Department of Justice noted:

Information (that captures patterns of offending and identifies systemic issues to do with sexual assault) is useful to inform resource allocation and policy development as well as to assist with investigations and prosecutions.

The Department has established a Reference Group to oversee the development and implementation of better practices for the collection of data about sexual assault.

Privacy issues

Throughout my enquiry, the balance between protecting the community and protecting the rights of alleged perpetrators was identified as an issue which needs to be considered in dealing with the complex privacy issues which arise in handling reports of sexual assault.

Collection and exchange of information relating to alleged offenders where no charge or conviction has been recorded is contentious. Managerial responsibilities and the duty of care to protect vulnerable people from possible assault must be balanced with privacy and natural justice considerations.

Equally important is the need to respect the privacy and confidentiality of people reporting sexual assault, particularly in cases where a person does not wish a criminal investigation to be pursued. I note concerns raised by the Australian Centre for the Study of Sexual Assault that sharing of information about people reporting sexual assault 'has the potential to be used as surveillance over and above the purpose of evaluating or determining service needs, or of monitoring demand, and may in fact be used to limit services to those who have been perceived to have exceeded their quota' of assistance. The

Centre expressed further concern that service users may decline services if it is made clear to them that their information will be shared across government departments.

The Department of Justice acknowledged the importance of maintaining the confidence of victims that no identifying information about them will be shared across agencies, services and government

The Department of Human Services noted that initiatives such as the registration of sexual offenders under the new *Sex Offenders Registration Act 2004*, the development of Working with Children checks and the Department's policy for additional safety screening requirements will contribute to the identification of patterns of individual offending. Such initiatives, however, raise complex privacy issues, particularly in regard to the use of soft intelligence. There is a need to balance competing concerns – protecting the community and ensuring that the rights of alleged perpetrators are appropriately recognised.

The Privacy Commissioner, Mr Paul Chadwick told the project team 'the trend towards 'e-government' and the sharing of information has the potential to cause harm'. He said 'the public sector needs to read the (Privacy) Act¹⁴ and educate itself about privacy laws as it is often their own actions that constrain them.'

This need for rigorous training in privacy laws was recognised by a number of agencies in their submissions to my enquiry.

Agencies need to determine what can be lawfully shared with other agencies rather than focussing on what cannot be released.

Alternative strategies

In my view, there are opportunities to explore alternative or supplementary systems for reporting, recording and responding to reports of sexual assault.

One submission suggested a centralised call registry staffed by trained operators. In addition to referring callers to appropriate agencies, it was proposed that the registry would monitor the proportion of callers receiving welfare intervention and support and those proceeding to criminal investigations or both. It was suggested the registry could also enable data to be shared between agencies and provide more detailed and accurate statistics to inform service development and effective crime prevention.

Further research is obviously necessary in order to determine how such a system might work in practice. Privacy and resource implications of any such arrangement would need to be taken into account. An interdepartmental working party set up by the Department of Justice in response to the VLRC recommendations is looking at improving data collection practices and this may be an appropriate forum to consider this suggestion.

Systemic issues for people from culturally and linguistically diverse groups

As identified by the VLRC, there is no systematic data collection on the racial and ethnic background of victims and perpetrators, nor is there a state-wide system that accurately captures data about sexual assault involving Indigenous people.¹⁵ The Commission recommended that:

The Department of Justice Diversity Unit and the Victorian Multicultural Commission should continue to collaborate to develop a program for uniform data collection by the various government and non-government agencies that work with victim/survivors and perpetrators of sexual assault. The program should include the development of appropriate standards, systems and the training to personnel to ensure that accurate data regarding the Indigenousness and Aboriginality, ethnicity and other

*relevant characteristics of service users is recorded and forwarded to a centralised agency for collation.*¹⁶

I support this recommendation.

Facilities providing 24-hour care

It was noted in the discussion paper that the incidence of sexual assault in services providing 24-hour care such as Corrections Victoria, Juvenile Justice, Disability Services and hospitals is difficult to determine. I also note there is a lack of accurate and current data about the incidence of sexual assault perpetrated against people with a cognitive impairment.¹⁷

In response to the draft of this report, Victoria Police advised that it has established a liaison mechanism with the Department of Human Services to regularly address issues of training and protocol / guideline development for various areas within the Department, including Disability Services.

The Department of Human Services advised that its Disability Services Division recently released the Personal Relationships, Sexuality and Sexual Health Policy and Guidelines that provide more explicit information on the role and responsibility of a disability support worker and how to use sexual assault services.

¹⁵ VLRC Final Report: p. 96

¹⁶ VLRC Final Report: Recommendation 7

¹⁷ Goodfellow, J & Camilleri, M. *Beyond Belief, Beyond Justice: the difficulties for victim/survivors with disabilities when reporting sexual assault and seeking justice. Final report of stage one of the sexual offences project. Disability Discrimination Legal Service, November 2003, (Beyond Belief, Beyond Justice Report) p. 20*

Recommendations: Reporting incidents of sexual assault

Recommendation 1

That the Department of Education and Training, the Department of Human Services and Victoria Police, in collaboration with the Department of Justice, Centres Against Sexual Assault, and other relevant agencies or individuals, develop a common terminology in plain language to describe incidents involving sexual assault that takes into account the continuum of sexual behaviour exhibited by children, young people and adults and reports on any legislative amendments necessary to ensure clarity and consistency.

Recommendation 2

That the above agencies develop targeted training packages for use:

- a) in schools by teachers and principals on how to respond to a student reporting sexual assault or exhibiting sexualised behaviour and to incidents involving sexual assault;
- b) by disability workers on how to respond to someone with a cognitive impairment who is reporting sexual assault or exhibiting sexualised behaviour and to incidents involving sexual assault; and

- c) by others required to report child sexual abuse that take account of issues particular to professionals living and working in rural areas.

Recommendation 3

That compatible data collection systems be developed to enable the lawful sharing of information and a whole-of-government analysis of individual and systemic patterns of offending.

Recommendation 4

Alternatively, arrangements be considered that might include the development of a centralised advice and referral body with the capacity to analyse collected data and conduct research about sexual assault, including the relevant racial, ethnic or other characteristics of service users that could inform prevention strategies for people vulnerable to sexual assault.

Recommendation 5

That, irrespective of the sufficiency of the evidence, Victoria Police officers electronically record details on its central database every time someone reports a sexual assault. Where a decision not to take any further action is made, reasons should also be recorded.

PROTECTING AGAINST SEXUAL ASSAULT

Providing a safe environment

The significant psychological trauma experienced by people who were subject to sexual assault in the past and did not report it at the time, or who were not believed when they did report it, is frequently reported in complaints received by my Office.

Addressing reporting requirements in intellectual disability services, the Public Advocate noted:

A problem lies in the perception of some agencies that their responsibilities are fulfilled by reporting incidents to the police. There is also a strong perception that if the police decide not to prosecute for any reasons, this means that the alleged perpetrator has been found to be innocent and that the organisation can do nothing to remedy the situation. There should be strong parallel processes supported by organisational policy to investigate and deal with issues of abuse, including sexual abuse.

The action or inaction of an agency in response to a possible sexual assault has significant impact on the individual reporting the assault, the accused, and others who witness the agency's response.

Regular safety audits and reviews of incidents should be undertaken to identify risk factors in the physical environment that can be addressed in prevention strategies.

Review of incidents should also inform agency employees about appropriate support strategies that minimise the harm to the person who has been subject to an assault and aid her or his recovery, thus creating an environment conducive to early reporting by others. Where appropriate, agencies should seek specialist support in the conduct of the audit and review.

The Department of Human Services has advised of its release of the Incident Reporting Instruction (September 2005) and the Responding to Allegations of Physical and Sexual Assault Instruction (August 2005). Both encourage early reporting. As well, information sessions about responding to assault are being offered around the state. Incident reporting policy requires that incidents of sexual assault are reviewed to identify lessons and practice implications and to make recommendations for improvements. An audit of the implementation of the two policies is planned for the first half of 2006 to assess compliance and effectiveness.

Female-only residential options

There was a strong view expressed in the majority of submissions that more female-only residential options for people in state care should be available.

Research indicates that having a disability increases a person's vulnerability to sexual assault.¹⁸ The South Eastern Centre Against Sexual Assault commented that sexual predators in residential facilities 'have a captive audience who often, say in the case of an elderly woman with Alzheimers, cannot inform their carers about their abuse. The state has a duty to protect them.'

I note the Equal Opportunity Commission has been asked to look at sexual assault in mixed psychiatric wards and commented critically on the response to allegations of sexual misconduct.

Relevant agencies have a duty to protect people in care who are vulnerable to sexual assault. Any option to limit the risk of such treatment, including female-only residential services, should be explored to assess its effectiveness in reducing incidents of sexual assault.

Relocation of persons following a sexual assault

The Department of Human Services' sexual assault policy states:

A decision to remove a person from a setting must be on an individual basis in consultation with the most senior person in the facility. However, the alleged perpetrator should usually be moved rather than the victim.

Notwithstanding this, a number of sources informed my enquiry that following an allegation of sexual assault by one resident against another in a residential facility for persons with a cognitive impairment, the alleged victim is often relocated rather than the alleged perpetrator.

The Department has advised that while policy is under review, the provisions cited above are unlikely to change.

It is accepted that in some circumstances it may be in the best interests of the victim to move but, irrespective of which person is moved, the issue of where and with whom the alleged perpetrator lives remains an issue.

Submissions about what information, if any, should be provided to co-residents of an alleged perpetrator varied. Some emphasised 'privacy' and 'natural justice' principles to prevent unfairly prejudicing an accused. Others emphasised 'duty to warn' principles to provide for the safety of others.

The Public Advocate commented:

Decisions about whether other residents and their families should be informed about a client with a history of sexual abuse should be made on a case by case basis after a careful risk assessment. In general [the Office of the Public Advocate] does not support the proposition that other residents should be 'warned'. One needs to ask 'for what purpose?'

It is clear that the risk of damaging the reputation of an alleged offender, particularly in cases where previous allegations are unsubstantiated, must be balanced with the safety of persons with whom the alleged offender resides. Ideally people who require supported accommodation should live in a safe and healthy environment with compatible housemates. Their environment should be home-like, not prison-like.

I support the Public Advocate's position that information provided to residents and their families about a person with a history of possible sexual abuse should be made on a case by case basis.

The Department of Human Services advised that this arrangement was already in place. It further advised that the recent review of Victorian disability legislation made recommendations about the compulsory treatment of people with an intellectual disability who pose a risk of harm to others. The review proposed the establishment of an Office of the Senior Practitioner with a range of functions relating to the use of restrictive practices and compulsory treatment. This is expected to improve support for people who pose a risk of harm to others and allow better monitoring of the restrictions to which they may be subject.

Child protection within a family

Children at risk of sexual assault within a family are often removed from their domestic living arrangements by the Department of Human Services. While generally being provided with an environment free from ongoing sexual assault, other aspects of their lives are significantly disrupted. The child may lose contact with other family members, have to change schools and commence living with strangers.

The discussion paper I released in February 2005 as part of this enquiry suggested that strategies used in domestic violence situations, such as removing the offender from the family, may be more appropriate.

The Department of Human Services said that 'Child Protection always seeks to have the child remain with their family where there is a protective parent.'

The Children and Young Persons Act states a child is in need of protection if:

*the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from that type of harm.*¹⁹

The new Children, Youth and Families Act that will come into effect in October 2006 includes an identical provision (section 162 (1)(d)). It also contains an additional provision (section 162(2)) which states that:

... the harm may be constituted by a single act, omission or circumstance or accumulate through a series of continuing acts, omissions or circumstances.

This will require the Department to respond to both immediate incidents of sexual abuse as well as to harm that may cumulate.

The protocol between the Department of Human Services and Victoria Police provides:

Where the alleged abuse has occurred within the family, every effort should be made to remove the alleged offender from the home rather than the child.

This may be achieved by:

- restraining or Intervention Order;
- bail conditions;
- Interim Accommodation Order with conditions;
- an Intervention Order can also be taken out by Child Protection if protective concerns exist.²⁰

Submissions on this issue supported the approach of removing the alleged perpetrator from the family home rather than a child subject to sexual abuse. The

Mental Health Legal Centre commented, however, that an intervention order may not be the best solution in relation to people with disabilities.

The South Eastern Centre Against Sexual Assault commented that ‘consideration should be given to some sort of procedure whereby the adult can be directed to leave for the duration of the investigation’ while the Royal Children’s Hospital supported an increased use of exclusion or ‘ouster orders’ in these circumstances.

Victoria Police advised:

Police may also apply for an intervention order on behalf of the child. It is then the responsibility of the court to determine the removal of the offending party. Recent amendments to the Magistrates Court Act also allow for the courts to make an order on behalf of the child, on its own motion.

The effectiveness of these amendments remains to be tested.

Child protection from a sibling

The enquiry’s discussion paper highlighted the difficulties that arise when a child is sexually abused by a sibling. In particular, the provision of treatment services available to children exhibiting sexually abusive behaviour is often dependant on court intervention.

In suggesting strategies open to parents when a child is sexually abused by a sibling, the Department of Human Services advised that in the Children, Youth

and Families Act new provisions enable the Department of Human Services to receive reports in relation to, and intervene in, situations in which children aged between 10 and 14 years are engaging in sexually abusive behaviours. These provisions come into effect on 1 October 2007 and include the power to investigate reports received from any person who believes on reasonable grounds that a child who is 10 years of age or over but under 15 years of age is in need of therapeutic treatment (as defined in section 244 of the new Act), and to apply to the Children's Court for one or both of two new Children's Court Orders:

- the Therapeutic Treatment Order which requires the child to participate in an appropriate therapeutic treatment program and may include conditions including directions to the parent and the child; and
- the Therapeutic Treatment (Placement) Order which grants sole custody of the child to the Secretary and may include any conditions that the Court considers to be in the best interests of the child.

In addition, a new Therapeutic Treatment Board will be established to provide advice to the Secretary regarding the children reported under these new provisions as well as providing advice to the Minister regarding services available to these children.

The Department already funds a number of specialized programs in this area but has indicated it remains an area for further service development.

The Royal Children's Hospital and the South Eastern Centre Against Sexual Assault emphasised the severe shortage of services available for this group and submitted that a coordinated state-wide service system needs to be established to deal with children and young people exhibiting sexually abusive behaviour, including children under 10.

The Department of Human Services further advised that a sexual behaviour framework developed in conjunction with the Adolescent Forensic Health Service is being implemented across the three juvenile justice centres in two parts and is accompanied by staff training.

Specialist programs to address sexually abusive behaviour of young sex offenders in community-based and custodial juvenile justice services are conducted by the Male Adolescent Program for Positive Sexuality through the Adolescent Forensic Health Service.

Extra support should in my view be made available for treatment services for children under 14 exhibiting sexually abusive behaviour.

The Department of Human Services advised that it has been engaged in a major reform process with the Child and Family Service System which has led to the development of a preliminary investment plan for Child and Family Services. Included in the investment plan are resources for treatment services for 10 to 14 year old children / young people exhibiting sexually abusive behaviours.

Behaviour of children under 10 Child protection at school

Anecdotal information provided to the enquiry indicated that inappropriate sexualised behaviour in children under 10 years is being increasingly identified, but there is little in the way of services for this group.

In its submission the Royal Children's Hospital commented:

Paediatric health and mental health professionals have recognised the problem of inappropriate sexualised behaviour in children aged less than 10 years for two decades or more. These professionals and others have provided intervention to address this problem although intervention has largely been ad hoc and directed towards the needs of each individual child. The developmental needs of children and the multifactorial origin of this pattern of behaviour in children aged less than 10 requires a paediatric health-based treatment intervention rather than a legal intervention. Mandated treatment, as proposed by Child Protection legislative reform, is supported.

The Department of Human Services has looked at the extent of problematic sexualised behaviours in children under 10 years and is exploring whether current treatment services are adequate.

Currently school principals have a significant role in investigating and responding to sexual assault incidents between students. Their capacity to conduct investigations was raised as an issue in the course of this enquiry. Also raised was the potential conflict of interest between principals' investigative role and their responsibility for the welfare of the alleged victim, alleged perpetrator and school community generally. The Department of Justice stated:

To determine if an alleged sexual offence has taken place and whether police should be notified, the principal or designated officer within a school requires skills and training so that the manner in which enquiries are conducted does not jeopardise any future criminal justice proceedings.

The enquiry was provided with a number of examples where a principal had provided an unsatisfactory response to students involved in an allegation of sexual assault.

I have already recommended training for principals and other school staff to identify and respond appropriately to reports of sexual assault by students on other students.²¹ It is clear in existing protocols that an allegation of sexual assault by one student against another should be reported to the police. However, where police or child protection involvement has ceased there can be ongoing implications for the management of the school environment.

²¹ See Recommendation 2

The Department of Education and Training described the following proposed process to follow receipt of an incident report by the principal:

The principal should immediately bring the matter to the attention of the Manager of the department's Student Critical Incident Advisory Unit, who will co-ordinate an action plan to manage the student(s), students' families, school community, other services and the information flow between the region, school, families, students and the other services (for example sexual assault services or police). The Student Critical Incident Advisory Unit will also provide advice to the principal on conducting the investigation. The principal has the responsibility for providing a safe environment for all students in their school and are best placed to manage the investigation as well as provide for the well being of any students involved as a complainant, respondent or witness.

The Department advised that it might be appropriate for another staff member to be involved in the investigation, but confirmed that it is the principal's responsibility to oversee the investigation and any response.

The Public Advocate, South Eastern Centre Against Sexual Assault and Victorian Mental Awareness Council indicated that an independent or neutral investigator should be appointed in these circumstances to avoid a conflict of interest for the principal.

I understand that in the Catholic school system, independent investigators are appointed to respond to allegations rather than it being a responsibility of principals. It was suggested that significant consultation with school principals would be required before such a model could be implemented in the state system.

In my view the Student Critical Incident Advisory Unit should, on a case by case basis, determine whether an independent investigation is warranted to support a principal, or a school community, involved in an incident of sexual assault.

Standards of investigation

The Department of Education and Training advised that the Student Critical Incident Advisory Unit is currently drafting guidelines for comment from key agencies that will provide advice and support to enable principals to respond to incidents. The appropriate regional office will have the responsibility for monitoring compliance with these guidelines.

I support this initiative by the Department. Training of staff involved will be important.

Recommendations: Protecting against sexual assault

Recommendation 6

That all government agencies conduct regular safety audits and reviews of incidents involving sexual assault with a view to ensuring:

- a) a safe physical environment; and
- b) an environment conducive to early reporting.

Recommendation 7

That government-funded agencies providing 24-hour care:

- a) collect data to identify the incidence of sexual assault; and
- b) provide information about a resident's previous unproven allegations of sexual assault to other residents or their families after careful consideration on a case by case basis. The decision whether or not to release such information and the reasons for that decision should be documented.

Recommendation 8

That the Department of Human Services and the Department of Justice:

- a) allocate extra resources to providing specialised programs for treating children under the age of 14 exhibiting sexually abusive behaviour;
- b) collate data about the incidence of

sexual assault in residential services and initiate action to reduce the incidence of sexual assault, including measures such as female-only residential facilities.

These initiatives should be reviewed for their effectiveness; and

- c) with the Children's Court, review the effectiveness of amendments to the Magistrates' Court Act to discern the impact, if any, of the amendments on court practices and the effectiveness of interventions aimed at keeping children subject to sexual abuse within their family environment.

Recommendation 9

That the Department of Human Services establish regional and rural intervention and treatment services for children and young people, including children under 10 years exhibiting sexually abusive behaviours, based on an assessment of need.

Recommendation 10

That the Student Critical Incident Advisory Unit and the regional office within the Department of Education and Training provide support to principals to manage allegations of sexual assault within the school environment including the provision of independent investigators where appropriate and where police involvement has ceased. The role of the Student Critical Incident Advisory Unit should include a review of the school's processes to ensure the school environment is safe and is conducive to early reporting of incidents of sexual assault.

INTER-AGENCY LIAISON

Improving responses to allegations of sexual assault requires agencies to work cooperatively but many lack a formal process for liaison with other agencies.

Reports of sexual assault, particularly those involving children, may come to the attention of a number of agencies. A typical process is as follows:

A child discloses to a trusted teacher that he has been sexually assaulted by his father. The child's teacher reports the notification to the school principal. The principal contacts Child Protection in accordance with mandatory reporting legislation.²² The principal also notifies the child's mother. Child Protection contacts the local Sex Offences and Child Abuse Unit of Victoria Police.²³ Child Protection and the police unit conduct a joint interview with the child. The child's teacher is present during the interview for support. The child's mother is asked for permission for the child to give video and audio taped evidence and for a forensic examination to be undertaken. The child is required to attend the Royal Children's Hospital for a medical examination. A counsellor from the Gatehouse Centre supports the child through this process.

The child, after telling one trusted adult what has happened, is now involved with people from at least four different agencies.

The degree to which each of these agencies communicate effectively and efficiently, both jointly and individually, throughout the investigation process will have significant implications for the child's well-being.

I was pleased to receive advice that the Department of Justice is looking at ways of responding to child complainants with the aim of minimising the number of personnel with whom a child may come into contact when sexual assault and abuse against him/her is being investigated.

Formal arrangements between agencies

To provide a formal procedural framework for information sharing in cases like this, various protocols or memoranda of understanding have been developed between agencies. These arrangements are considered to be generally useful, although the project team was advised that most are negotiated or reviewed on an ad hoc basis. For example, during the consultative process the Gatehouse Centre at Royal Children's Hospital identified that they would find it useful to have a formal arrangement with the Department of Human Services; likewise CASA House with the Department of Education and Training.

²² Section 64 Children and Young Persons' Act 1989

²³ Protecting Children – Protocol between the Department of Human Services and Victoria Police. p. 27

Protocols currently exist and are reportedly 'operating well' between the Department of Human Services and the Department of Education and Training and Victoria Police. It was acknowledged they 'need to be regularly reviewed for currency and appropriateness.'

The regular review of formal arrangements also provides opportunities for agencies to understand operational difficulties faced by others and to collaborate on issues of policy and procedure as well as in respect of individual cases.

Formal arrangements between agencies are required to promote 'transparency, consistency and accountability' in the services they each provide.

Inter-agency consultation and co-ordination

Until recently informal communication took place between agency representatives at a regional level on an ad hoc basis.

In April 2005 the Victorian Government's social policy action plan A Fairer Victoria was launched²⁴. The plan sets out actions the government proposes to take to address disadvantage in Victoria. Proposals to develop better ways of working together at a regional and local level include the establishment of short-term cross-government project teams to enable departments to join up locally and tackle complex issues at a local level. These teams will work in partnership with

business, community agencies and local government.

The benefits of agencies working together to address local issues are obvious but there are as yet no formal structures to identify when a local issue to do with sexual assault has wider, systemic implications.

The State-wide Steering Committee to Reduce Sexual Assault, jointly convened by the Office of Women's Policy in the Department for Victorian Communities and Victoria Police, has broad participation and strong support from agencies. Its terms of reference include providing advice on issues such as prevention, best practice and improving responses, and on addressing the needs of particular groups of women and children. The Committee will continue in its current form until 2007; it is not permanent.

The Department of Justice advised:

While there is currently the State-wide Steering Committee for the Reduction of Sexual Assault and the Department of Justice Sexual Offences Leadership Group, neither of these groups is permanent. The issue of a formalised standing inter-agency committee will be further addressed by the Department of Justice Sexual Assault Advisory Committee in conjunction with the State-wide Steering Committee for the Reduction of Sexual Assault.

The Department of Human Services is of the view that the Committee's effectiveness should be reviewed at the end of its term to ensure this is the most appropriate model for addressing systemic issues.

A standing inter-agency committee such as the State-wide Steering Committee to Reduce Sexual Assault would provide an ongoing source of advice and expertise on these issues and a forum to address state-wide systemic issues to do with sexual assault. The need for such a forum should also be considered in the context of my earlier remarks regarding the potential for creating a centralised advice and referral body.

Any standing inter-agency body that is established should also develop formalised communication structures with regional liaison groups to ensure that local issues which arise and which have wider implications are addressed centrally. CASA House commented that 'while informal communication has been utilised well, the existence of an additional formal process could enable further systemic responses.'

Victoria Police commented that:

In the event that a permanent committee was to be established, the committee would need to be cognisant of, and reflect, the vast changes being undertaken within the criminal justice system.

Indigenous people

Indigenous people experience unique problems when reporting sexual assault. These often affect the person's broader family and community. As a result, sexual assault is significantly under-reported in Indigenous communities.

In February 2004, while the VLRC enquiry was under way, an Indigenous Forum on Sexual Assault was established. It comprises Indigenous representatives from the Koori community and government agencies operating in country Victoria. The Forum reports to the Board of Directors of the Aboriginal Family Violence Prevention and Legal Service (AFVPLS), which provides the Forum with coordination and secretariat support.

The VLRC subsequently recommended that the Forum link into the State-wide Committee to Reduce Sexual Assault and include broader representation from key government agencies and other relevant organisations. I understand that this recommendation has not been implemented and will not be possible unless resourcing issues are resolved.

In my view, having such a forum to inform the development of approaches to addressing the problem of sexual assault as it affects the Koori community should be a priority.

Agencies representing culturally and linguistically diverse people

I am aware that many people, for reasons of their cultural or religious background, face special problems in reporting sexual assault and accessing support services.

In the forum that formed part of my enquiry, two main strategies were discussed to improve access to support services for such groups: introducing specialist 'access' workers in mainstream sexual assault services or providing experts in sexual assault as outreach support to non-government agencies working with culturally and linguistically diverse groups. There was lack of consensus about which strategy is more effective.

Victoria Police informed the enquiry that, in partnership with the Victorian Multicultural Commission and in consultation with representatives from Centres Against Sexual Assault and from local culturally and linguistically diverse (CALD) support agencies, an appropriate, sensitive pamphlet had been developed to educate communities about sexual assault, support services and reporting options. The Victoria Police Multicultural Advisory Unit is also developing strategy to assist CALD communities to access policing services and to improve the policing services provided to them.

The Department of Human Services supports special measures for culturally and linguistically diverse groups but notes

that considerable resources are required, particularly for translating, interpreting and collaborative approaches that build on extensive consultation processes.

The Department of Education and Training advised that partnerships with agencies such as the Migrant Education Centres have been established and currently provide support in this area.

The initiatives outlined in A Fairer Victoria may provide a mechanism to establish other strategies for improving responses to culturally and linguistically diverse people reporting sexual assault.

Recommendations: Inter-agency liaison

Recommendation 11

That relevant government agencies:

- a) enter into formal arrangements with other agencies with which liaison is necessary in order to respond appropriately to allegations of sexual assault; and
- b) as part of the formal arrangement, include a date at which time the details of the arrangement are to be reviewed.

Recommendation 12

That the relevant departments:

- a) establish the State-wide Steering Committee to Reduce Sexual Assault, or similar inter-agency committee, as a permanent standing committee with formalised communication structures with regional and local groups to address system-wide issues centrally;
- b) as a priority, act on the VLRC recommendation to establish an Indigenous State-wide Sexual Assault Steering Committee that liaises with the broader State-wide Steering Committee to Reduce Sexual Assault; and

- c) consider utilising cross-government project teams established as a result of the Victorian Government's social policy action plan A Fairer Victoria to resolve issues for agencies in responding to allegations involving sexual assault involving people from culturally and linguistically diverse backgrounds.

Recommendation 13

That government agencies and Centres Against Sexual Assault explore partnership projects with agencies representing or serving people with culturally or linguistically diverse backgrounds to create environments conducive to reporting sexual assault and to facilitate access to support services.

WORKFORCE ISSUES

My enquiry has revealed some significant issues affecting employees of agencies which receive allegations of sexual assault.

There is room for improvement in the way some agencies deal with employees accused of sexual assault. While there is vetting for employees working with children, little attention is given to those working with other people vulnerable to sexual assault. Training for agency employees responding to reports of sexual assault remains ad hoc.

Agency employees accused of sexual assault

Most agencies have established policies for appropriate action when an allegation is made against an employee. These policies work well where the allegation can quickly be substantiated or disproved. It becomes problematic for agencies if there is a lengthy police investigation or where the allegation cannot be determined.

In many cases the allegation is unable to be substantiated. There are often no independent witnesses to the incident. If the alleged victim is a service user, she or he is likely to be vulnerable to sexual assault because of age or disability. This vulnerability is particularly relevant when a sexual predator targets victims who are unlikely to be believed or to be able to withstand an investigation or prosecution case.

Where a matter cannot be substantiated or the employee cannot be exonerated, managers may re-assign the employee to other duties, but questions of natural justice can arise if the person objects. A further dilemma exists if an accused person chooses to resign before an investigation is finalised. The trend is for the agency to take no further action. Submissions to my enquiry on this issue generally indicated that in these cases the investigation should continue. Where the agency may not have the authority to continue to investigate complaints against former employees or if there are practical difficulties, such as the former employee's refusal to cooperate, other action should be considered. Agencies have a responsibility to ensure allegations of sexual assault made against employees and former employees are thoroughly investigated in a timely fashion.

Management should also review policies and practices, including recruitment practices, to ensure the agency maintains an environment that will:

- minimise the risk of sexual assault; and
- encourage early reporting of sexual assault.

Confidentiality agreements

The enquiry revealed that a number of public sector agencies remain silent about allegations made against an employee if asked by any prospective employer. Some even agree to give a reference to the accused as part of a negotiated severance package. This is of concern.

The South Eastern Centre Against Sexual Assault wrote:

Confidentiality agreements are not acceptable in these instances. There should be some public discussion around their use and their enforcement by unions. A Centre Against Sexual Assault employed someone with a serious allegation in their previous employment that had had a confidentiality agreement negotiated. Consequently checking referees was a waste of time.

A similar concern was expressed by the Nurses Board of Victoria relating to employee representatives insisting on agreements that prevent people from making a formal complaint to the Board in exchange for settling an unfair dismissal claim.

Confidentiality agreements with employees accused of sexual assault assist perpetrators of sexual assault. This is clearly inappropriate.

Vetting of employees working with people vulnerable to sexual assault

The community has a right to expect the highest possible standard of conduct from government employees working with people vulnerable to sexual assault. My enquiry found that current arrangements for vetting employees only partially address this issue.^{25 26}

I understand that police checks may be of limited value as they only identify those sexual offenders who have been successfully prosecuted and convicted. Nevertheless, they are a useful screening tool.

Submissions relating to mandatory referee screening with previous employers suggested privacy issues could be overcome if the person consented or understood it was a condition of employment. The Department of Justice suggested:

The public sector could lead the practice on this issue by ensuring that candidates for positions understand that one of the requirements for successful employment will be that the employee consents to both referee checks and also former employer checks even if they have not been named as a referee. Inquiries could cover issues such as any allegations of misconduct of a sexual or other nature and their outcome. It would still be left to the discretion of the former employer what information, if any, they

disclose. This would give the candidate an opportunity to volunteer such information if they deemed it appropriate. Privacy implications would be overcome by introducing this practice which is based on transparency and consent.

This approach was supported in other submissions.

In my view, police checks should be mandatory for all public sector employees who work with people vulnerable to sexual assault. This was widely supported in submissions made to my enquiry. I also believe that careful checks with previous employers and rigorous referee checks are vital to ensuring the probity of public sector employees and promoting safe environments for those who rely on public sector services.

The Department of Human Services informed the enquiry that the new *Children, Youth and Families Act 2005* includes processes (including the creation of a register of approved persons) governing the approval of persons engaged or employed to provide out-of-home care for children and youth. In addition, a Suitability Panel will be established (section 98) to hear allegations in relation to a foster carer regarding physical or sexual abuse of a child placed in an out-of-home care service. The Secretary of the Department of Human Services may refer matters relating to abuse allegations to the panel for hearing and determination.

The Panel will serve notice of the hearing of the matter on the person who is the subject to which the matter relates. The Panel will determine at hearing whether the allegation of sexual or physical abuse is proved on the balance of probabilities. If the Panel determines that the allegations are proved, the Panel must make a finding of misconduct against the person and must then determine, on the balance of probabilities, whether or not the person poses an unacceptable risk of harm to children. In making this determination, a range of factors to consider are outlined in the Act (section 106(2) (a-f)). If the Panel determines that the person poses an unacceptable risk to children, it must find that the person should be disqualified from the register.

Where the finding of the Panel is to disqualify the person, they may appeal to the Victorian Civil and Administrative Tribunal. A register of disqualified persons will be maintained. All registered out-of-home care service providers must not only register (on the register of approved carers) persons they have approved as foster carers or out-of-home care providers but they must also check to ensure a person they are seeking to engage or employ is such a role is not listed on the disqualified persons list.

Specialist workers and multi-disciplinary teams

The enquiry was told of concerns about the current level of training of staff in a number of key areas. These include base grade child protection workers, police detectives and school principals. The majority of submissions that addressed the issue supported specialist training for staff involved in investigating reports of sexual assault.

In response to this issue, the Department of Human Services has advised that it is now conducting one-day training sessions for staff on how to conduct a preliminary investigation. Child Protection staff have specialised training provided through the Child Protection Training Unit. A Multidisciplinary Pilot will trial an integrated response to sexual assault that may include a 'one stop shop' model for responding to sexual assault and child abuse. This model includes police, child protection, sexual assault support services and forensic medical staff providing a comprehensive investigative and crisis care response for adult and child victims and their families. It is proposed to pilot the model in a rural and a metropolitan area. I endorse this initiative and look forward to receiving advice of the effectiveness of the arrangements.

The Department of Education and Training said it would not be possible to train 43,000 school based employees, any of whom may be the recipient of a disclosure regarding sexual assault. The Department is working within its current structures, including each of its nine regional offices, to ensure that policies and procedures about responding to or investigating reports of sexual assaults are followed. The Department advised that in its view procedures are already well established in schools, with Emergency and Security Management notified of incidents such as those involving sexual assault. With the recent establishment of the Student Critical Incident Advisory Unit, more specialist training and advice will be provided.

I accept there would be resource implications for providing specialist training to a large number of employees but in my view improved training is critical. It could be provided in a phased approach or by utilising other methods of competency based training such as online modules.

I consider training to be particularly important for principals if they are to remain primarily responsible for managing investigations of sexual assault at schools.

Victoria Police advised that it currently provides employees responsible for responding to or investigating reports of sexual assault with specialist training.

Rotation of agency employees

I believe that providing the opportunity for people working in the area of sexual assault to experience the different work practices and cultures of other agencies would bring a broader multi-disciplinary perspective to this area and improve responses to people reporting sexual assault. The concept of secondees and rotating agency employees was generally supported in principle although the potential implications for resourcing were noted.

The complex nature of sexual assault, the difficulties in successfully prosecuting sexual assault cases and the impact of appropriate responses in promoting the recovery of people subject to abuse requires alternatives to standard investigative procedures to be considered.

While I am mindful that secondments may not be necessarily appropriate across all agencies dealing with allegations of sexual assault, such as those providing medical services, consideration should be given to rotating staff between the sex offences and child abuse units of Victoria Police, Child Protection services and the Department of Education and Training's Student Critical Incident Advisory Unit.

Recommendations: Workforce issues

Recommendation 14

That government agencies ensure that allegations of sexual assault made against employees and former employees are thoroughly investigated and that policies and practices, including recruitment practices, be reviewed by agencies to ensure they maintain an environment that will:

- a) minimise the risk of sexual assault; and
- b) encourage early reporting of sexual assault.

Recommendation 15

Where an employee has been accused of sexual assault, government agencies not agree to confidentiality clauses that prevent disclosure of information to future employers or complaint authorities in the negotiation of severance agreements.

Recommendation 16

That the Department of Justice convene a working group comprising the Department of Human Services and the Department of Education and Training, Victoria Police and other relevant agencies to consider the implementation of pre-employment vetting that includes mandatory referee checking of previous employers for public sector employees. The Department of Justice should report on the outcomes within six months.

Recommendation 17

That all government employees involved in responding to or investigating reports of sexual assault receive specialised training.

Recommendation 18

That the government agencies introduce standardised competency-based qualifications for employees investigating allegations of sexual assault.

Recommendation 19

That relevant agencies explore the feasibility of reciprocal secondments, or staff exchange arrangements, between the sex offences and child abuse units of Victoria Police, Child Protection Services and the Student Critical Incident Advisory Unit of the Department of Education and Training. Consideration could also be given to seconding staff to other relevant agencies, such as the Victorian Institute of Forensic Medicine.

POLICE INVESTIGATION PROCESSES

The VLRC made a number of recommendations aimed at improving police responses to sexual assault.²⁷ Some of the issues raised in the discussion paper released early in the conduct of my enquiry gave further weight to those recommendations. It raised a number of issues arising from the police investigation process that were not included in the scope of VLRC review.

Communication issues

The VLRC examination made it clear that because police are the ‘gate-keepers’ to the criminal justice system, the way they respond to people who report sexual assault is vitally important.²⁸ Victoria Police’s 2005 Code of Practice for the Investigation of Sexual Assault includes specific instructions relating to complainants in sexual assault matters. The code clearly articulates the importance of keeping complainants informed about the investigation.

My discussion paper set out a number of concerns about the way police communicate with people reporting sexual assault, both at the time of the initial report and throughout the investigation process. In particular, a number of people told of the difficulties they had encountered in contacting the relevant police member to obtain information

about their case. Some complained that investigators are very often not available to accept telephone calls because of leave, shift work or training commitments. The possibility of Victoria Police using email to improve communication to complainants was raised in the discussion paper.

The majority of responses I received indicated that improving communication between police and people reporting sexual assault is important. The use of email as a medium raises some security concerns. All Victoria Police members have access to external email which should be ‘used within clearly articulated guidelines.’

Improvement in communication between informants (the police officer who will represent the case at court) and complainants in sexual assault and other investigations would substantially benefit customer service relations for Victoria Police. Email is one way this could be achieved. While not appropriate for communicating highly sensitive information, it could facilitate communication between informants and complainants generally.

In the event that the relevant investigator is not available, a number of people complained that it is often difficult to locate another member with a working knowledge of a case to provide an update.

²⁷ See VLRC Final Report: Recommendations 8-34

²⁸ VLRC Final Report: p xxii

Submissions to me on this issue generally agreed that the investigator's supervisor should have access to information regarding the progress of an investigation.

The complainant should be given details of all the members he or she can contact in connection with their case, both personally and in writing. Any changes to an investigation team including the transfer of the case or members of the team responsible for the investigation should also be given to the complainant as soon as possible.

Other strategies to improve police communication

The VLRC recommended that:

Information on police processes should be made available to victims at police stations. Materials should outline the basic steps involved in reporting sexual assault to the police, the contact details of local Centre Against Sexual Assault and Sex Offences and Child Abuse units, the principles of the Code of Practice, and the options victims have in making a statement. These should be provided in a range of languages.²⁹

I support this recommendation. While the Code of Practice for the Investigation of Sexual Assault provides direction to Victoria Police members regarding regular communication with complainants of sexual assault, my enquiry was told that the code is not always followed. Compliance with the Victoria Police Code

of Practice for the Investigation of Sexual Assault should be regularly monitored.

Victoria Police advise that it has developed a complementary tool to the Code of Practice for the Investigation of Sexual Assault in the form of a 'ready reckoner' for use by operational members responding to incidents of sexual assault.

Evidence gathering

My discussion paper raised a number of issues relating to the role of forensic medical officers in responding to reports of sexual assault. In short, the project team identified the following issues:

- there are difficulties accessing forensic medical officers in rural areas;
- there are a limited number of female forensic medical officers; and
- the involvement of forensic medical officers is generally contingent on a person agreeing to report to police and undergo a medical examination within 72 hours of the assault. This has implications for the handling of cases later reported by people who are ambivalent about reporting or who are frightened to do so.

I am aware that the Australian Centre for the Study of Sexual Assault has recently published an issues paper on this matter, in particular whether a forensic examination should be contingent on a decision to proceed with a police investigation.³⁰

²⁹ VLRC Final Report: Recommendation 16

³⁰ See Mapping health sector and interagency protocols on sexual assault ACCSA Issues No.2, March, 2005 at www.aifs.gov.au/acssa

My discussion paper suggested specialist nurse practitioners could be trained to perform some forensic examinations currently undertaken by forensic medical practitioners.

The Victorian Institute of Forensic Medicine provided a lengthy and considered response to this suggestion. I note its suggestion that the availability of forensic medical officers in rural areas warrants investigation. I also note its view that ‘the continuing success of the best practice model offered by the forensic medical officers at the Victorian Institute of Forensic Medicine is dependent on (strengthening and) support for the existing forensic medical officers (including continuing professional education and training).’

It is apparent from this and other responses that there are issues that need to be resolved before specialist nurse practitioners could work in this area. Not the least of these are the significant pre-conditions that need to be met for nurses to achieve practitioner status. The responses to this idea indicate it has merit, and it warrants further discussion.

The Department of Justice has advised that a pilot project is under consideration.

Independent Third Persons

My discussion paper raised the role of the Independent Third Person for police interviews with people who have a cognitive impairment. Their role is not to act as an advocate but to facilitate communication with the person being interviewed.

The issue was canvassed in detail in a number of submissions. It is clear that there is significant debate about the level of support that should be available to a person with a cognitive impairment during a police interview. While there is consensus that people with a cognitive impairment should have access to counselling and advocacy generally, the question of whether advocates should be available in police interviews is contentious.

Victoria Police and the Office of Public Advocate, in conjunction with the Department of Human Services, are developing a ‘ready reckoner’ to assist police in the identification of persons with a cognitive impairment.

In order to enable a broader and systemic analysis of the issues faced by people with a cognitive impairment in the criminal justice system, the VLRC recommended that:

The Attorney-General should consider establishing a review which identifies the issues confronted by people with cognitive impairment in the criminal justice system as complainants, accused and witnesses and make recommendations for legal and procedural changes.³¹

I support this recommendation. Such a review would be assisted by the inclusion of interviews with people who have a cognitive impairment who have been subject to sexual assault to ascertain their views of the role of the independent third person and level of support they provided during the police interview. The Department of Justice has advised that it supports consultation with people who have a cognitive impairment.

Withdrawn complaints

The number of complainants withdrawing from police investigations into allegations of sexual assault to police is increasing. There was an increase in the number of reported cases of sexual assault being withdrawn by complainants from 14 per cent in 1994-95 to 24.8 per cent in 2001-02.³²

In response to this significant increase, the VLRC recommended independent research into the issue.³³ As a result the State-wide Steering Committee to Reduce Sexual Assault has funded the Australian Centre for the Study of Sexual Assault to look into withdrawn complaints. This research will involve reviewing approximately 900 cases to determine why people withdraw their complaint.

I note the current research is limited to a review of the Victoria Police files and that researchers will not obtain complainants' perspectives of why their matter was withdrawn.

Submissions were generally supportive of an independent review of a case each time a complainant in a sexual assault case withdraws from the investigation, but Victoria Police and the Department of Justice indicated their preference to consider the outcome of the research before determining what action might be necessary.

Victoria Police is of the view that the emphasis should be placed on providing appropriate support to a complainant so that he or she has a sense of being in control at all times during the course of proceedings rather than the criminal justice system driving their involvement.

In my view, independent mechanisms for reviewing withdrawn complaints should be considered in the context of the findings of the Australian Centre for the Study of Sexual Assault study now under way. It is particularly important to ensure independent scrutiny in cases where allegations of sexual assault involve members of the police force.

Non-authorisation of briefs

I have received several complaints which demonstrate inconsistencies in the brief authorisation process. This is the process where police are authorised to proceed to charge an alleged offender. Of concern is the apparent idiosyncratic decision-making about whether a brief will be authorised for prosecution. In one case the complaint indicated that a 'personality clash' between the authorising officer and the

³² VLRC Report: p. 77

³³ VLRC Final Report: Recommendation 8

investigator prevented a brief from being authorised in a case of child sexual abuse. Following review by the Office of Public Prosecutions, charges were laid and the perpetrator was ultimately sentenced to six years imprisonment.

The enquiry was told by more than one source that some police officers will deliberately withhold a brief until the designated officer with particular views is absent and a more sympathetic officer is 'acting' in that position. The VLRC made a number of recommendations about the authorisation of briefs for prosecution in sexual assault cases, including that Victoria Police reviews its brief authorisation process.³⁴

In submissions to me on this point, there was consensus that complainants should be notified in writing that they were entitled to request a review of a decision not to authorise a brief.

The Department of Justice advised that the right of review by the Office of Public Prosecutions is currently contained in information provided by Victoria Police to victims/survivors. The prominence of this information in the publication is being considered as part of Victoria Police's general review of information to be provided to victims.

I note that the Office of Public Prosecutions can only provide advice to police and does not have the authority to require the police to lay charges. While the

Office of Public Prosecutions is able to directly present any alleged offender to the court, this course is rarely taken.

I support the provision of written information to complainants about their right to have a decision not to authorise a brief reviewed but note that any information provided to complainants should be framed in a way which does not unnecessarily raise their expectations.

Victoria Police supports the analysis of briefs to determine the factors which affect authorisation. On the question of whether there should be independent review when briefs are not authorised, Victoria Police submitted that it would be of limited benefit and, in relation to matters prosecuted by the Office of Public Prosecutions, could 'amount to an unwarranted attack' on the independence of the Director of Public Prosecutions. Victoria Police also stated that if a complaint is withdrawn, it must be authorised by a prosecutor with the involvement of the authorising member and the informant. If the victim is not happy with the process, avenues of complaint are many, including Victoria Police, its Ethical Standards Department and the Director, Police Integrity, which all have the capacity to conduct independent reviews.

The Department of Justice stated that in an environment where relatively low numbers of sexual assault reports result in prosecution, review of why briefs are not authorised could assist in identifying

factors that contribute to this low rate, and how this might be addressed in creating a more responsive criminal justice system for victims.

Costs

Since the High Court decision of *Latoudis v Casey*³⁵ an order for costs can be made against police who fail in committal proceedings against a person charged with sexual assault. A number of sources told the enquiry the potential for an adverse costs order is a significant factor in the decision for police about whether or not to authorise briefs in sexual assault cases.

As part of improving police responses to complainants, the VLRC recommended that ‘the impact of court costs on the decision-making process should be examined and appropriate strategies devised to resolve any issues which are identified.’³⁶

Respondents to the discussion paper on this issue were unanimous in support of legislative change to address this issue. The Department of Justice advised that it will be considered, in consultation with Victoria Police.

Recommendations: Police investigation processes

Recommendation 20

That specific protocols be developed for the use of email in communications with

people making an allegation of sexual assault, especially to ensure that confidential information is not transmitted.

Recommendation 21

That Victoria Police provide contact details of all members connected to sexual assault cases to complainants both personally and in writing. Any changes to an investigation team, including the transfer of the case or key members of the team responsible for the investigation, should also be given to the complainant as soon as possible.

Recommendation 22

That Victoria Police creates a checklist for members dealing with complainants of sexual assault that contains general principles of the Code of Practice for the Investigation of Sexual Assault. The checklist should be designed to incorporate feedback from complainants or their advocates. The conduct of investigators should be regularly monitored for compliance with the code. Persistent breaches should be subject to sanctions.

Recommendation 23

That the Department of Justice, in consultation with the Victorian Nurses Board, initiate appropriate research to determine if specialist nurse practitioners could perform the forensic examinations currently undertaken by forensic medical

³⁵ (1990) 170 CLR 534

³⁶ VLRC Final Report: Recommendation 19

officers and if so, what level of training would be required for the nurse practitioners.

Recommendation 24

That any review of the issues faced by people with a cognitive impairment in the criminal justice system include interviews with people with a cognitive impairment who have been subject to sexual assault to ascertain their views of the role of the independent third person and the level of support they received.

Recommendation 25

That training programs for independent third persons include a component on how to identify when a person with a cognitive impairment requires additional support and how to make an appropriate referral.

Recommendation 26

That further research to obtain and consider firsthand accounts from complainants about their reasons for withdrawing their complaint be conducted to complement the research currently being undertaken by the Australian Centre for the Study of Sexual Assault.

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That Victoria Police develop a range of measures to reduce the number of complaints withdrawn including automatically reviewing cases where a complainant withdraws a report of sexual assault, and other measures which might arise from the research by the Australian

Centre Against Sexual Assault into withdrawn complaints.

Recommendation 28

That Victoria Police consider whether, in some circumstances, a more independent review of a decision not to authorise a brief for prosecution should apply in sexual assault cases. The use of panels, either independent or internal to Victoria Police, could be considered for such review.

Recommendation 29

That Victoria Police introduces mechanisms to systematically analyse all sexual assault briefs to identify patterns and characteristics of briefs that are authorised for prosecution and briefs that are not.

Recommendation 30

That information provided to complainants by Victoria Police about their right of review to the Office of Public Prosecutions be clear, factual and realistic.

Recommendation 31

In its legislative review of sexual offences, the Department of Justice include amendments to ensure costs are only awarded where police have acted unreasonably, improperly, or where exceptional circumstances apply.

COMMUNITY EDUCATION ABOUT SEXUAL ASSAULT

All the evidence available to me suggests that timely access to support is critical to the recovery of people subject to sexual assault. Early reporting and access to support services means individuals may overcome the stigma, fear, shame, and guilt associated with sexual assault. This means increasing community awareness about respectful relationships and about what is unacceptable behaviour.

A better informed community

The consistent message emerging from this enquiry is that large numbers of people are not well-informed about sexual assault.

Specific community education strategies are needed for people who are particularly vulnerable to sexual assault and face significant barriers to reporting sexual assault. Children and young people, those who have a disability or mental illness, are Aboriginal, or come from a culturally or linguistically diverse background should be encouraged to promptly report sexual assault.

I note the VLRC made specific recommendations for the development of community education strategies to reduce sexual assault involving people from non-English speaking backgrounds.³⁷The development of a state-wide sexual assault awareness and safety campaign

for Indigenous people was also recommended.³⁸ I strongly support these initiatives.

The enquiry was told by several sources that primary prevention strategies aimed at children and young people should form part of the curriculum in primary and secondary schools. For these strategies to be effective, a 'whole-of-school' approach involving school, staff and parents should be adopted.

The Royal Children's Hospital suggested vulnerable people could be encouraged to report sexual assault by:

Providing information in a range of community languages as well as other forms of communication (eg: audiotape, Braille etc) about what constitutes sexual assault, what supports exist for people who have experienced sexual assault and what the process is for accessing those supports, what the process is for making a report to Victoria Police or the Department of Human Services and what supports are available to assist someone to make such a report.

The hospital stated this information needs to be available in homeless shelters and rural community health centres. There should be liaison with rural, Indigenous and culturally and linguistically diverse communities to ascertain the most

appropriate mechanism for disseminating information in those communities. The hospital submitted that specific funding should be allocated for this purpose.

Comprehensive community education strategies aimed at reinforcing social values based on respectful relationships and demystifying the system for people reporting sexual assault are important.

The Department of Education and Training, through the Victorian Curriculum and Assessment Authority, provides schools with curriculum support through the Victorian Essential Learning Standards (VELS). As curriculum development is a school's responsibility, schools use these guidelines to develop programs at the local level. The Department has advised that it is willing to meet with the Centres Against Sexual Assault to further discuss the VELS and associated program development at the school level.

The role of the media

Many people responding to the enquiry considered the media to be an important tool in educating the community about sexual assault. The majority of submissions indicated that government agencies should work together to involve the media in community education about sexual assault.

I have been advised that the State-wide Steering Committee to Reduce Sexual Assault is considering issues involving the media. The Mental Health Legal Centre emphasised the importance of including non-government agencies in planning media campaigns about sexual assault.

I agree that the media have an impact on the extent of community understanding about sexual assault. Relevant government media campaigns should be reviewed for effectiveness to determine, for example, whether a potentially expensive television campaign is more effective than advertising in places that young people frequent.

Recommendations: Community education about sexual assault

Recommendation 32

The government implement a state-wide, whole-of-government community education strategy aimed at improving community understanding of sexual assault, promoting environments that discourage sexual assault, encouraging early reporting of sexual assault and encouraging access to support services that promote recovery of people who have experienced sexual assault.

Recommendation 33

That government agencies also develop partnerships with community organisations for people from culturally and linguistically diverse backgrounds, including Indigenous people, and people with a cognitive impairment to develop strategies specific to these groups.

Recommendation 34

That the strategies in Recommendation 33 be reviewed annually to determine their effectiveness.

Recommendation 35

That the Department of Education and Training, in consultation with Centres Against Sexual Assault, continue to develop a program for students, staff and parents about respectful relationships to inform the curriculum in primary and secondary schools.

CONCLUSION

Sexual assault has devastating effects for both the victim and the community. The psychological aftermath of sexual assault has been well documented and support services report a high level of demand. Measures should be put in place to ensure that no further harm or injustice is caused to a person who has experienced sexual assault after reporting it to a government authority. As outlined in this report, it is clear that further work is required.

The recommendations in this report invite government agencies to look again at existing policies and practices that have a negative impact on people reporting sexual assault and to work collaboratively and constructively towards improving them. Ensuring an effective whole-of-government approach will require an equitable distribution of resources and central leadership. I recognise that some recommendations will present considerable challenges for agencies, particularly those relating to compatible information management systems. Agencies have confirmed that resources for such an undertaking will be an issue requiring resolution. Some recommendations will have resource implications. Others simply require a shift in practice.

I am confident that the recommendations in my report, arrived at after extensive community consultation, have the

potential to improve the experience of people reporting sexual assault, their recovery and well-being.

Implementation of the measures recommended is an opportunity to harness the cooperation and commendable commitment of individuals working in this area, in both government and non-government agencies, to ensure systems are responsive to the needs of people reporting sexual assault and support those who experience sexual assault but who, for many reasons, do not report it.

I propose to monitor actions taken by agencies to improve how they respond to allegations of sexual assault.

LIST OF RECOMMENDATIONS

Reporting incidents of sexual assault

Recommendation 1

That the Department of Education and Training, the Department of Human Services and Victoria Police, in collaboration with the Department of Justice, Centres Against Sexual Assault, and other relevant agencies or individuals, develop a common terminology in plain language to describe incidents involving sexual assault that takes into account the continuum of sexual behaviour exhibited by children, young people and adults and reports on any legislative amendments necessary to ensure clarity and consistency.

Recommendation 2

That the above agencies develop targeted training packages for use:

- a) in schools by teachers and principals on how to respond to a student reporting sexual assault or exhibiting sexualised behaviour and to incidents involving sexual assault;
- b) by disability workers on how to respond to someone with a cognitive impairment who is reporting sexual assault or exhibiting sexualised behaviour and to incidents involving sexual assault; and

- c) by others required to report child sexual abuse that take account of issues particular to professionals living and working in rural areas.

Recommendation 3

That compatible data collection systems be developed to enable the lawful sharing of information and a whole-of-government analysis of individual and systemic patterns of offending.

Recommendation 4

Alternatively, arrangements be considered that might include the development of a centralised advice and referral body with the capacity to analyse collected data and conduct research about sexual assault, including the relevant r

Recommendations: Protecting against sexual assault

Recommendation 6

That all government agencies conduct regular safety audits and reviews of incidents involving sexual assault with a view to ensuring:

- a) a safe physical environment; and
- b) an environment conducive to early reporting.

Recommendation 7

That government-funded agencies providing 24-hour care:

- a) collect data to identify the incidence of sexual assault; and
- b) provide information about a resident's previous unproven allegations of sexual assault to other residents or their families after careful consideration on a case by case basis. The decision whether or not to release such information and the reasons for that decision should be documented.

Recommendation 8

That the Department of Human Services and the Department of Justice:

- a) allocate extra resources to providing specialised programs for treating children under the age of 14 exhibiting sexually abusive behaviour;
- b) collate data about the incidence of

sexual assault in residential services and initiate action to reduce the incidence of sexual assault, including measures such as female-only residential facilities.

These initiatives should be reviewed for their effectiveness; and

- c) with the Children's Court, review the effectiveness of amendments to the Magistrates' Court Act to discern the impact, if any, of the amendments on court practices and the effectiveness of interventions aimed at keeping children subject to sexual abuse within their family environment.

Recommendation 9

That the Department of Human Services establish regional and rural intervention and treatment services for children and young people, including children under 10 years exhibiting sexually abusive behaviours, based on an assessment of need.

Recommendation 10

That the Student Critical Incident Advisory Unit and the regional office within the Department of Education and Training provide support to principals to manage allegations of sexual assault within the school environment including the provision of independent investigators where appropriate and where police involvement has ceased. The role of the Student Critical Incident Advisory Unit should include a review of the school's processes to ensure the school environment is safe and is conducive to

early reporting of incidents of sexual assault.

Recommendations: Inter-agency liaison

Recommendation 11

That relevant government agencies:

- a) enter into formal arrangements with other agencies with which liaison is necessary in order to respond appropriately to allegations of sexual assault; and
- b) as part of the formal arrangement, include a date at which time the details of the arrangement are to be reviewed.

Recommendation 12

That the relevant departments:

- a) establish the State-wide Steering Committee to Reduce Sexual Assault, or similar inter-agency committee, as a permanent standing committee with formalised communication structures with regional and local groups to address system-wide issues centrally;
- b) as a priority, act on the VLRC recommendation to establish an Indigenous State-wide Sexual Assault Steering Committee that liaises with the broader State-wide Steering Committee to Reduce Sexual Assault; and
- c) consider utilising cross-government project teams established as a result of

the Victorian Government's social policy action plan A Fairer Victoria to resolve issues for agencies in responding to allegations involving sexual assault involving people from culturally and linguistically diverse backgrounds.

Recommendation 13

That government agencies and Centres Against Sexual Assault explore partnership projects with agencies representing or serving people with culturally or linguistically diverse backgrounds to create environments conducive to reporting sexual assault and to facilitate access to support services.

Recommendations: Workforce issues

Recommendation 14

That government agencies ensure that allegations of sexual assault made against employees and former employees are thoroughly investigated and that policies and practices, including recruitment practices, be reviewed by agencies to ensure they maintain an environment that will:

- a) minimise the risk of sexual assault; and
- b) encourage early reporting of sexual assault.

Recommendation 15

Where an employee has been accused of sexual assault, government agencies not agree to confidentiality clauses that

prevent disclosure of information to future employers or complaint authorities in the negotiation of severance agreements.

Recommendation 16

That the Department of Justice convene a working group comprising the Department of Human Services and the Department of Education and Training, Victoria Police and other relevant agencies to consider the implementation of pre-employment vetting that includes mandatory referee checking of previous employers for public sector employees. The Department of Justice should report on the outcomes within six months.

Recommendation 17

That all government employees involved in responding to or investigating reports of sexual assault receive specialised training.

Recommendation 18

That the government agencies introduce standardised competency-based qualifications for employees investigating allegations of sexual assault.

Recommendation 19

That relevant agencies explore the feasibility of reciprocal secondments, or staff exchange arrangements, between the sex offences and child abuse units of Victoria Police, Child Protection Services and the Student Critical Incident Advisory Unit of the Department of Education and Training. Consideration could also be given to seconding staff to other relevant

agencies, such as the Victorian Institute of Forensic Medicine.

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APPENDICES

1. Submissions received

No	Date received	Name	Agency
1	21 December 2004	Confidential	
2	21 December 2004	Stephanie Blake	Northern Centre Against Sexual Assault
3	30 December 2004	Confidential	
4	30 December 2004	Confidential	
5	30 December 2004	Stephanie Blake	Northern Centre Against Sexual Assault
6	12 January 2005	Jonathon Goodfellow	Disability Discrimination Legal Centre
7	12 January 2005	Carolyn Worth	South Eastern Centre Against Sexual Assault
8	12 January 2005	Maggie Innes Jacqui White	CASA House
9	3 January 2005	Confidential	
10	3 January 2005	Confidential	
11	3 January 2005	Stephanie Blake	Northern Centre Against Sexual Assault
12	8 February 2005	Confidential	
13	8 February 2005	Merinda Epstein	Mental Health Legal Centre
14	10 February 2005	Dr. S. Caroline Taylor	University of Ballarat
15	14 February 2005	Confidential	
16	21 February 2005	Confidential	
17	21 February 2005	Therese Barry	Psychologist
18	4 March 2005	Confidential	
19	18 March 2005	Confidential	
20	18 March 2005	Stephanie Blake	Northern Centre Against Sexual Assault

2. Responses received to discussion paper

No	Date	Agency
1	2 March 2005	Australian Centre for the Study of Sexual Assault
2	4 March 2005	Victorian Institute of Forensic Medicine
3	7 March 2005	Victorian Mental Illness Awareness Council
4	8 March 2005	Victoria Police
5	9 March 2005	Office of the Public Advocate
6	10 March 2005	South Eastern Centre Against Sexual Assault
7	11 March 2005	Royal Children's Hospital
8	16 March 2005	Department of Human Services
9	16 March 2005	Equal Opportunity Commission Victoria
10	21 March 2005	CASA House
11	30 March 2005	Department of Justice
12	6 April 2005	Mental Health Legal Centre
13	26 April 2005	Disability Discrimination Legal Service
14	27 April 2005	Department of Education and Training

3. Agencies consulted

No	Date	Agency
1	25 October 2004	Office of Public Prosecutions
2	25 October 2004	Victorian Law Reform Commission
3	4 November 2004 12 January 2005	South Eastern Centre Against Sexual Assault
4	12 November 2004	Witness Assistance Service, Office of Public Prosecutions
5	22 November 2004	Gatehouse Centre
6	23 November 2004	Municipal Association of Victoria
7	23 November 2004	Victorian Taxi Directorate
8	26/30 November 2004 24 January 2005	Victoria Police
9	29 November 2004	Youthlaw
10	10 December 2004	Frontyard
11	10 December 2004 25 January 2005	Department of Education and Training
12	13 December 2004	Ryan Carlisle Thomas Solicitors
13	13 December 2004	Office of Women's Policy
14	14 December 2004	Domestic Violence and Incest Resource Centre
15	15 December 2005 7/14 January 2005	Department of Human Services
16	15 December 2004	Australian Federal Police
17	21 December 2004	Victorian Institute of Forensic Medicine
18	21 December 2004	Privacy Commissioner
19	22 December 2004	Department of Justice
20	24 December 2004	Health Services Commissioner
21	6 January 2005	Office of the Public Advocate
22	6 January 2005	CASA House
23	6 January 2005	Australian Centre for the Study of Sexual Assault
24	13 January 2005	Victorian Forensic Science Centre

No	Date	Agency
25	24 January 2005	Goulburn Valley CASA
26	24 January 2005	Ethnic Communities Council, Shepparton
27	24 January 2005	UnitingCare, Shepparton
28	24 January 2005	Berry Street, Victoria, Shepparton
29	25 January 2005	Rumbalara Aboriginal Co-Operative
30	9 February 2005	Nurses Board of Victoria
31	10 February 2005	Victorian Association of State Secondary Principals
32	25 February 2005	Equal Opportunity Commission
33	28 February 2005	Australian Greek Welfare Society
34	1 March 2005	Aboriginal Family Violence Prevention and Legal Service

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