

Practice Tips

Talking about child sexual abuse in a legal setting:

Working well with potential redress clients

Preparation

- Do you know how to respond to someone who is triggered/distressed?
- What procedures are in place if someone is imminently at risk?
- Do you know how to ask someone if they are safe/ok?

Permission seeking

- “Is it ok if we talk about this?” – it may not be

Timing

- Try and avoid having these conversations at 4.30 on a Friday for eg
- “Is now an ok time to talk about this?” “We can make another time if you like?”
- Let the person know how long you have for them, and remind them when the appointment time is almost up

Support

- Does the person have a support person?
- Do you have a social worker or someone to assist?
- Do you have numbers and service details handy so that you can refer the client if needs be?

Containment

- Keep the conversation about the legal options of Redress as much as possible ie “would you like to talk about whether you might be eligible for the Redress Scheme?” rather than “would you like to talk about the abuse?”
- Let the person know they don’t need to talk in detail about their abuse for you to advise/refer them

Ending

- Reminder that appointment is coming to a close
- Is the person feeling ok/safe?
- Bring conversation back to practical, here and now issues – make a plan for the work you will do together from here

Responding well to first time (or rarely talked about) disclosures

- Be prepared – take the time to learn some basic techniques for de-escalating people who may be triggered (see Blue Knot for some great resources and training). Ensure you are familiar with crisis response practices for your organisation, in the rare event someone becomes highly distressed.
- Have they ever told anyone about this before? Make sure you ask as many people haven't, and your response needs to be adapted accordingly
- How someone responds to a first time disclosure can be life changing for a victim/survivor. You do not have to be professionally trained to do that well; most people tell a trusted friend or family member before a professional. The key word is 'trusted'. Thank them for trusting you, and listen well.
- Normalise the not telling – the Royal Commission found that it takes on average 24 years from incidence of child sexual abuse to when someone tells someone for the first time.
- Fear of not being believed is a major factor for why many victims haven't told – its important that you convey a belief in what someone is telling you and are sincere in that.
- Try to gently dissuade them from going into too much detail. This can be hard but is important to ensure their emotional safety during the discussion. "I believe you and I want to help. I'm also not a counsellor I'm a lawyer. You won't need to go into detail with me for me to be able to give you legal advice"
- Some people will however want to give you a lot of detail. Monitor their distress levels while they are talking, and don't be afraid to stop someone if you have to, if you feel they are becoming unduly hyper or hypo-aroused (use the techniques you have learned)
- Be a person, not a position: The importance of an empathic response – its more than ok to tell someone that you are sad/sorry to hear that has happened to them, and that it should never have happened, it was wrong.
- Ask them if they have support. Is there someone in their life they can talk to more about this? Would they like you to help them connect with a service that can help?
- Do you have a social worker on your team or someone else that could assist?
- Thank them for sharing this with you. Then turn the discussion back to how you can help them legally with what they have just shared.
- Make a plan to follow that through – don't let someone walk out of an appointment feeling embarrassed that they have disclosed something so personal (because shame and embarrassment are significant for many victims) and without an idea of what happens next. If there is a plan in place for legal work from there, then they will know what conversation they will be having next time and will be more likely to stay engaged
- Talk to someone after the appointment to check in on your own wellbeing. The heightened emotional state of the person combined with potentially detailed content in the disclosure will also impact you in some way. A chat with a trusted colleague or supervisor is often all that is required. But make sure you do that, rather than just 'soldiering on'. It will help keep you match fit and prevent an accumulation of impacts over time.
- If a client disengages after a disclosure, follow up with them and let them know you wanted to check in and see how they are going. Let them know you are still there to help them legally. Enquire about support again and help with that if you can. A warm referral to another service that can help can be of great assistance.

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