



# Issues Paper 9

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Released 31 July 2015

## **ADDRESSING THE RISK OF CHILD SEXUAL ABUSE IN PRIMARY AND SECONDARY SCHOOLS**

### **ISSUE**

The Royal Commission's Terms of Reference require it to inquire into what institutions and governments should do to prevent or alleviate the impact of past and future child sexual abuse in institutional contexts. This includes considering ways to ensure institutions that children commonly engage with have effective mechanisms in place and are subject to suitable external scrutiny to prevent, identify and appropriately respond to child sexual abuse. Under Australia's compulsory education system, apart from a small number of children who are home schooled, nearly all Australian children will attend primary and secondary schools for several years of their childhoods, whether in the government or non-government system or both. Around 30 percent of the individuals who have spoken to the Royal Commission were sexually abused as children in a school environment, with non-government schools in particular accounting for a disproportionately high number of reports. Of the Royal Commission's 29 public hearings to date, eight have focused on abuse in schools.

Under Australia's federal system of government, primary responsibility for the delivery, funding and regulation of education sits with the states and territories. The different state and territory education systems share many features in common, however, there are no wholly consistent education laws or policies across all jurisdictions. Instead, each jurisdiction has its own education department and legislation; its own child safety and student welfare policies applicable to government schools; and its own legal requirements for registration and functioning of non-government schools, with varying degrees of specificity around what policies and procedures those schools must have in place with respect to child safety and student welfare. Individual schools within the various jurisdictions and education systems also have their own particular characteristics, shaped by their histories, student cohorts, locations and cultures. These differences can affect the level of protection for students, and the management of risk.

Following consideration of the information provided to the Royal Commission in private sessions, public hearings and roundtables, a number of issues about child protection in Australian schools have been identified. These include: governance structures; internal culture; effectiveness of teacher training to identify victims of child sexual abuse; how efficacy of child protection policies is evaluated; how staff and parents are informed about the application of relevant policies; and how



existing regulatory frameworks for schools could be strengthened to promote greater protection for children and young people.

Submissions are sought from interested parties on these issues. Of particular interest to the Royal Commission are the following questions:

### **Topic A: General questions**

1. How effective are the policies, procedures and/or practices schools have adopted to minimise or prevent, report and respond to risks and instances of child sexual abuse?
2. How can compliance with legislative obligations and child protection policy requirements by schools and their staff be encouraged? Should there be penalties for non-compliance, and if so, in what form?
3. What are the particular strengths, protective factors, risks or vulnerabilities and challenges faced by schools within different education systems in preventing, identifying, reporting and responding to child sexual abuse? Is there any rationale for having different legislative obligations and policy requirements relating to child protection for government and non-government schools?
4. Do the nine elements of the 2009 National Safe Schools Framework effectively make schools safer for students? Are there any additional elements schools should adopt?
5. What regulatory, oversight or governance mechanisms are needed to ensure schools have adopted 'safe school' elements? How has their effectiveness been evaluated?

### **Topic B: Governance and leadership**

1. How could school governance arrangements be strengthened to provide better protection for children? What should be the role of: students, staff, principals, school councils or boards, governing bodies and education departments in reviewing current safety arrangements, incidents, decision-making and promoting child safety within individual schools?
2. What governance arrangements should be in place to ensure that teaching and non-teaching staff and other members of school communities have the support and confidence to identify and report suspected child sexual abuse without fear of negative repercussions for themselves or their careers?

### **Topic C: Protection and support services for children and specific student populations**

1. What needs to be taken into account to ensure that the full diversity of students are equally protected and equipped to voice concerns? Are the needs of children with particular vulnerabilities, such as children with disability, adequately addressed?
2. What support services should schools provide for victims and others affected by child sexual abuse, either directly or through referral to external providers? Are schools able to ensure these services are provided and, if not, why not?



3. What measures should boarding schools take to ensure that students are and feel safe? Are particular measures needed for boarding schools catering to specific populations such as Aboriginal and Torres Strait Islander students, international students, or students in regional and remote areas? Will the draft National Boarding Standards for Australian Schools provide boarding students with stronger protection against child sexual abuse?
4. Do factors such as geographical isolation, distance from policy makers, and staff and student retention affect regional and remote schools' abilities to prevent and respond to child sexual abuse? If so, how might they be addressed?
5. What sorts of measures are needed to help protect younger children from the risk of sexual abuse by older children?

#### **Topic D: Registration of non-government schools, not-for-profit and corporate entities**

1. To what extent should a non-government school's registration be conditional on it having strong child safe principles, policies or procedures (for example, concerning student health and wellbeing and complaints management)? How can the adequacy of individual schools' approaches be assessed?
2. What role could or should insurance, organisational or directors' liability, as well as regulation by the Australian Charities and Not-for-profits Commission and Australian Securities and Investments Commission, play where a registered school or corporate body fails to prevent, identify, report or respond to child sexual abuse?

#### **Topic E: Education, training, professional support and primary prevention**

1. What obligations should schools have to ensure that their teaching and non-teaching staff are aware of and comply with applicable codes of conduct, professional standards or child protection policies?
2. What role does teacher education, training and professional support (including university study, pre and in-service training, and mentoring/support), play in equipping individual teachers with skills and confidence to identify behaviours indicative of, and to appropriately respond to risks or incidents of, child sexual abuse, and to children displaying problem sexual behaviour?
3. What should school systems do to ensure their schools consistently deliver effective sexual abuse prevention education? Do such programs address barriers to children disclosing abuse, including the specific needs of children with disability, with English as a second language or with other particular vulnerabilities?

#### **Topic F: Reporting, information sharing, complaints and investigations**

1. What barriers or fears might discourage or prevent individuals working in or with schools from reporting suspected child sexual abuse (whether the abuse is perpetrated by colleagues, volunteers, other students, other members of the school community or family members)? How could those barriers be addressed?
2. How effective are mandatory reporting and reportable conduct schemes in assisting to identify and report child sexual abuse in schools? If necessary, how might these schemes be refined to better suit school environments?



3. What obligations should schools have to alert teachers, parents/carers, other schools (for example, where a student changes schools or progresses to secondary school) and other professionals when a child has exhibited problem sexual behaviour, or has engaged in sexually abusive behaviour?
4. How should investigations into allegations of child sexual abuse be undertaken within schools, and by whom? What measures should be taken to ensure that the sensitivities and vulnerabilities of children involved are considered?
5. Are there barriers which might prevent or limit appropriate and timely sharing of information about child sexual abuse (whether perpetrated by adults or other children) in school contexts? If so, do such barriers differ depending on which individuals, bodies or jurisdictions are involved (for example: sharing within and between schools, between schools and parents/carers, between schools and government agencies, regulators and oversight bodies, or across jurisdictions)? How could such barriers be addressed?

Noting the number of questions, the Commission encourages respondents to target their submissions to questions within their particular areas of experience, interest or expertise; it is not expected that all submissions will address all questions.

Submissions will be made public unless the respondent requests that it not be made public or the Royal Commission considers it should not be made public. That will usually only occur for reasons associated with fairness. Submissions can be made anonymously.

Submissions should be made by **31 August 2015**, preferably electronically, to [schoolspolicy@childabuseroyalcommission.gov.au](mailto:schoolspolicy@childabuseroyalcommission.gov.au), or otherwise in writing to: GPO Box 5283, Sydney, NSW, 2001.