



DRAFT - 10 October, 2000

BRISBANE GRAMMAR SCHOOL - INDEPENDENT PANEL REVIEW

INTRODUCTION

This panel was established by the Brisbane Grammar School to review policies, practices and procedures at the school directed at the prevention of sexual abuse. The school's published sexual harassment policy, and its published policies on bullying and discrimination, are not specific to the primary issue of concern to the panel.

The panel has approached its task in the knowledge that the forms of sexual abuse with which it is concerned are morally reprehensible and may constitute a range of criminal offences. Despite that, it is an activity which it may be impossible totally to prevent.

The objective of the "prevention" of sexual abuse should, therefore, recognise the impossibility of achieving perfection, and to appreciate that minimisation of risk is the realistic goal.

The prevention of sexual abuse involves a systemic approach with the full co-operation of staff and students. Included within the concept of prevention is the detection of such sexual abuse as may occur despite the safeguards put in place within the school. A high chance of detection will have a significant deterrent effect. A protocol for the investigation of complaints, and a consideration of the remedies available to the school principal and board, complete the panel's analysis.



The essence of any system of prevention of sexual abuse is a fundamental attitude change by the school community, and particularly the students. A disturbing feature of a recent case is that while sexual abuse is alleged to have involved some 35 students over an extended period, not one contemporaneous complaint to a member of staff, or to a parent, or to the Police, is said to have been made. It is unclear why that was so, but it is probable that a number of factors were operating, including embarrassment on the parts of those students directly involved, concerns at challenging staff authority with a serious complaint, concerns that a complaint would initiate actions over which they would have no control but in which they would be intimately involved, and concern that despite complaining of the alleged conduct they might be seen to have been complicit in it, or at least tolerant of it.

The best outcome will be achieved if sexual abuse is recognised as a risk which any member of the community may have to confront. If it can be recognised and dealt with in the same way as other day-to-day risks with which students deal, and a matter about which they are able to speak out, the likelihood of predatory behaviour by a staff member, senior boy, or other, is very much reduced.

PREVENTION

The panel advances the view that the essential task of creating a school environment in which predatory behaviour cannot exist by changing the attitudes and perceptions of students should not prove an unduly difficult task, and may involve:-

- (a) Frank and open discussion about this topic in appropriate classes;
- (b) A clear written policy statement on sexual abuse which is incorporated in



the school handbook, the student's record books, etc;

(c) Encouraging a perception by students that the risk has been well recognised and is a matter with which the school is prepared to deal, by providing information which:-

- (i) identifies clear and well defined reporting structures for such incidents;
- (ii) details the manner in which such complaints will be dealt with;
- (iii) provides encouragement to students to report abuse in which they are involved, or of which they have become aware;
- (iv) ensures that students recognise obligations have been imposed upon staff to complete a timely, efficient and just determination of any complaint or advice given to any staff member in respect of sexual abuse.

We shall deal with some of these matters in greater detail.

Staff

It is recommended that the school initiate a policy for the recruitment of staff which, so far as is possible, will provide some precautions against the employment of a known or potential offender. In particular:-

- (a) Each applicant for a school position should be advised at the outset of his/her application that at some point in the processing of that application, the applicant will be required to produce the applicant's full criminal history for each State and Territory in which the applicant has



resided, or a certification by the appropriate police officer in each State
that no such criminal history exists;

- (b) Each reference proffered by an applicant should be checked personally
with each referee. To ensure consistency, a standardised list of enquiries
should be prepared;
- (c) Each applicant should consent to a background check preferably in
writing (a pro forma application form may contain such consent) and be
put to a background check involving requests for information from
former headmasters, heads of departments and colleagues at schools at
which that applicant has taught;
- (d) A staff code of conduct defining in greater detail the expectations of the
board, should be formalised. The code of conduct presently employed by
the Department of Education provides a useful starting point. In the
context of matters with which the panel is concerned, the code of conduct
should specify the obligations of staff to be fully aware of the school's
policy of sexual abuse and provide, either in a general or specific way, an
undertaking by staff to foster and enforce that policy;
- (e) Each successful applicant for a staff position should agree in writing to:-
- (i) be bound by the terms of the code of conduct;
 - (ii) accept that he/she is aware of, and consents to, the investigation by
the headmaster or his/her delegate, of any complaint made against
that staff member of whatever nature;
 - (iii) be subject to a period of suspension (with or without pay) if in the
reasonable opinion of the headmaster that is necessary as a result



of that complaint, and pending the completion of the investigation.

Students

In order to create the environment in which predatory behaviour involving sexual abuse is unable to exist, or to exist for long without detection, the school should continue its efforts to change any perception by students which may lead to a failure to report such acts. In particular:-

- (a) There should be direct and unambiguous references to the risk of and manner of dealing with sexual abuse in the student's record book, the school handbook, staff information handbook, etc;
- (b) There should be direct and unambiguous references to and discussion of the topic of sexual abuse in appropriate classes - personal development;
- (c) The reporting structures for any incidents of sexual abuse (discussed in the next paragraph) should be well publicised in those documents, and in class discussion;
- (d) That reporting structure should provide a range of options for the student, enabling him to approach other identified students or identified members of staff with the confidence that the complaint or information will be received and acted upon, and confidentiality maintained to the extent that is possible. A reporting structure to other students may include the class head, the house head, any senior boy, or any prefect. An essential requirement is to ensure that the complainant will have a high degree of confidence that the boy receiving the complaint will pass it on through a well defined channel so that it comes to the immediate attention



of the headmaster, or one of his deputies.

The complainant should also have the option of reporting to identified members of staff, including housemasters, form masters, the deputy headmaster, or direct to the headmaster. Again, the complainant must have a high degree of confidence that the complaint will be treated appropriately and immediately passed onto the headmaster.

It should be well promulgated within the school community that any person receiving information or a complaint of this nature must pass that complaint or information directly to the headmaster;

- (e) The assurance that a complaint will be dealt with according to well published guidelines governing confidentiality, manner of investigation, speed of investigation etc. is essential to the creation of an environment in which such matters do not go unreported;**
- (f) Encouragement should be given to students to pass any information or complaint with respect to extra-familial sexual abuse to a family member, and provision should be made in the school handbook for direct communication of such matters to designated staff members, and the headmaster;**
- (g) The manner in which staff approach the open discussion of this topic is a matter for determination by the headmaster. However, the panel recommends that encouragement for the reporting of sexual abuse be extended to those students who become aware of, or strongly suspect, the occurrence of sexual abuse of other students. If students can be encouraged to take a protective role of other students in relation to that**



matter (and other matters such as bullying where that is already specified) instances of sexual abuse may come to the attention of staff even though embarrassment or some factor has influenced the student concerned not to complain.

Structure

Despite these precautions the potential for sexual abuse will remain, although the risk should be much reduced. The panel perceives the risk to be greatest in one-on-one teacher/student contacts which are otherwise unsupervised. Therefore, unless necessary in situations such as counselling, in which precautions are already taken, such situations should be avoided. The policy in this respect should recognise the capacity which a member of staff has to temporarily separate a particular student from his peers, and thereby increase his vulnerability to sexual abuse through isolation. The panel recommends, in particular, that any student undertaking tutoring or undergoing detention or other discipline do so in an open setting and preferably in circumstances where he may be joined in a group of other students who are similarly engaged.

It is in the interests of staff members to avoid such situations. Consideration should be given to highlighting that in the staff code of conduct or staff handbook.

The position of unpaid volunteers, such as assistant sports coaches, does not lend itself to rigorous preventive measures, but fortunately their involvement ordinarily occurs in the presence of staff members, involves a group of students rather than an individual student, and lacks the potential for a coercive element inherent in a



teacher/student relationship, which may be a prominent feature in predatory behaviour. The panel recommends supervision, and the avoidance of circumstances which would facilitate sexual abuse, as the best preventive measures in relation to the activities of volunteers.

DETECTION

The matters discussed in the preceding section identify the model which the panel believes appropriate for the detection of sexual abuse.

The primary means of detection must remain the affected student who, by the measures already discussed, will be encouraged to make, and be at ease in making, an appropriate complaint. However, should that not occur for any reason, there is a prospect that this activity will come to the attention of senior staff through a number of sources, including:-

- (a) information received from other students not directly involved who have become aware of, or strongly suspect, that activity; and/or**
- (b) other staff members who have become aware of, or who strongly suspect such activity; and/or**
- (c) family members.**

It will be necessary to determine a protocol, satisfactory to both the counsellor and students, by which a complaint made in the semi-confidential circumstance of school counselling can be communicated.



The school counsellor should be regularly de-briefed by the headmaster or his delegate with a view to detecting any trend in matters raised with the counsellor by students which may indicate the occurrence of sexual abuse.

INVESTIGATION

The investigation of any complaint should not proceed on an ad hoc basis. Such powers of investigation as are assumed by the school, its board and its headmaster in the circumstance of a complaint must be exercised by designated persons, such as the headmaster, any of the deputy headmasters, or a delegate of the headmaster. In recognising that malicious and/or unjustified complaints may be made, the panel regards it as essential that the internal investigation of a complaint proceed to the point where the headmaster or his delegate who is conducting the investigation has concluded that a reasonable basis exists for believing that the complaint may be made out, or to the contrary conclusion.

As there is a potential for subsequent criminal prosecution, the manner of investigation and the methods used should be determined in consultation with the officers of the Juvenile Aid Bureau. However, the panel believes that the investigation of a complaint would necessarily involve interviewing the complainant, the person to whom the complaint was made, and the person about whom the complaint was made. The investigating person should pursue any line of investigation which is consistent with guilt or innocence, in a diligent attempt to uncover the true facts. Each interview should be recorded.



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If the investigator concludes that there is no reasonable basis in fact for the complaint, the outcome should be conveyed to the complainant who would then be given the opportunity to take the matter further, if he so desire. If a contrary conclusion is reached, the matters should be

- (a) notified to the Board of Teacher Registration as is required; and**
- (b) passed on to the appropriate Police authority, if the student in consultation with his parents wish to press a complaint.**



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