

Attachment 1

THE SCHOOL

NON-GOVERNMENT SCHOOL INSPECTION REPORT [SECTION 176 (2), SCHOOL EDUCATION ACT 1999]

PURPOSE

Following a 'Critical Incident' at THE SCHOOL the Department of Education Services was requested by the Minister for Education; Energy and Indigenous Affairs to undertake an examination of the School's compliance with the Registration Standards relating to Levels of Care.

On 21 September 2012, the Minister issued a Certificate of Authority under Section 176(2) School Education Act to Mr Greg Clune to "inspect THE SCHOOL for the purposes of ensuring that the school is complying with the School Education Act 1999. In particular, the inspection will focus on the policies and procedures related to the level of care, safety and welfare of students both currently and since the introduction of the Act."

BACKGROUND

Briefing by the officers of the Department of Education Services indicated the intent of the inspection was to undertake a full and thorough investigation to:

- examine if school currently has appropriate policies and procedures in place to ensure students enrolled and attending at the school are protected and safe;
- examine if current policies and procedures are fit for the purpose and reflect best practice;
- enable DES to ascertain if the school currently satisfies registration requirement, or
- advise if the school is in breach of any Registration Standard focussing on policies and procedures relating to the level of care, safety and welfare of students both currently and since the introduction of Mandatory Reporting.

The intention was to examine the School's compliance with Registration Standard 4: Level of Care.

An examination of the School's documentation pertaining to this was undertaken.

A visit to the School was made on Monday 29 October 2012 to test the School's policies and procedures. The Headmaster was interviewed to ascertain the School's response to:

- an independent report prepared by Mrs Audrey Jackson in 2010;
- current Policies and Procedures;
- dissemination, implementation and monitoring of Policy and Procedures;
- validation of procedures;
- confidence staff will act;
- arrangements for staff joining during the year;
- arrangements for relief and student teachers;
- the robustness of Policy and Procedures for Boarders;
- curriculum support: education and skills for students;
- staff professional development, and
- the status of non-mandatory reporters.

A sample of staff from the Preparatory (Primary) and Senior (Secondary) Schools and Support staff were interviewed to discover:

- their familiarity with the School's Child Protection Policy and its location(s);
- how they were informed;
- how information is disseminated, and
- their assessment that the Policy is well known amongst staff in their area of the School.

The sample of staff included the Heads and one member of staff of the Preparatory and Senior Schools, the Head of Boarding and staff member from Boarding, the Bursar and the School Counsellor.

CURRENT SITUATION

Registration Standard 4: Level of Care

Findings

The school appears to satisfy the Level of Care requirements for Registration. It provides a safe and healthy environment for students and policies and procedures related to the care and welfare of students are in accordance with applicable laws. Staff are advised of their obligations under these laws.

The school has appropriate policies and procedures in place to ensure students enrolled and attending at the school are protected and safe; current policies and procedures are fit for the purpose and reflect best practice.

Analysis

Following the Registration Panel inspection in 2010, a Child Protection Review Committee undertook a thorough review of the school's child welfare policies and of the Mandatory Reporting of Sexual Abuse Policy and Procedures. While the policies were found to be basically sound, a number of amendments were made and the policies revised.

In considering the events which resulted in its establishment, the committee focussed on four key issues:

- the policies relating to Child Protection and in particular those on the Mandatory Reporting of Child Sexual Abuse;
- employment practices;
- the recording of reports whether formal or informal made about the behaviour of a staff member which are insufficient to trigger mandatory reporting, and
- communication with the school community and the support of the families involved.

The school has a high awareness of the requirements for Child Protection ("it is at the front and centre of our minds"). There are comprehensive policies and procedures to address all matters pertaining to its duty of care and for student welfare, safety and health. This is reflected in detailed documentation and was confirmed through discussion with the Headmaster and a representative sample of staff from senior, preparatory and boarding sections of the school. The Headmaster believes the school has policies and procedures which are robust and comprehensive – an assessment which was confirmed by senior staff. There are separate Child Protection policies for Sexual Abuse and Mandatory Reporting and for Maltreatment and Neglect.

While the school has a policy that requires all staff members to report under the Mandatory Reporting Requirement, such requirement is considered to be not enforceable under the legal requirements of the Children and Community Services (Reporting Sexual Abuse of Children) Act 2008. Only teaching and nursing staff, within a school environment, are deemed to be Mandatory Reporters. School staff outside these parameters must initiate such reports through the school's teaching staff i.e., the Headmaster. There is further commentary on this in Recommendation i. of this report.

The school's policy requires all staff members to report under the Mandatory Reporting Requirements – not just teachers and nurses.

Changes to senior staff and recent experiences, including the suicide of a student on campus, have reinforced a shift in culture at the school. The school is confident its procedures function well but there is not a sense of complacency. Through its induction programs, the school ensures all staff are very aware of the policies and procedures. All staff are required to be familiar with the policies which are readily available through the Staff Handbook with a direct link to the school website/portal. Staff are tested on their knowledge of the Handbook. The Headmaster advised that all staff undertake the AISWA Mandatory Reporting course and are reminded, at the commencement of each year, of their obligations in terms of child protection.

There is parent access to all the school's policies through the school's website.

The appointment of a full time Human Relations Manager facilitates the monitoring and tracking of staff in all areas of compliance. The usual employment protocols are followed i.e., the provision of WACOT registration, Working with Children Check and referee checks. In the case of internal promotions or the re-employment of former members of staff, the confidential database would be reviewed by the Headmaster to ensure there is no impediment to appointment.

Staff advised they have good knowledge of child protection policies and procedures and believe this is reflected across the whole school staff community. There is clear understanding the test for Mandatory Reporting is 'belief on reasonable grounds' and that proof is not a requirement. Evidence was sighted to show the school is proactive in reminding teaching staff of their obligations and of Mandatory Reporting training sessions conducted by AISWA, DCP and community forums. Similarly, evidence was provided to show the inclusion of Mandatory Reporting in staff induction at the start of the year.

Particular recommendations of the review committee regarding the halls of residence (i.e., boarding facilities) have been implemented. These include:

- installation of an electronic security system and surveillance cameras for all external doors;
- camera monitoring of all public internal areas excluding toilets, bathrooms and change areas;
- insertion of glass panels in doors;
- transport protocols whereby no staff member may transport an individual student in a vehicle;
- tutors working with boarders to use rooms designated for the purpose and in common areas;
- close monitoring of visitors who must report to the office and sit in public spaces or be in plain view (line of sight);
- during prep (study), doors to student rooms are to remain open;
- there are to be at least two staff members on duty at all times (previously only one);

- entrance to the halls is via a main access area which is staffed during the day and evenings when boarders are present, and
- cyber safety and other health/safety programs are conducted.

All boarding staff undertake the Australian Boarding Schools Association Duty of Care course which includes child protection. This certificate course is a practical one which establishes a national standard of basic knowledge and skills necessary to perform residential duties effectively. First Aid training is compulsory for residential staff. In the residential section of the school, appropriate relationships and behaviours are emphasised. There is a non-tactile approach to dealings with boarders. Staff meetings in the boarding section are held at the start of each term and include aspects of child protection.

Other school-wide protocols recommended by the review committee and implemented include:

- provision of one-on-one tuition to be provided only in public areas;
- one-on-one coaching to occur only when during a scheduled session and in reasonable proximity of other activities;
- no transport of students in staff private vehicles;
- no transport of an individual student in a school vehicle, and
- music tuition to be taken in rooms with the doors open.

The school has been proactive in its provision of education for staff, parents and students. A Protective Behaviours program is conducted in the Preparatory School. In the senior School, health and welfare programs are conducted as part of the Pastoral Care program, in areas such as cyber safety, 'RUOK', drugs and alcohol, suicide, mental health and bullying. The school will give consideration to including protective behaviours in the Senior School (cf. Recommendation v.).

A 'third party' support group (Anglicare) has been retained to offer support (counselling and legal) for any student involved in a case of sexual abuse. Likewise, this group is available for staff and parents at the school's expense. The school has a strong emphasis on developing good relationships and providing students with a number of adults they can refer to. In the senior school, each boy is assigned to a House, there is a Mentor for each boy who accompanies him for three years (Years 7,8,9 or Years 10,11,12). In addition, there is a counsellor and chaplain: "it is drummed into the boys that they should talk and seek help". From 2013, the school will appoint Heads of House who will strengthen the network of adult support available for students.

A secure database has been established to record reports, whether formal or informal, concerning the behaviour of a staff member which is insufficient to trigger mandatory reporting. Access to the database, which is separate to general employee records, is limited to the Headmaster and Heads of Senior and Preparatory schools. All reports received are to be investigated by the Headmaster. There is a detailed set of procedures for the management of the database.

RECOMMENDED ACTION

It is recommended that:

- i. the school revise its requirement for all staff to make a mandatory report to reflect the legislated requirement that only mandatory reporters are to report. In the case of staff who are non-mandatory reporters, the school is advised to require they report to the Headmaster who then becomes the mandatory reporter and to note the Headmaster will not exercise discretion in such instances;

- ii. the school ensures staff commencing their appointment after the start of Term 1 show evidence they have completed Mandatory Reporting training;
- iii. the school treats any Mandatory Report as a critical incident and advises the Department of Education Services of such (add to 5. Procedures as 5.1.5(b) and at 5.2.6);
- iv. the school conduct/offer Mandatory Reporting training for all staff at the commencement of each school year and/or mid-year;
- v. the school examine how direct education concerning sexual abuse can be incorporated into the Senior School's pastoral programs to reflect the Protective Behaviours program conducted in the Junior School;
- vi. the school add to its Child Protection policies how staff will be supported (pastoral and legal) where they make a mandatory report or allegation (Support for the Reporter);
- vii. the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 is included in the list of relevant legislation and authority;
- viii. the policy 3. Definitions under 3.1 Sexual Abuse include,
 - as 3.1(d) 'there is inappropriate touching, exposure to sexual acts or pornographic materials'
 - and 3.1(e) 'there is sexual penetration'
 - and as 3.3 (new) Child: Any children or young people under the age of 18 years;
- ix. words be added under Staff Responsibilities "therefore, all teachers ongoing sexual abuse" *whether during or outside of school hours*;
- x. the Mandatory Reporting policy state clearly proof of abuse is not required;
- xi. at 5.1.4 Headmaster Informs Parents/Caregivers *only on advice from DCP*;
- xii. at 5.2.1 insert after "a reasonable belief" *that a child has been the subject of sexual abuse or is the subject of sexual abuse*;
- xiii. at 5.2.2 clarify it is the staff member who advises the Chairman of Council;
- xiv. at 5.2.4 clarify that it is not the responsibility of the Headmaster to be "satisfied there are reasonable grounds" AND that "the staff member against whom an allegation has been made" will be immediately stood down off-site pending the outcome of DCP investigation;
- xv. at 5.2.5 clarify Heading (The Headmaster Informs) AND the primary responsibility to notify parent(s)/guardian(s) is DCP and/or Police;
- xvi. at 5.2.7 delete Department for Family and Community Services AND insert Department for Child Protection;
- xvii. there is added as 5.2.10 Support for Reporter(s);
- xviii. there is added as new 5.3 *Allegation of Sexual Abuse by a Child whether at school or outside of school time is to be treated as a Mandatory Reporting matter*;
- xix. 6. Self Harm is removed from this section and located elsewhere in Child Protection policy;
- xx. a new Guideline flowchart for Non-Mandatory Reporter is inserted, and
- xxi. there is added to Guideline 4: Support Staff and Head of Boarding.

OTHER RELATED MATTERS

General Enhancements to Mandatory Reporting

The review identified the following related matters which do not necessarily fall within the jurisdiction of independent schools:

- Consideration should be given to broadening the classification of Mandatory Reporter and/or clearly defining the responsibilities of non-Mandatory Reporters. In a school environment, it may often be that support staff are the first to become aware of situations of child sexual abuse.

- From 2015, most Year 12 students will turn 18 and will no longer be covered by the Mandatory Reporting requirements and the definition of "Child". (It is noted there are, already, students who have turned 18 in schools.)

It is further recommended that:

- i. all school personnel, including providers of Community Based Courses, are designated as mandatory reporters, and
- ii. the definition of child be considered in terms of school education and Mandatory Reporting.

**GREG CLUNE
INDEPENDENT EDUCATION CONSULTANT**

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