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Schools Policy Officer
Royal Commission into Institutional
Responses to Child Sexual Abuse
schoolspolicy@childabuseroyalcommission.gov.au

Dear Schools Policy Officer

Re: Addressing the risk of child sexual abuse in primary and secondary schools

Thank you for the opportunity to provide a submission in response to the very important issues canvassed in the consultation paper, Addressing the risk of child sexual abuse in primary and secondary schools. The Commission for Children and Young People (the Commission) has been following closely the issues being explored in the Royal Commission’s public hearings into school cultures and poor processes which have historically enabled child sexual abuse to flourish. The work of the Royal Commission has played an important role in increasing community awareness of the potential for child sexual abuse within institutions, including schools. I acknowledge the courage of the survivors of the abuse.

While there has been progress in enhancing safety within schools, there remains a need for comprehensive strategies to be implemented to ensure consistency in understanding, prevention, reporting, investigation and response, in all primary and secondary schools. For all students to be and feel safe, staff in schools, parents and the students themselves need to understand the nature and context of child sexual abuse, the measures schools have in place and access to support and advice if they are concerned a school is not meeting its obligations.

This submission responds to the section on general questions posed in the consultation paper, using the context of this broad framework of understanding how the risk of child sexual abuse in schools can be tackled.

Topic A: General questions

1. How effective are the policies, procedures and/or practices schools have adopted to minimize or prevent, report and respond to the risks and instances of child sexual abuse?

A large part of what has been missing from the discussion about best practice in creating child safe organisations is evidence from research evaluating the effectiveness of these processes. It is very difficult to quantify how effective the policies, procedures and practices of schools may be in the prevention, reporting and response to risks and instances of child sexual abuse, because it is not known how many cases may have been missed given there is a lack of systematic research on this. There would also not appear to be research involving participants who could provide feedback on the effectiveness of the processes.
It is not enough for schools to simply develop policies, procedures and practices in relation to child sexual abuse; for the policies to be effective, school staff must fully understand them and feel confident in following them. The case studies undertaken by the Royal Commission have demonstrated that at least in some institutions, staff lacked the capacity to recognise grooming behaviours and indicators of abuse and were unfamiliar with relevant policies and procedures and confused about their roles and responsibilities.

Whilst education departments provide some professional development about the nature of child sexual abuse, there is a need for this to be mandatory for all school staff, not simply teaching staff. Training must ensure that staff understand that sexual abuse may be perpetrated by colleagues, other students, external others and family members. The training must also be rigorous in ensuring it meets the needs of individual staff who will come to it with varied levels of knowledge and understanding.

Policies and procedures in relation to child sexual abuse are likely to be amongst the most complex and highly sensitive that school staff need to deal with, with the added complexity of the interface with police, child protection and the bodies responsible for the registration of teachers. Therefore education departments need to allocate resources to provide training commensurate with this complexity. In addition, all members of the school community need to have access to advice and support from an external agency if incidents arise which are of concern. Access to such independent support would also provide an important mechanism to monitor and evaluate the effectiveness of policies and procedures. The New South Wales Ombudsman’s reportable conduct scheme provides a good example of the way in which a reportable conduct scheme can support compliance and monitor the way complaints are handled.

It is also imperative that students have an understanding of child sexual abuse, as this knowledge can assist them to identify when inappropriate behaviour is being directed at themselves or their peers, and what steps they can take to deal with this. Students should be consulted in the development of the school’s policies and procedures and regularly consulted on how effective they believe the school’s policies to be. Research examining the effectiveness of policies and procedures from the perspective of students is essential and would need to be conducted with appropriate safeguards to prevent retraumatization of any students who were abused.

**Recommendations:**

1) Funding be provided to enable ongoing research to assess the effectiveness of policies and procedures designed to enhance child safety in schools.

2) Mandatory training on understanding and responding to child sexual abuse for all school staff, not only teaching staff which:
   - includes all categories of possible sexual abuse perpetrators
   - recognizes and responds to varied levels of knowledge and understanding of participants
   - tests that staff fully understand policies, procedures and practices and are confident in implementing them.

3) Child sexual abuse training for all students to assist them to recognise grooming, inappropriate or abusive behaviours and encourage and empower them to seek help to protect themselves and their peers.

4) Involvement of students in the development and evaluation of child sexual abuse policies, practices and procedures.
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?**

In order to encourage compliance with legislative obligations and child protection policy requirements by schools and their staff, all staff and the governing bodies of the schools need to:
- fully understand the purpose and requirements of the policies
- be confident in their capacity to implement and monitor the policies.

For this to occur, the mandatory training and continuous improvement processes outlined above need to be implemented. It would also be important for school staff and governing bodies to understand from students how safe they feel within their school.

All schools should be required by law to have in place appropriate child safe policies and procedures and these should be subject to compliance audits by independent agencies. Evidence provided during the public hearings of the Royal Commission, and previous child protection and police investigations, have shown the need for such policies and for measures to ensure they are implemented and followed when allegations of abuse are raised or concerning behaviour witnessed.

The Commission supports the important legislative reforms which have already been implemented in Victoria pertaining to the creation of a new grooming offence, a new failure to disclose offence and a new failure to protect offence. We also support the Victorian government’s commitment to introduce mandatory child safe standards and a reportable conduct scheme for a range of organisations.

In those situations where it can be demonstrated that an individual has not complied with legislative obligations or policy requirements, relevant criminal and professional sanctions should be implemented. Where the situation appears to be one of the governing body of the school failing to ensure compliance with legislated requirements, in addition to any criminal penalties which may apply, relevant government authorities should have the capacity to impose a range of sanctions on any school (public and private) including a substantial fine, conditions on the registration of the school, and requirements for a change in the membership of the governing body. The imposition of sanctions should be made public so that schools are held publicly accountable for their actions. These actions could also be expected to have the indirect benefit of encouraging any other survivors to come forward.

**Recommendations:**

1) Compliance with legislative obligations and child protection policy requirements should be positively encouraged through provision of mandatory staff training and continuous improvement processes.

2) All schools (public and private) should be subject to ongoing compliance monitoring in relation to child safe policies and procedures.

3) Non-compliance by individuals or governing bodies should be subjected to a range of criminal, civil and administrative sanctions.

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?**
The disproportionately high number of reports to the Royal Commission from non-government schools suggests there are some particular issues that have impacted responses to abuse in this school sector. This may be due to a number of factors including that:

- public schools may be subject to higher levels of supervision of governance, training and reporting
- some private schools may lack clear lines of accountability or have a culture which discourages the reporting of allegations to those outside the school or religious group with which the school is affiliated
- some private schools, in an attempt to avoid damage to their reputation and the consequential financial impacts that may have on the school, favour a risk management approach that seeks to provide expedient financial settlements with minimal involvement of external agencies or media exposure, rather than a clear and unambiguous focus on the wellbeing and safety of students
- some governments and education departments may be reluctant to interfere with the autonomy of 'independent' schools by imposing requirements upon them or investigating allegations pertaining to the conduct of their staff.

The challenges posed in relation to the regulation of private schools need to be addressed. All schools must be required to comply with relevant policies and procedures and be subject to compliance auditing, those who fail to comply, should be subject to sanctions. All children have a right to be safe and to feel safe and to be protected from child sexual abuse; government and non-government schools should both be required to comply with legislative obligations and policy requirements relating to child protection.

**Recommendations:**

1) Legislative obligations and policy requirements relating to child protection for government and non-government schools apply equally.

2) Government and non-government schools be required to demonstrate compliance with relevant policies and procedures including providing a clear description of the governance structure of the school and the obligations imposed on all levels of that structure.

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?**

The nine elements of the 2009 National Safe Schools Framework (which was updated in 2013), would seem to comprehensively cover the areas that effectively make schools safer for students, including the need for partnership between staff, students, families and communities, including those who are culturally diverse, which provides the foundation for strong communication. There is also inclusion of clearly articulated policies and procedures that are developed collaboratively and a component devoted to evaluation and professional learning for all school staff. One element that would seem to be missing is acknowledgement that staff need to be knowledgeable about the indicators of sexual assault and family violence, including the nature of problem sexual behaviour and forced early marriage, and how to respond to concerns or disclosures in relation to these issues.

**Recommendation:**

1) That links be provided as part of the National Schools Framework and the associated Safe Schools Hub platform on how to recognize the indicators of sexual assault and family violence, and how to respond to concerns or disclosures.
5. What regulatory, oversight or governance mechanisms are needed to ensure schools have adopted 'safe school' elements? How has their effectiveness been evaluated?

The comprehensive adoption by schools of the elements described in the National Safe Schools Framework are likely to provide an environment where students' safety and wellbeing are prioritized and the risk of child sexual abuse is minimized. However, there needs to be a compliance mechanism to provide an incentive to ensure that this approach is adopted. Part of this process should involve raising awareness and the expectations of staff, students and parents that the elements in this approach should be evident at their school, and that if this is not the case, that it will be addressed. The recent implementation in Victoria of amendments to the Education and Training Reform Act 2006 to manage the risk of child abuse and respond to abuse allegations as a minimum standard for registration should assist in meeting this goal. The amendments are also designed to act as a precursor to a requirement for all schools to manage the risk of child abuse through meeting new minimum Child Safe Standards.

Yours sincerely

Brenda Boland
Chief Executive Officer