Commonwealth of Australia

Submission on Issues Paper 9 of the Royal Commission into Institutional Responses to Child Sexual Abuse

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

INTRODUCTION

1. The Commonwealth welcomes the opportunity to provide this submission in response to some of the questions contained in the Royal Commission's Issues Paper 9 – *Addressing the risk of child sexual abuse in primary and secondary schools*, released on 31 July 2015 (the Issues Paper).

2. While the Australian Government plays a collaborative role in developing national priorities for education, it does not have a direct role in the administration or operation of schools. State and territory government and non-government school authorities are responsible for ensuring that appropriate measures are in place so that students can learn in safe and supportive school environments.

3. The Australian Government’s Department of Education and Training collaborates with jurisdictions in supporting schools to create environments that are safe and supportive through the development of national frameworks and initiatives such as the National Safe Schools Framework (NSSF) and the Safe Schools Hub (the Hub).

TOPIC A: GENERAL QUESTIONS

Q4: *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?*

4. The NSSF provides Australian schools with a vision and a set of guiding principles to develop and implement positive whole of school practical student safety and wellbeing policies.

5. Although not mandatory, schools can choose to adopt the NSSF elements into their policies and procedures, helping to create a safer environment for the whole school community. The Commonwealth acknowledges that the uniqueness of each school is such that the NSSF will not necessarily be an exhaustive or comprehensive list and regard must be had to the particular circumstances in each community.

6. The NSSF acknowledges the strong interconnections between student safety, resilience, wellbeing and learning outcomes and encourages the active participation of all school community members in developing and maintaining a safe school community.
7. The Commonwealth notes the NSSF already provides specific references to child maltreatment and violence, including:

**Element 1: Leadership Commitment to a Safe School:**
1.9: An awareness of mandatory requirements and legal issues in relation to child maltreatment, harassment, aggression and violence and communication of these to staff.

**Element 2: A supportive and connected school culture:**
2.7 Appropriate monitoring of and response to child protection issues

**Element 3: Policies and Procedures:**
3.2: Clear procedures that enable staff, parents, carers and students to confidently report any incidents or situations of child maltreatment, harassment, aggression, violence and bullying.

3.3: Clearly communicated procedures for staff to follow when responding to incidents of student harm from child maltreatment, harassment, aggression, violence, bullying or misuse of technology.

**Element 4: Professional Learning:**
4.1: Evaluation of the current level of staff knowledge and skills related to student safety and wellbeing and their capacity to respond effectively and sensitively to possible situations of child maltreatment, harassment, aggression, violence and bullying.

**Element 9: Partnerships with families and community:**
9.4: Working with the justice system in relation to child maltreatment, aggression, violence and cyber-safety issues at both a preventative and legal level.

8. The NSSF is a national, high level framework agreed by all governments. It was first endorsed by the Australian Federal Ministerial Council for Education, Early Childhood and Youth Affairs in July 2003. The NSSF was comprehensively reviewed and revised and subsequently endorsed by all Education Ministers in 2010. Revisions to the NSSF are made when all educational jurisdictions agree that there is an identified gap to be addressed.

9. To support the take-up of the NSSF, a suite of online resources was developed to assist school communities to implement the NSSF. These resources are available on the Hub at [www.safeschoolishub.edu.au](http://www.safeschoolishub.edu.au).

**Safe Schools Hub (The Hub)**

10. In 2012 the Australian Government Department of Education and Training funded Education Services Australia to develop a website and a suite of online resources on safe school strategies.

11. The Hub website is underpinned by the NSSF.

12. The Hub provides a comprehensive and high quality range of information and resources on safe school and student wellbeing issues for teachers, students, parents, specialist professionals supporting students and pre-service teachers. The resources are available to all members of each school community free of charge.
13. There are specific resources and links to child abuse included on the Hub. For example:

- There is a definition of child sexual abuse in the glossary section of the Hub.¹
- The Hub contains links to:
  - programs offered by the National Association for Prevention of Child Abuse and Neglect (NAPCAN).² Among the programs offered by NAPCAN is ‘Love Bites’, a school-based domestic and family violence and sexual assault prevention program
  - the Australian Institute of Family Studies, a government information, advisory and research unit focused on child abuse prevention and child protection³
  - ‘Lawstuff’, a website dedicated to providing legal information to children and young people in Australia (which includes specific information about sexual assault and sexual harassment in each state)⁴
  - ‘ChildWise’, a child protection charity working to prevent child abuse by building the capacity of individuals, communities, organisations and governments to protect children⁵
- There is also a link in the Resources section of the website to an article discussing ‘Adolescent Sexuality’,⁶ which includes information about sexual boundaries and contains the following statement:

  Teens may be lured into having sex with an adult. It is never OK for an adult to behave in this way. If an adult wants to engage in any type of sexual activity (kissing, petting, oral sex, intercourse), the teen should talk to a parent, healthcare provider, law officer, or other trusted adult at once. Even if you feel like you have done something to cause the adult to be attracted or have sexual feelings, the adult is responsible for controlling his or her behavior, regardless of the circumstances.

- The Hub also contains information for parents about helping children to develop a sense of self-respect and an understanding of protective behavior to help

⁴ For example, see Safe Schools Hub for Students Years 5-9 [http://safeschoolshub.edu.au/for-students/5-8/find-out-about](http://safeschoolshub.edu.au/for-students/5-8/find-out-about)
prevent abuse,\textsuperscript{7} to stay safe online and to encourage children to speak up about harassment and discrimination (including on the basis of sexuality).\textsuperscript{8}

- The webpages on the Hub aimed at older school aged children contain information about socializing and interacting with the opposite sex, as well as ‘sexting,’ staying cybersafe and practicing safe sex.\textsuperscript{9}

14. The development and implementation of these resources was undertaken in collaboration with all jurisdictions through the Australian Education, Early Childhood Development and Youth Senior Officials Committee and managed by the Safe and Supportive School Communities Working Group.

15. Phase 1 of the Hub was released on 15 March 2013, with the final phase released on 21 March 2014. From 15 March 2013 to 15 July 2015, the Hub has achieved the following usage statistics:

    Sessions: 96,794
    Unique users: 68,835

16. The average session time of a user accessing the Hub from a desktop computer is up to four minutes on the site. Allowing for a percentage of very short misdirection-type hits, it speaks to the quality of content and resources that users are enjoying an extended time searching and discovering information.

17. An independent evaluation of the Hub was conducted by the University of South Australia between October 2014 and April 2015.\textsuperscript{10} The evaluation concluded that the Hub was a respected, credible and useful digital resource. It found the Hub needed increased visibility and awareness and some improvements in design and useability were recommended. The Commonwealth notes that the Evaluation’s recommendations will be considered as part of the implementation plan for the continuation of the Hub to January 2018.

18. The NSSF and the supporting Hub have been developed to assist schools in creating safer and more supportive learning environments. Schools have the choice of using the NSSF and/or the Hub in developing their safe school policies. However, it is up to individual schools to develop and implement safe school policies for their specific school community needs.

\textsuperscript{7} http://safeschoolshub.edu.au/for-parents/your-part/encouraging-self-respect-and-protective-behaviours
\textsuperscript{8} http://safeschoolshub.edu.au/for-parents/what-to-do-about-harassment-and-discrimination
\textsuperscript{9} http://safeschoolshub.edu.au/for-students/9-12/find-out-about
TOPIC C: PROTECTION AND SUPPORT SERVICES FOR CHILDREN AND SPECIFIC STUDENT POPULATIONS

Q1: 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?

19. The National Framework for Protecting Australia’s Children 2009–2020 (the National Framework) is an ambitious and long term agenda that focuses on achieving a high-level outcome that Australia’s children are safe and well.11

20. The National Framework is a collaborative commitment between the Commonwealth, state and territory Governments and the non-government sector to address the significant issue of child abuse and neglect within Australia.

21. Under the National Framework, protecting children is everyone’s business. It recognises that our children are our country’s greatest resource and that we need to work together to ensure that all our children receive the best possible start in life, are kept safe and cared for, and have the opportunities to realise their full potential.

22. The National Framework is being implemented by a series of three year action plans that focus attention and resources on critical areas to drive change.

23. The Australian Government’s Department of Social Services is currently working with the state and territory governments and the non-government sector to develop the Third Action Plan 2015-18.12

24. The focus of the Third Action Plan will be to strengthen the abilities of families and communities to care for their children through prevention and early intervention activities – not only in the early years but at critical points in people’s lives. In particular, a key focus will be on strengthening the abilities of families in communities that have high levels of contact with the children protection system, particularly Aboriginal and Torres Strait Islander families, families impacted by disability, and families from Culturally and Linguistically Diverse (CALD) backgrounds and new and emerging communities.

25. It is anticipated that the Third Action Plan will encompass the following three strategies:

25.1. early intervention with a focus on the early years, particularly the first 1,000 days for a child

25.2. helping young people in out of home care to thrive in adulthood

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25.3. helping organisations respond better to children to keep them safe.

26. In particular, the third strategy recognises the significance of child safety in organisations. This strategy would drive implementation of a child safe culture across all sectors. If endorsed, this would be informed by engagement with children and young people. Cultural awareness would be an important component of all potential child safe organisation approaches under the Third Action plan to ensure activities respect diversity in cultures and child rearing practices and help to foster cultural competency within the organisations. Activities that may be implemented under this strategy would work to reduce the risk of a child being harmed and foster environments that empower children to speak up, and recognise and respond to threats to children appropriately.

27. Activities under this strategy may include:

- reviewing and updating the "Creating Safe Environments for Children – Organisations, Employees and Volunteers National Framework (2005)"
- implementing training and workforce strategies and developing tools and resources to encourage services to move from a 'reporting' culture to a 'responding' culture to improve child safety and wellbeing
- addressing barriers to information sharing to allow easier information exchange within and across jurisdictions for government and non-government sector where there are concerns about wellbeing.

28. It is anticipated the Third Action Plan will be launched towards the end of 2015, following endorsement by the Minister for Social Services, the Hon Scott Morrison, and relevant state and territory Ministers.

Q3: **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?**

Q4: **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?**

29. Many Aboriginal and Torres Strait Islander families have a long tradition of supporting their children to stay at a boarding school, residential school or school hostel so they can complete their secondary schooling. Often boarding away from home is the only way a student from a remote community will be able to access a secondary school. Boarding and hostel providers have been progressively improving their capacity to offer culturally safe and nurturing experiences for Aboriginal and Torres Strait Islander children and young people while they study away from home.
30. The Australian Government supports families that make this choice through ABSTUDY and a range of complementary activities such as that offered through the Australian Indigenous Education Foundation (AIEF). Organisations like the AIEF work with families, schools and the student to make sure students get the best academic and pastoral support so that they can achieve a Year 12 or equivalent qualification.

CONCLUSION

31. The Commonwealth would be happy to expand on any of the points made in this submission, or provide any further information about these issues which may assist the Royal Commission.

31 August 2015