



Queensland University of Technology

Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse

Issues Paper 9: Addressing the risk of child sexual abuse in primary and secondary schools

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About the submitter

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Associate Professor Kerryann Walsh is a pre-eminent Australian scholar in the interdisciplinary field of child maltreatment prevention and has researched and published in the areas of child protection policy, school-based child sexual abuse prevention programs, professionals' reporting of child abuse and neglect, and training interventions for mandatory reporters. Kerryann served as Co-Director of the \$5.3M Australian government-funded Excellence in Research in Early Years Education (EREYE) Collaborative Research Network (CRN) involving QUT, Charles Sturt University, and Monash University (2012 – 2015). She co-leads the Children's Rights and Welfare program in QUT's Children and Youth Research Centre.

Dr Walsh has over 60 publications relating to child maltreatment, and over the past ten years, has been chief investigator on competitive research grants relating to child maltreatment and education funded by the Australian Research Council, and the Office for Learning and Teaching. She has conducted research projects also funded by philanthropic organisations, and commissioned research for the Royal Commission into Institutional Responses to Child Sexual Abuse. She has a very strong record of effectively translating the results of her academic research into policy and practice.

Note

Unless stated otherwise, this submission represents only the views of the submitter and not the views of the Queensland University of Technology.

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Topic A: General questions

Question	Response
<p>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?</p>	<p>To date, no studies have assessed the effectiveness of system-level school policies, procedures or practices in relation to prevention, reporting, or responding to child sexual abuse. However, research conducted during 2008 with 470 primary school teachers across three Australian states (NSW, Qld, WA) with 3 different legislative reporting requirements for child sexual abuse (CSA) showed that:</p> <ul style="list-style-type: none"> • Teachers make a substantial proportion of reports of CSA [1, 2, 3, 4]. • A quarter of teachers had reported CSA at some time during their career [3]. • Teachers from NSW had greater odds of reporting hypothetical cases than teachers from Qld or WA [3] and generated the highest annual rate of substantiated reports of CSA [1]. At the time of the study, NSW had the strongest reporting duty for teachers and this duty had been in place for the longest duration (since 1987). • Knowledge of the reporting duty, length of teaching experience, and attitude towards reporting were associated with greater odds of reporting CSA [3]. • Teachers with a combination of pre- and in-service training had the highest levels of knowledge of both legislative and policy-based CSA reporting duties than teachers with no training or only one type of training [4]. • Positive attitudes towards reporting CSA were crucial for effective reporting practice [3, 4]
<p>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?</p>	<p>Compliance can be best achieved by the provision of high quality evidence-based ongoing professional development for teachers. This must begin in preservice teacher education and can be conceptualised as a “broadening wedge of content” (Taylor & Hodgkinson, 2001, p.82) [5], in which basic to more sophisticated levels of content are delivered incrementally. This must begin with pre-service teacher education students (with booster sessions prior to an/or during student field experience placements). It must then extend to orientation and induction for new school staff with repeat administrations at regular intervals. These initiatives can be overlaid with further education and training for school staff with different levels of engagement with child protection matters: teachers, school psychologists or counsellors, school-based child protection champions, and school leaders (principals and deputy principals).</p> <p>Penalties for failure to report exist as part of legislative child protection provisions in most Australian states and territories [1, 2]. However, prosecutions are rare.</p> <p>With respect to penalties for non-compliance. A paper by Sachs and Mellor (2005) [6] highlighted the so-called “panic” in NSW generated around the introduction, following the Wood Royal Commission, of penalties for teachers for failure to report child maltreatment [6].</p>

	<p>Unless properly conveyed, in very sound training, within its appropriate legal context and purpose, this type of policy risks misunderstanding and unintended consequences. For example, in our 3-state Australian study, NSW teachers believed the penalty for failure to report was much higher than it actually was [1, 2].</p> <p>Education and training are vital for compliance. A protocol for a Cochrane systematic review of the effectiveness of training interventions for mandatory reporters has been published [7]. This review (to be conducted in 2016) will shed light on the most effective ways to prepare professionals for their role in reporting child maltreatment. If sufficient studies can be identified, the review will also detail the contents and methods for the most effective education and training initiatives for specific reporter groups, and specific maltreatment sub-types.</p>
<p>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?</p>	<p>To my knowledge, there is no empirical research into 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.</p> <p>There is no rationale, that we (i.e., my research teams) are aware of, that would support the need for different legislative and policy obligations relating to child protection for government and non-government schools.</p>
<p>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?</p>	<p>The nine elements of the National Safe Schools Framework (NSSF) are:</p> <ul style="list-style-type: none"> • Element 1: Leadership commitment to a safe school • Element 2: A supportive and connected school culture • Element 3: Policies and procedures • Element 4: Professional learning • Element 5: Positive behaviour management • Element 6: Engagement, skill development and safe school curriculum • Element 7: A focus on student wellbeing and student ownership • Element 8: Early intervention and targeted student support • Element 9: Partnerships with families and community [8]. <p>These elements are congruent with well-established prevention models such as:</p> <ul style="list-style-type: none"> • <i>Spectrum of prevention</i> (Cohen & Swift, 1999), a framework for primary prevention [9]; • <i>National framework for health promoting schools 2000–2003</i> (Australian Health Promoting Schools Association [AHPSA], 2000), which contains a set of action areas to inform the promotion of

	<p>health in schools [10].</p> <ul style="list-style-type: none"> • <i>What works in prevention: Principles of effective prevention programs</i> (Nation et al. 2003), which nominates nine general prevention principles derived from a review-of-reviews in the areas of substance abuse, risky sexual behaviour, school failure, and juvenile delinquency and violence [11]. <p>The NSSF, was originally endorsed by all Ministers for Education in 2003, and included an initial set of national principles to promote safe and supportive school environments and appropriate responses to bullying, harassment, violence, child abuse and neglect. In 2009 the NSSF was reviewed with an explicit focus on covert bullying, including cyberbullying. The revised framework was endorsed in 2010. In practice and over time, the NSSF shifted its focus to broader promotion of student wellbeing and respectful relationships, rather than retaining a narrower focus on child protection.</p>
<p>5. What regulatory, oversight or governance mechanisms are needed to ensure schools have adopted 'safe school' elements? How has their effectiveness been evaluated?</p>	<p>The NSSF, Safe Schools Hub, has a <i>School Audit Tool</i> which has been developed to assist schools assess the extent to which they have a safe and supportive learning environment, and to track progress against the nine NSSF. It requires online registration. I am not aware of any publicly available evaluations on the effectiveness of this initiative in creating safer schools.</p> <p>To ensure schools have adopted AND implemented safe school elements will require a national centralised body with necessary oversight powers covering both government and non-government schools. Such a body would need to have the support and respect of school systems (and in particular, school principals) and be able to work collaboratively with them to achieve objectives. It would need to interface with the Australian Institute for Teaching and School Leadership (AITSL), and State and Territory teacher registration authorities as well as the Australian Children's Education and Care Quality Authority (ACECQA), and Children's Commissioners/Guardians. An adversarial or inquisitorial approach will likely be unsuccessful.</p>

Topic B: Governance and leadership

Question	Response
<p>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?</p>	<p>To appropriately review current safety arrangements, incidents, decision-making and promoting child safety within individual schools requires high levels of staff knowledge, skill, and experience. It is apparent from the Royal Commission’s school-specific case studies that much higher levels of understanding about the fundamental aspects of child sexual abuse risk and resilience are required in school services and systems. Empirical research from Australia, the United States, the United Kingdom and Asia has repeatedly identified this [3, 4, 12, 13, 14, 15].</p> <p>National leadership of high quality is required with coordinated, collaborative and cooperative mechanisms for achieving streamlined governance content and processes, in particular for the receiving and resolving of complaints.</p> <p>All members of school councils, boards, governing bodies, and central office staff should have access to and participate in general child protection training, including specific emphasis on understanding child sexual abuse in institutional contexts.</p>
<p>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?</p>	<p>Where child sexual abuse is suspected, and the suspected perpetrator is a school staff member, child protection policies should not require reports to go indirectly to designated statutory authorities via the school principal. Rather, there should be a system of direct reporting in these instances.</p> <p>Sources of support for school staff should include independent and confidential assistance via employee assist services, and access to specialist legal advice where required.</p>

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

Question	Response
<p>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?</p>	<p>Children with disabilities are generally underserved in education systems [18] and boys are over represented in populations of children with disabilities, learning difficulties and other disadvantages across ages in national and international comparisons [18] and also in cases of institutional child sexual abuse.</p> <p>Consultation with specific disability advocacy groups and government and non-government specialist agencies working with schools to support students with disabilities is likely to uncover valuable practice wisdom with application to wider policy and programming such as the Royal Commission’s Child Safe Organisation policy initiatives.</p> <p>Developing and testing of high quality child sexual abuse prevention programs, with disclosure and help-seeking components for children with disabilities is needed. These programs must also test the use of assisted communication technologies as part of prevention programs.</p>
<p>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?</p>	<p>It would be best for schools to access high quality, evidence-based, specialist, community-based child sexual abuse treatment and intervention services. School psychologists and counsellors may be able to provide additional support in collaboration with these services, however, the sole responsibility for treatment and intervention cannot rest with school personnel alone as this requires high levels of expertise not likely to be present within school systems given the myriad issues schools must deal with.</p> <p>In an ideal world, appropriate high quality community services using proven efficacious treatment approaches would exist within proximity to schools and with clear referral pathways. Co-location of services on school premises could also be considered in high risk areas and/or for indicated cases or periods.</p>
<p>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?</p>	<p>The measures needing to be taken by boarding schools in this regard would be similar to other residential facilities. The possibility for child advocates, and authentic representation from children themselves, as service users, is in the public interest and compatible with articles in the United Nations Convention on the Rights of the Child.</p> <p>The <i>National Boarding Standards for Australian Schools</i> are industry-based standards; these are not legally mandated standards. The standards have been developed with foresight by the peak body in an attempt to exercise national leadership and to provide an overarching unifying framework to address differences across states and territories. As with most initiatives, it is likely that the effectiveness of actual implementation of the standards will drive ultimate outcomes.</p>

<p>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?</p>	<p>Geographical isolation, distance from policy makers, and staff and student retention affect regional and remote schools' generally (ACER, 2015, see for example http://www.acer.edu.au/ozpisa/geographical-location).</p> <p>It is important that the Royal Commission is aware of wider education initiatives that have investigated and made recommendations on the topic of isolation. For example, the National Inquiry into Rural and Remote Education was initiated in 1999 by the Australian Human Rights Commission. Findings can be found at https://www.humanrights.gov.au/our-work/rights-and-freedoms/projects/rural-and-remote-education-inquiry. Although the findings do not focus specifically on prevention of child sexual abuse, the contextual challenges and affordances may be relevant.</p> <p>It is important to note that school isolation may not be solely related to geography, and may also be associated with other factors such as poverty, marginalisation, ideology, and school management. QUT's <i>National Exceptional Teachers for Disadvantaged Schools</i> (NETDS) program is an example of an inspiring initiative designed to attract, retain and support high quality teachers in generating better educational and social outcomes for disadvantaged children and youth (see https://www.qut.edu.au/education/about/projects/national-exceptional-teachers-for-disadvantaged-schools)</p> <p>As noted above under Topic B, national leadership is required, with centralised initiatives and potential for delivery of governance mechanisms online to overcome geographical remoteness and isolation.</p>
<p>5. What sorts of measures are needed to help protect younger children from the risk of sexual abuse by older children?</p>	<p>Child sexual abuse prevention must begin in the early childhood years, both for prevention of victimisation and prevention of offending. Greater efforts are required to ensure translation of research into practice, about what works in prevention, for whom, and how [20]. Measures are required for (i) adults working with children; (ii) victims, and (iii) offenders, including early detection and intervention. The work of Smallbone and colleagues in relation to multiple prevention targets is particularly instructive in this regard [19].</p>

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

Question	Response
<p>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?</p>	<p>This should be a fundamental requirement for registration.</p> <p>The adequacy of individual schools' approaches may be assessed by rigorous self-audit procedures possibly with verification from independent auditors with knowledge and skills necessary for assessment in this complex area.</p>
<p>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?</p>	<p>Child safety is a core part of the contractual arrangements under which children attend schools. Relevant individuals or entities who administer schools should bear legal responsibilities for breaches of the duty to prevent a reasonable level of safety to a child in this domain – just as they are with other domains of student safety. This must be consistent with legal principles.</p>

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

Question	Response
<p>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?</p>	<p>These obligations can be built into school system base child protection policies such that the policy contains clear reference to codes of conduct and other related policies. All school staff should be required to attend mandatory code of conduct, and child protection training - at induction and regular intervals thereafter. Such training may be centralised and delivered in highly effective face-to-face and online formats (e.g. using principles of effective adult learning and teacher professional development). Schools should maintain a code of conduct/child protection training register.</p> <p>Obligations should be set in policy at the <u>school system level</u>, rather than at individual school level. School systems have greater resources to establish policy consistency and disseminate repeated, consistent policy messages than do individual schools.</p> <p>Beyond school systems, teacher registration authorities have demonstrated effective implementation of training initiatives to ensure compliance with legislative reporting obligations. The Teachers' Registration Board of South Australia's mandated notifier training is a case in point. All teachers in South Australia must complete a full day (7-hour) face-to-face training course with an approved trainer to gain teacher registration, and then must complete updates to renew registration. See http://www.trb.sa.edu.au/mandatory-notification-training .</p>
<p>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?</p>	<p>Pre-service teacher education and in-service continuing education or professional development are crucial for equipping school staff with knowledge, skills, attitudes, confidence and dispositions for identifying, reporting, and responding to child sexual abuse [3, 4].</p> <p>A study by Arnold and Maio-Taddeo (2007) investigated the extent and nature of child protection content coverage in 33 Australian university teacher preparation programs. The study revealed that over three-quarters of Australian teacher education programs, at the time, did not include any discrete child protection content and, of the one-quarter that did, the majority allocated it less than seven hours across the entire course. The study highlighted the need for empirical evidence of effective pedagogies for supporting teaching and learning of child protection content in Australian teacher education programs. [16]</p> <p>Building on this study, a paper by Walsh, Laskey, McInnes, Farrell, Mathews, & Briggs (2011) presented case studies from three Australian teacher preparation programs offering model approaches to the location of child protection education content in teacher education.</p> <p>To improve the effectiveness of professional training and support, effective initiatives need to be implemented in a strategic, consistent,</p>

	and rigorous manner across whole of systems.
<p>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?</p>	<p>Child sexual abuse prevention education fits within the <i>Australian Health and Physical Education Curriculum</i>. Although not explicitly stated, child sexual abuse prevention education may be covered in (i) <i>Strand 1: Personal, social and community health</i>. In particular, <i>Sub-strand 1: Being healthy, safe and active</i>, in which students learn about making health, safety and wellbeing decisions; and (ii) <i>Sub-strand 2: Communicating and interacting for health and wellbeing</i>, in which students critically engage with a range of health focus areas and issues [21].</p> <p>Research shows that child sexual abuse prevention education is taught unevenly across Australia school systems [22]. An Australian Research Council study (DP 1093717) entitled <i>Making Prevention Matter</i> (see https://www.qut.edu.au/research/research-projects/making-prevention-matter-establishing-characteristics-of-effective-child-sexual-abuse-prevention-programs), enabled data collection from all non-government organisations providing child sexual abuse prevention education in Australian primary schools. The findings are currently being prepared for publication.</p> <p>Some evidence-based programs relating to child sexual abuse prevention have been found to show promise, or have proven effective [21], however, none of these programs are currently offered in Australia. Programs containing elements shown to be effective should be adopted wherever possible over programs that have none of these elements.</p>

Topic F: Reporting, information sharing, complaints and investigations

Question	Response
<p>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?</p>	<p>Such fears have been documented in research and generally fall into 3 categories:</p> <ol style="list-style-type: none"> 1. Fear of not having sufficient evidence 2. Fear of being wrong 3. Fear of reprisals <p>For references to specific studies, please refer to two systematised reviews conducted as part of the study of 10 years of child maltreatment reporting data prepared for the Australian Government [23].</p>
<p>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?</p>	<p>With respect to mandatory reporting generally, mandatory reporting has been a very effective policy. A recent 10 year study of mandatory reporting of all forms of child maltreatment prepared for the Australian government showed that (i) mandated reporter groups make approximately half of all notifications; and (ii) mandated reporters play an important role in case finding identifying with approximately half of all substantiated cases in each jurisdiction identified as a result of reports by mandated reporters [23].</p>
<p>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?</p>	<p>This is a legal question that depends on a complex array of circumstances. I do not have specific comments on this question other than to recommend harnessing existing infrastructure e.g. investigating transportability of existing school system protocols and procedures for information sharing in other sensitive areas to this area.</p>
<p>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?</p>	<p>Where the suspected perpetrator is a school staff member, the responsibility for investigation should not rest solely with the school or school system itself. In these cases an independent body would be required to ensure equity for all parties in as far as this is possible.</p> <p>Statutory authorities must be involved in investigations in specific cases where required.</p> <p>Independent dispute resolution may be required in cases of child-to-child sexual assault.</p>

<p>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?</p>	<p>Yes, barriers are multiple and complex. Resolving this is partly a legal question involving child protection legislation and policy, and other legislative instruments relating to privacy and information sharing across and between systems.</p>
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