

SUBMISSION FROM SOUTH EASTERN CENTRE AGAINST SEXUAL ASSAULT (SECASA)

Issues Paper 9

Royal Commission into institutional Responses to Child Sexual Abuse

Topic A: General Questions:

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?

Since 2007 Victorian Government schools have had a procedure for responding to sexual assault in schools. This is the document **Responding to allegations of student sexual assault (2007)** and the flow chart **Compulsory Action for Principals**. This resource was produced in conjunction with the sexual assault sector. The Student Critical Incident Advisory Unit (SCIAU) provides support for students and staff and liaises with and refers to Centres Against Sexual Assault.

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?

To have compliance people need to know what they are required to comply with. There should be training twice a year for all students, teaching and non-teaching staff, principals and school councils or boards on their legislative obligations and child protection policy requirements. The new failure to disclose legislation in Victoria is an example of how often there are legislative changes with the corresponding requirement that people know about them. This new criminal offence imposes a clear legal duty on adults to report information about child sexual abuse to police. In Victoria under the Children, Youth and Families Act (2005) Amendments 2014 there are penalties for non-compliance with a maximum penalty of 3 years in jail.

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?

All schools should be required to meet the same legislative obligations and policy requirements relating to child protection. There is no rationale for having different legislative obligations and policy requirements especially as we know that a disproportionate number of people who have spoken with the Royal Commission were abused in non-government schools.

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 (revised 2010, updated 2013) clearly states the requirements for schools which should make for a safer environment for students. However, the framework should include specific references to both sexual assault and family violence given the number of students we know to be affected by either one or both of these types of violence. All school staff need to be aware of the indicators of sexual assault and family violence. Staff should receive ongoing training in relation to responding to disclosures and recognising indicators of sexual assault, problem sexual behaviour and family violence.

The framework is connected to the **safe schools hub** platform. The **safe schools hub** provides links to a wealth of information, including supporting those who have experienced trauma. However it is missing links to training specifically around protective behaviours and identifying signs of sexual assault and or family violence.

5. What regulatory, oversight or governance mechanisms are needed to ensure schools have adopted 'safe school' elements? How has their effectiveness been evaluated?

Anti-violence policies should be a national requirement. Governance mechanisms need to be state and locally based. Schools councils or boards need to monitor the adoption of 'safe school' elements. State Education Departments need to monitor compliance via reports from school council or boards and principals.

Our watch has created an accessible online platform for educating young people. Partners in Prevention provide accessible and poignant resources for teachers (Our Watch: <http://www.ourwatch.org.au>, the line: <http://www.theline.org.au>, Partners in Prevention PIP: <http://partnersinprevention.org.au>).

An anti-violence/ education platform should be developed which focuses specifically on educating both primary and secondary school teachers and teachers in training. Online learning combined with face-to-face education from both relevant child protection authorities and local sexual assault services would create a dual opportunity, for both direct education and to strengthen relationships between schools counsellors and statutory authorities.

Victorian Multidisciplinary centres are ideal locations from which to locate dual education programs between DHHS / sexual assault services and schools in the region. Victoria has introduced a new model for delivering services to victims of sexual assault and family violence. It is Multidisciplinary Centres (MDCs) which are partnerships of Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCITS), Counsellor/Advocates from Centres Against Sexual Assault,.

Topic B Governance and leadership

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?

The whole of a school should take responsibility for the culture of a school looking at making it a safer place for children and young people. This would be achieved by making sure that there is a feedback loop from student committees in secondary schools to staff, principal, school council and the education department with information being passed down the chain back to students. Training should be provided to teachers, principals and school councils and boards about the reporting requirements. Students should have workshop on respectful relationships or advanced personal safety for primary school students.

2. What governance arrangements should be in place to ensure that teaching and non-teaching staff and other members of the school community have the support and confidence to identify and report suspected child sexual abuse without fear of negative repercussions for themselves or their careers?

It goes beyond governance arrangements. There needs to be mandatory reporting and this will provide support to principals and teachers to reports suspected child sexual abuse without fear of negative repercussions. Properly monitored non-compliance will be the factor that could have negative repercussions. To identify child sexual abuse all members of the school community require training twice a year.

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

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?

Children with cognitive impairments should be provided extra resources to ensure they are equally equipped and protected. Children with cognitive impairments could be supported in the training by their personal educational aids or aids should be provided to assist with training. The Victorian Making Rights Reality project based at SECASA has provided an ideal model for supporting people with cognitive impairments who have experienced sexual assault. Drawing from the expertise from this project, training resources for aids and schools could be provided to ensure these children are equally equipped and protected.

Equally children for who English as a second language should be provided with interpreters, English language classes and or additional resourced to ensure they are equally equipped and protected.

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?

Victims of sexual assault should be provided with an immediate response from schools. All teachers and support staff including student welfare co-ordinators should receive ongoing training in responding to disclosures, recognising indicators and requirements for contacting statutory authorities twice a year.

Schools will not usually be able to provide counselling for students about sexual assault and family violence given its specialist nature. In Victoria schools need to have a close relationship with their local Centre Against Sexual Assault. Should a student wish to seek immediate counselling options should be provided.

Arrangements then should be made for a counsellor to either visit the student and or for the student to attend a sexual assault service. If a counsellor is visiting, a quiet confidential space should be provided for the counsellor and young person to meet.

3/4. 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?/Do factors such as geographical isolation, distance from policy makers, and staff and student retention affect regional and remote schools' ability to respond to child sexual abuse? If so, how might they be addressed?

The same criteria should apply as with day schools with the recognition that it is harder in regional and remote areas to access some services. These services can be provided in many instances by Skype and other on-line options. Training can be provided by local sexual assault services and in Victoria the Centres Against Sexual Assault travelling to run a whole of school program.

Remote schools with an attendance problem, as for metropolitan schools with an attendance problem, need to devise strategies to assist children and young people get to school. This is a separate issue to safety. If children and young people are not attending school they are at additional risk.

5. What sort of measures are needed to help protect younger children from the risk of sexual abuse by older children?

All younger children should receive education regarding advanced personal safety programs (child abuse prevention). SECASA's Feeling Safe Together is an ideal model. The *Feeling Safe Together* program draws upon locally and internationally recognised safety and preventative strategies, with an emphasis upon building communication, confidence and awareness of issues surrounding sexual abuse.

The *Feeling Safe Together* program includes:

- staff consultation and training
- parent/carer consultation and education
- education for children
- organisational links to child protection agencies
- evaluation and feedback
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The target topics of the *Feeling Safe Together* program include:

- personal and environmental safety
- rights and responsibilities
- feelings identification
- thinking identification
- touching rules
- personal space and boundaries
- surprises and secrets
- decision making and action
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Accredited experts from the sexual assault sector in conjunction with classroom teachers and school based welfare workers/ psychologists should ideally co present training.

Training should include discussions with parents about how to integrate the information into day-to-day parenting. Welfare workers/ school psychologist and sexual assault services should co present sessions for parents.

Providing comprehensive education with the addition of the teacher's active involvement actively reinforces anti violence messages. Ensuring the teacher's familiarity with the training material and emphasising their availability for disclosure and any ongoing questions students may have. Co presenting would further enhance the whole school/ community's commitment to collective behavioural change. A public health model where child safety is paramount and there is a clear stance against violence in any form.

Programs would need to include both regular evaluations of each session and long term follow up to assess the impact of the training. Quadara, Nagy, Higgins, & Siegel (2015) report that "assessment of sexual abuse prevention education is based predominantly on research from the USA." They also note that there is "no information about long-term effectiveness".

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

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?

Almost all non-government schools take public money. They need to be accountable for what they are teaching children and also for how they provide a safe environment. If they cannot demonstrate strong child safe principles, policies or procedures they should not receive any public funding. Even without public funding schools should not be able to function without scrutiny. There needs to be monitoring of curriculum and general approaches to the creation of an adequate environment.

Topic E Education, information sharing complaints and investigations

1. What obligations should schools have to ensure their teaching and non-teaching staff are aware of and comply with applicable codes of conduct, professional standards or child protection standards?

All teachers and support staff in educational settings should receive mandatory ongoing training in relation to child safety. Training should be updated every six months to ensure compliance and knowledge of current best practice in responding to disclosures, indicators of sexual abuse and problem sexual behaviour. Funding should be linked to child safety training.

Schools should have clear anti violence policies. Policies should openly name sexual assault and family violence - thus breaking the silence. Ideally this should include training in relation to gender equality, respectful relationships and open discussions regarding violence prevention.

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?

Teacher education training is paramount in equipping teachers with the skills and confidence to identify behaviours indicative of and respond appropriately to risks or incidents of child sexual abuse, and to children displaying problem sexual behaviour.

Teacher education should include mandatory modules on sexual assault and family violence. Including topics such as:

- Defining sexual assault and family violence
- Incidence and prevalence of sexual assault and family violence
- Recognising indicators of sexual assault and family violence
- Understanding trauma / impacts of violence
- Responding to disclosures

- Barriers to disclosures
- Specific needs of vulnerable children – children with -cognitive impairments- children from Non English Speaking children, indigenous children
- Responding to children displaying problem sexual behaviour
- Ethical dilemmas and responsibilities ie when a peer/ educator is the alleged offender
- Reporting requirements and processes
- Gender equality
- Respectful relationships
- Support services.
- Self care

Ideally experts in the sexual assault field should deliver the above training in conjunction with child protection practitioners.

Additionally all teaching and school support staff (including after care providers) should receive ongoing professional education regarding recognising indicators of sexual assault, responding to disclosures and responding to problem sexual behaviour. Provision of training with accredited local sexual assault service will establish support networks and links for teachers and support staff.

Accredited experts from the sexual assault sector should deliver face-to-face training to all teaching and support staff. Training should include an initial full day training followed by an online 3-month follow up evaluating learning with an 80% pass rate. Evaluations should include consideration of case scenarios and multiple-choice questions re gender and equality.

Providing comprehensive teacher education would assist in embedding a culture of anti violence within the school community.

It is important that teachers and the school community recognises problem sexual behaviour rather than thinking it is just a stage a child is going through. The literature shows that it is often an indicator of problems at home with family violence a serious risk factor.

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?

National training should be developed which includes addressing barriers to disclosures, needs of children with disabilities, indigenous children and English as a second language or with other particular vulnerabilities. As noted above the Making Rights Reality project provides a template for additional support for students with cognitive impairments.

Training should be delivered twice a year, regularly reviewed and evaluated.

Topic F Reporting information sharing, complaints and investigations.

1. What barriers or fears might discourage or prevent individual 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?

- Fear of breaking a child's confidence
- Fear of angering parents
- Fear of betraying a colleague
- Negative repercussions for themselves or their career

Education which focuses on possible ethical dilemmas and fears (like those noted above) will assist in strengthening teacher's commitments to reporting abuse. Teacher training should include face-to-face discussions regarding possibly ethical dilemmas.

The introduction of mandatory reporting national wide would move the onus on who reports and why as it is compulsory for everyone who is mandated which in Victoria amongst others includes teachers and principals.

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?

Victoria has a requirement that schools consult with the Student Critical Incident Advisory Unit and also adheres to the **Responding to allegations of student sexual assault (2007)** and the flow chart **Compulsory Action for Principals**. This approach should be rolled out across Australia. Anecdotally we know that it is a well-used system but for actual data it will be necessary to consult with the Department of Education and Early Childhood Development.

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?

This is a particularly difficult issue. The assumption is that treated and dealt with these behaviours can be modified. There are privacy issues around passing on information to people about a child. This issue needs additional exploration with an understanding that you could be settling a child or young person up to be dealt with in a manner that would lead to the behaviours to continue or re-occur. Revealing such details should not be as a matter of course.

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?

Initially the principal should look into the situation. Any decisions about action should be taken in conjunction with the Department of Education. In extremely difficult situations the Departments of Education in various States and Territories should have a panel they can access with experts in the area able to assist with risk assessment and decision making in order to ensure that the sensitivities and vulnerabilities of children and young people are considered.

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 with 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?

The capacity to share information will vary from State to State and Territory. There needs to be some work done to look at creating some National standards about what it is acceptable to share and the implications for children and young people when information is shared.

References

Quadara, A., Nagy, V., Higgins, D. & Siegel, N. (2015). Conceptualising the prevention of child sexual abuse: Final report (Research Report No. 33). Melbourne: Australian Institute of Family Studies.

Department of Education and Early childhood Victoria (2014) Building Respectful Relationships Stepping out against gender-based violence

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/sexualassault.aspx>

Safe school hub resources page:

<http://safeschoolshub.edu.au/resources-and-help/resource-gallery>

<http://www.education.vic.gov.au/school/principals/spag/safety/pages/sexualassault.aspx>

Failure to disclose summary

<http://assets.justice.vic.gov.au/justice/resources/ea484f74-feb7-400e-ad68-9bd0be8e2a40/failure+to+disclose.pdf>