



ASSOCIATION OF HEADS OF INDEPENDENT SCHOOLS OF AUSTRALIA

14 August 2015

The Hon. Justice Peter McClellan AM
Chair
Royal Commission into Institutional Responses to Child Sexual Abuse
GPO Box 5283
Sydney NSW 2001

Emailed to: schoolspolicy@childabuseroyalcommission.gov.au

Dear Justice McClellan,

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

The Association of Heads of Independent Schools of Australia (AHISA) acknowledges the work of the Royal Commission in delivering justice and healing to survivors of sexual abuse and in preparing the way for improved policies and practices for regulators and institutions.

AHISA notes that there is now a considerable body of research – some of it commissioned by the Royal Commission – that addresses many of the questions raised in the Issues Paper. Much of this research is made publicly available under the umbrella of the Child Family Community Australia (CFCA) information exchange, hosted by the Australian Institute of Family Studies. In responding to the Issues Paper, AHISA assumes the Royal Commission's familiarity with this research.

The role of the Principal

Consistent across the research is the finding that it is *how* policies and procedures for child protection are implemented that is key to effective child protection in schools, and that the role of the Principal and other school leaders determines the success or otherwise of application of policies and procedures.

AHISA agrees that the Principal has primary responsibility for establishing and maintaining healthy school cultures, and it is recognition of the Principal's role in creating a child safe environment that guides our response to the Issues Paper.

The short time frame for submissions has prohibited extensive consultation within our membership which may have been helpful in illuminating successful practice in child protection in schools. However, we have surveyed our membership on the kinds of support governments or their agencies could provide that are most likely to be helpful to schools in improving or maintaining child safe environments. The results of that survey are presented in this submission.

COLLEGIAL SUPPORT FOR EXCELLENCE IN SCHOOL LEADERSHIP

About AHISA

The primary object of AHISA is to optimise the opportunity for the education and welfare of Australia's young people through the maintenance of collegiality and high standards of professional practice and conduct amongst its members.

The membership of AHISA Ltd comprises principals of 420 independent schools with a collective enrolment of some 426,000 students, representing 11.7 per cent of total Australian school enrolments and 20 per cent of Australia's total Year 12 enrolment. One in every five Australian Year 12 students has gained part of their education at an AHISA member's school.

Almost a third of AHISA members lead schools with boarding facilities, collectively providing for over 15,000 boarding students. Some 85 per cent of members' schools have an early learning centre.

AHISA's members lead a collective workforce of 36,460 teachers and 17,870 support staff.

AHISA has also developed a set of principles as a benchmark of leadership practice. These are presented below.

Given the important role of schools in the life of Australian children, and the key role of school leaders in the successful creation of child safe environments, AHISA strongly recommends that the Royal Commission consults closely with school leaders as it considers recommendations of best practice in child protection and legislation or regulation affecting schools.

1. AHISA's Leadership Principles for the Protection of Children in Schools

a. International standard

As a professional association of educational leaders, AHISA recognises the 10 principles of the 1959 United Nations Declaration of the Rights of the Child, noting in particular the right to special protection for the child's physical, mental and social development. AHISA further recognises the principles of the 1989 Convention on the Rights of the Child, noting in particular Article 3, that 'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'.

b. Australian National Safe Schools Framework

AHISA supports the overarching vision of Australia's National Safe Schools Framework, that 'All Australian schools are safe, supportive and respectful teaching and learning communities that promote student wellbeing'. AHISA supports the guiding principles of the Framework, that Australian schools:

- Affirm the rights of all members of the school community to feel safe and be safe at school

Response to Royal Commission Issues Paper 9, page 3

- Acknowledge that being safe and supported at school is essential for student wellbeing and effective learning
- Accept responsibility for developing and sustaining safe and supportive learning and teaching communities that also fulfil the school's child protection responsibilities
- Encourage the active participation of all school community members in developing and maintaining a safe school community where diversity is valued
- Actively support young people to develop understanding and skills to keep themselves and others safe
- Commit to developing a safe school community through a whole-school and evidence-based approach.

AHISA supports the nine elements of the National Safe Schools Framework:

1. Leadership commitment to a safe school
2. A supportive and connected school culture
3. Policies and procedures
4. Professional learning
5. Positive behaviour management
6. Engagement, skill development and safe school curriculum
7. A focus on student wellbeing and student ownership
8. Early intervention and targeted support
9. Partnerships with families and community.

c. Priorities for school leaders

The harm and abuse of children should not be tolerated. As leaders of school communities, AHISA members have unique responsibilities and opportunities to promote the welfare and protection of the children in their care. AHISA acknowledges the role of school leaders in creating child safe environments that reduce the opportunity risk of abuse as well creating responsive cultures should abuse occur. AHISA therefore encourages its members to:

- Ensure that their school has in place best practice models of child safety and protection, keeping in mind the principles of the National Safe Schools Framework
- Prioritise the promotion of school policies, procedures and codes of conduct relating to child safety and protection
- In determining school policies, procedures and codes of conduct, and in responding to any breaches of them, make the best interests of students a primary consideration

Response to Royal Commission Issues Paper 9, page 4

- Promote the creation of a child safe organisational culture, including a ‘culture of reporting’, such that students, staff and parents are able to raise any concerns about the safety of a child in the knowledge that their concerns will be heard and taken seriously
- Undertake regular audit and review of policies, procedures and codes of conduct relating to child safety and protection
- Institute regular staff training programs on child safety and protection and include training as part of staff induction programs
- Make child protection a key criterion in the supervision of staff by middle and senior managers
- Institute and prosecute rigorous staff recruitment procedures to screen applicants
- Incorporate child protection as a criterion for the development of new or refurbishment of existing facilities, especially residential facilities.

d. Dealing with the past

AHISA recognises that those who have suffered abuse, and survivors of sexual abuse in particular, may not be ready to disclose or seek reparation for their experiences until long after the abuse has occurred.

AHISA notes the suggested principles and guidelines emerging from the work of the Royal Commission into Institutional Responses to Child Sexual Abuse and agrees that, in current and past incidents, a school should ‘ensure that the best interests of the known affected child, and other children potentially at risk, take priority over any perceived threat to the reputation of the institution or associated individuals’.

Successful leaders personally adhere to, promote and practice the values their schools wish to impart to students. AHISA therefore encourages its members to:

- Make the best interests of survivors the school’s primary consideration
- Treat all communications/claims regarding past harm seriously and respectfully and deal with them promptly
- Ensure compliance with mandatory reporting regulations
- Cooperate fully with law enforcement agencies
- Ensure that any processes or interactions with survivors are respectful and empathetic and minimise the potential for further trauma to survivors
- Take account of the needs of survivors when arranging and conducting meetings, for example, by allowing a support person for the survivor to be present at meetings if requested
- Where a case of abuse has been established, be as transparent as possible with the school community, including alumni, without breaching the privacy of individuals
- Be prepared to call for witnesses and any instances of further cases of abuse from within the alumni community if necessary

Response to Royal Commission Issues Paper 9, page 5

- Provide access to support services such as counselling for claimants and survivors
- Avoid taking any action that unnecessarily prolongs reparation of past harm or adds to past injustices.

2. AHISA member survey

a. Challenges for leaders in creating safe school environments

All school leaders aspire to create safe schools. AHISA asked its members what factors presented ongoing challenges to them as leaders in meeting that aspiration and ensuring their schools were safe schools. While Heads generally responded that their schools gave child protection a high priority and therefore challenges were overcome, several issues were identified:

- i. Finding adequate time for professional development of staff was identified as a key challenge for leaders, both in initial training of staff and keeping staff updated. For some schools in some jurisdictions, the cost of training was also a challenge.
- ii. Linked to the issue of timing is the disparate staff profile of independent schools, which will generally comprise full- and part-time teaching staff, teacher support staff, staff delivering the co-curriculum, staff who may be located at remote campuses (such as outdoor education facilities), out of school hours care staff, boarding or residential staff, administrative staff and maintenance and grounds staff. Casual relief staff and pre-service teachers on practicum placements add to the challenge of ensuring all staff are aware of and meeting school policies and protocols. Schools may also have a large volunteer force, working across the curriculum and co-curriculum and events.
- iii. There is a disparity in training options and resources available across the jurisdictions. For example, some state and territory departments make training materials available to non-government schools; others do not. Further, some Heads noted the lack of face to face training available in regional areas. Independent schools with systemic or other group affiliations are more likely to have access to policy and protocol templates and tailored training options.
- iv. The cost of physical resources such as fencing, cameras and other security devices was noted by some Heads.

While AHISA members were readily able to identify challenges in creating safe school environments, they were adamant that in terms of overcoming these challenges 'there are no excuses'.

While Principals generally have the authority to address the issues identified above, of great concern is that Principals identified significant factors mitigating against safe schools that were outside their authority, including:

- v. Lack of communication between external authorities and agencies, especially between jurisdictions. Some Heads identified the lack of automatic flow-on of crucial information about

reported incidents to interstate police forces and regulatory bodies as ‘the greatest danger to our children’ and a risk to schools. One example given was where the Director of Public Prosecutions in one state, having decided against prosecution due to ‘lack of evidence’, was not obliged to forward notice of the complaint to other jurisdictions, leaving children vulnerable if abusers moved interstate. A national system of reporting or at least a national register of complaints was recommended to address this issue.

- vi. Delays in action from police, regulatory agencies and public prosecutors can sometimes extend to months, leaving school communities ‘in limbo’ once a report or inquiry has been made.
- vii. Delays in obtaining Working With Children checks for volunteers. For schools with a large volunteer force, checks can also be a significant cost to the school.

b. Government-funded actions that would support schools in creating child safe environments

While differences in availability of resources according to jurisdiction and school affiliation accounted for some variation in responses from those surveyed, there was agreement from over 70 per cent of responding members that the following would be of assistance to Principals:

- viii. Free-to-access national online staff training modules on child protection, featuring a component that allowed completion of each module to be verified. Such a resource would provide both valuable training materials for schools, and an external check on the level of awareness of staff. For example, Principals could stipulate completion of certain modules as a condition of initial or ongoing employment of permanent or casual staff, and beginning teachers could be required to complete modules as part of their accreditation to either ‘Graduate’ or ‘Proficient’ status against the Australian Professional Standards for Teachers. In this way, along with Working With Children checks, completion of training modules could help build a ‘child safe passport’ for those working in schools.

Some members noted that online training modules would help address the issue of fluidity of staff, especially in relation to casual relief staff, and for the induction of new staff. Modules common to all jurisdictions and which all teachers and non-teaching staff could access would create not only a common language and understanding among staff within schools but across schools, and create a firm foundation on which staff knowledge could be regularly updated or refreshed. It was noted that many pre-service teachers on practicum placement demonstrated difficulty in fully grasping the notion of duty of care, and that an online course should incorporate all the building blocks that formed a comprehensive understanding of a child safe environment.

Some members noted that while online training courses had value, they were not in themselves sufficient to address schools’ professional learning needs. As one member expressed it:

‘The shared experience of sessions with presenters and community conversations (amongst staff) are critical. Online methods are isolated and might meet compliance requirements but

they do not feed community conversations about safe environments and appropriate conduct by staff, students and parents.’

- ix. Examples of best practice. Members noted that while schools were already adopting good – and possibly ‘best’ – practice, refreshed and updated examples of practice that was deemed successful or was based on new evidence was very welcome. Not only did such advice give schools a basis on which to streamline or adjust current practice, it provided an opportunity to refresh staff knowledge and keep awareness of child protection issues at the forefront of staff thinking.

Some 60 per cent of those surveyed also noted that templates of policies and protocols to create child safe environments were of assistance, especially if the templates could be modified to suit individual school needs. Almost 60 per cent of respondents agreed that downloadable online information sheets setting out key aspects of child protection would also support the creation and maintenance of safe school environments. Other suggestions included:

- Summary updates of latest research findings to be made available to schools
- Curriculum materials relating to protective behaviours for students in Kindergarten to Year 10 to be made available
- Information for parents that could be distributed by schools
- Refresher materials for professional learning for staff
- A credit-card-sized Working With Children clearance card (this is already available in some jurisdictions).

3. Supporting best practice

As evidenced by the high proportion of AHISA members responding positively to the survey question on forms of assistance of benefit in creating child safe environments, it is clear that Principals will be supported in the task of implementing principles, procedures and protocols if they have access to materials that suggest practical ways of making these operational.

While some materials will of necessity be applicable only within jurisdictions (according to variations in the law across jurisdictions and state and territory regulations covering schools), there are issues that have national application which could be promoted through a suite of nationally available publications.

Some publications that are helpful to school staff in promoting child safety are already available, such as CFCA’s infographic, ‘Responding to young people’s disclosure of abuse’. Keeping schools up to date with research is also important. The Centre for Children and Young People’s publication, ‘Promoting safety at school for students with cognitive disability’, which distils findings and recommendations from its *Safe at school?* study, is a good example of communication that allows schools to quickly pick up on new research and apply it.

Response to Royal Commission Issues Paper 9, page 9

The research report, *Child maltreatment in organisations: Risk factors and strategies for prevention* (2006), commissioned by the Australian Government Department of Families, Community Services and Indigenous Affairs, lends itself to similar treatment for a number of issues. For example, AHISA would welcome the development of infographics or information sheets on myths and facts about perpetrators of child sexual abuse, indicators of abuse, what constitutes grooming behaviour and creating a positive organisational culture.

AHISA sees a role for the Council of Australian Governments in producing such materials under its National Framework for Protecting Australia's Children initiative.

As already mentioned, all school leaders aspire to create safe schools, and we recommend that the Royal Commission prioritises pursuit of initiatives that help leaders realise this aspiration. As a professional association of Heads of independent schools, AHISA is very interested in promoting material that supports excellence in school leadership, including materials that help Principals fulfil their role in creating child safe environments. We would seek to assist the Royal Commission in the dissemination of such materials or information about them.

AHISA would welcome further inquiry on this submission.

Yours sincerely,

Phillip Heath

AHISA National Chair 2013-15

Head of Barker College, Hornsby, NSW