



**Submission to Royal Commission into institutional responses to child abuse  
Issues Paper 9: Addressing The Risk Of Child Sexual Abuse In Primary And Secondary  
Schools**

**Submission from the  
Victorian Catholic Schools Parent Body (VCSPB)  
31 August 2015**

The Victorian Catholic Schools' Parent Body (VCSPB) welcomes the opportunity to contribute to the Royal Commission into institutional responses to child abuse Issues Paper 9: Addressing The risk of child sexual abuse in primary and secondary schools.

The VCSPB represents parents of students in Victorian Catholic schools at diocesan, state and national levels, through school boards, or where none exist, through school based parent support groups. The VCSPB is a founding member of Catholic School Parents Australia (CSPA), the national peak body for parents with children in Catholic schools in Australia.

The VCSPB supports the work of the Victorian Catholic education authorities in advancing the interests of Catholic schools and their students, particularly in those areas where parent input can strengthen the quality of Catholic school provision.

The VCSPB's submission to the inquiry addresses some issues that are important to Catholic school parents and seeks to highlight parents' perspectives on these. The VCSPB speaks from a perspective of parents who value education in the Catholic faith and tradition for their children, but also as interested citizens.

Throughout this document we have used the term "*parent*", this term is used to include natural, adoptive or foster parents, guardians and caregivers of students.

As a parent body representing parents, who are the first educators of children, we support the current policy of developing collaborative and productive engagement between families and schools in all matters that may affect educational outcomes for students.

### **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?**

As parents with children in Catholic schools we expect that all preventative steps are taken by education authorities and each school to protect all children from harm and abuse.

There are many examples of effective policies and procedures in schools in our sector and other sectors, but it is not acceptable that there are some schools where the policies may not be sufficient to protect children. VCSPB believes that to ensure the safety of children in all schools, there must be national protocols in place that all schools are legally required to



comply with. These protocols should include awareness training for parents of the existence of the policy, what to do if they suspect anything (including who to contact and when to report matters to the police) and identifying grooming behaviour.

All school staff, parents and volunteers must be legally required to comply with and implement child protection and child safety policies, protocols and practices.

Apart from the individual diocesan education office and school policies, protocols and practices, the Catholic Education Commission of Victoria (CECV) provides: the [Protecting the safety and wellbeing of children and young people](#) (joint protocol) & [Step-by-Step guide to making a report to Child Protection or Child FIRST](#):

[www.cecv.catholic.edu.au/frameset.htm?page=publications](http://www.cecv.catholic.edu.au/frameset.htm?page=publications)

*CECV Catholic Schools Operational Guide* provides advice about Mandatory Reporting & Alleged Misconduct of School Personnel refer to:

[http://cevn.cecv.catholic.edu.au/legal/legalissues/care\\_neglect.htm#Alleged\\_Misconduct\\_of\\_school\\_personnel](http://cevn.cecv.catholic.edu.au/legal/legalissues/care_neglect.htm#Alleged_Misconduct_of_school_personnel)

VCSPB considers that whilst many schools have policies and procedures in place, the extent to which the policies, procedures and/or practices are known to parents varies from school to school. Unless the policies have high visibility and are given priority by the school and the school community these practices will not be embedded in school culture. This jeopardises the safety of children in schools.

VCSPB believes that a policy is only one step towards ensuring the safety of children in our schools. In order to ensure child safety, the policy must be a living document that is part of everything that the school does. There should be professional development available for school staff, parents and volunteers. This training should be mandatory for school staff and volunteers (including parent volunteers) before they are able to participate in any school activity.

## **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?**

VCSPB believes that there should be a national approach to all child protection issues. The DET, VRQA and VIT requirements need to be reviewed to ensure that they adequately address the need for the safety of our children in schools. The regulatory bodies should conduct audits which should be spot checks and unannounced.

VCSPB believes that safety of children in schools is of paramount importance and this should be adequately reflected in the compliance regime. Whilst the focus should be on building capacity of school and system staff to understand the legislative and policy requirements, at no point should non-compliance or a relaxed low key approach be tolerated by any school.

In terms of the consequences for non-compliance, VCSPB believes in a multi-faceted approach. This approach should take into account the extent of the breach and the



consequences. Repeated failure to comply and/or major non-compliance should be treated more seriously than minor breaches. The focus should be on encouraging compliance, but not at the cost of the safety of our children. VCSPB believes that this approach should be akin to the approach taken to occupational health and safety in workplaces.

**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?**

In Victoria, its strength is the cross sectoral protocols for child protection – see above. VCSPB is aware of the processes in place across sectors in Victoria and in Queensland (the *Daniel Morecombe Child Safety Curriculum*) and South Australia's cross sectoral *Child Protection Curriculum*. VCSPB considers that both of these materials provide an excellent approach to child safety.

VCSPB does not believe that there is a rationale for having different legislative obligations for government and non-government schools. There should be a national approach that applies to all schools irrespective of their sector that is easy to understand for schools, staff, parents and the community. All children should be protected in the same way irrespective of which school they attend. There should be nothing to prevent schools from embracing even high standards, but there should be a safety net of protections that every school must comply with.

**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 guiding principles and nine elements have scope to provide consistency across all sectors and schools to support safe, supportive and respectful communities that promote wellbeing of students and staff.

However, VCSPB favours a child safe teams approach to the issue. VCSPB is affiliated with Catholic School Parents Australia (**CSPA**) and supports its submission for Child Safe Teams in all schools.

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

As noted above, VCSPB believes in national approach to child safety which would be similar to the approach taken in the occupational health and safety legislation. In terms of how schools would comply, VCSPB supports the submissions made by CSPA with respect to Child Safe Teams.



## 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 Victorian *Education and Training Reform Amendment (Child Safe Schools) Act 2015* which is anticipated to come into effect in January 2016, will require all schools to be compliant with new child safe minimum standards. A collaborative, whole of school approach supported by the system, regulatory authorities and the government supported by parents and students is needed to develop awareness, knowledge, understanding and confidence by all to ensure a child safe environment through school climate and culture, curriculum and pedagogy, policy and procedures and authentic partnerships with the school communities and outside agencies. In this respect, VCSPB supports the submission made by CSPA with respect to Child Safe Teams in each school.

The voice of parents and students particularly in the spheres of policy and procedures and school climate and culture is imperative. There can be no effective systems for the safety of children without direct parental involvement.

As highlighted by the research conducted by the Australian Catholic University in partnership with Griffith University and the Queensland University of Technology., “*Taking Us Seriously: Children and young people talk about safety and institutional responses to their safety concerns*” children and young people need adults and institutions to take the time to listen to them and to acknowledge their needs and concerns to feel safe, and to provide safe institutions.

Consultation and collaborative processes and protocols need to directly involve and engage with parents and students when providing a safe physical environment, being proactive (prevent and protect). Further, the process for the selection of the parent/s representative should not be made by a single person (such as a Principal or Canonical Administrator), ideally the nomination should come from parents and be elected by the parents.

- 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?**

As already noted above, VCSPB considers that there should be compulsory training for all staff and volunteers (including parent volunteers) with respect to child safety matters. The training for volunteers may be different for volunteers but should still be required.



Training should be offered to the whole of school and community to raise awareness and commitment to ensure child safety in all environments.

It should be emphasised that each adult has a responsibility.

In terms of ensuring confidence to identify and report, VCSPB favours mandatory report. To an extent this rigorous framework takes away the element of choice (and perhaps some guilt) when reporting matters. If the staff member is legally required to report (as opposed to having to exercise some discretion), this may assist in the process of reporting.

### **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?**

VCSPB believes that the protocol should be robust enough to cater for all high risk and vulnerable students. VCSPB believes that if there is a Child Safe Team in each school, this will ensure compliance. These Child Safe Teams will be formed from persons within the school community, who will be ideally placed to consider the needs of all students (including high risk and vulnerable students) within that school.

It is important that the protocols are in all relevant languages and that the schools engages with each cultural community within its school to ensure compliance. This may take many forms, but the responsibility for child safety rests not just with the school and parents, but also with community elders and leaders.

- 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?**

VCSPB believes that through Child Safe Teams, a protocol could be adopted to ensure support for victims of child abuses. VCSPB believes that recognition of the behaviour as abuse and the effect on the victim is a critical element in helping the victim to heal and recover from the traumatic incident. Some sectors (that is the State and Catholic system) are better equipped to do this through their centralised processes and access to counselling services. An effective pastoral care service (which can take many forms) would be an ideal way to triage and assess the type of support needed from outside agency resources. For this system to be truly effective, government funding may be required.

- 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?**

VCSPB notes that all schools are covered by the new National Boarding Standard for Australian schools, 'AS 5725:2015 Boarding Standard for Australian schools and residences' (AS 5725 or the Standard).

VCSPB believes that in any situation when a child is away from home (whether that be at boarding school or staying with a local family on a trip overseas) that the risk of abuse is something that must be directly considered. In terms of children located in Australia, the usual steps of police and working with children checks must be complied with. Schools that are hosting overseas students in families homes must ensure that those children are safe and require that police and working with children checks are completed before the family can host a stay. Where Australian children are staying overseas, the school must take appropriate measures to ensure the safety of students, this could include ensuring that at least 2 students are in each home and that children have mobile numbers of staff to contact them in an emergency. If police checks can be done in the overseas location this should be completed also.

### **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?**

VCSPB recognises that in remote and regional areas, it can be more complex to address abuse. VCSPB believes that Child Safe Teams in each school would be able to address this issue on a local basis according to the needs of that school. The national framework of protocols and standards would set the standard with the Child Safe Team in a school; the school would customise the response to meet the needs of the school and community.

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

VCSPB believes that the protocols adopted should address not only adult to child abuse, but also child to child abuse. The introduction of Child Safe Teams and training programs in schools will assist in this process. The protocols should ensure that adults are able to recognise inappropriate behaviour in children and bring it the attention of an appropriate person on a confidential basis and with care and compassion for all children involved. It should be acknowledged that there may be occasions where a child presenting with learning or developmental difficulties may manifest this in inappropriate sexualised behaviour towards another child and processes and protocols must take this into account including care and services for all children involved.

Whilst the safety of children is of paramount importance VCSPB recognises that child to child abuse is complex and should not be treated in the same way as adult abuse. Education about what is appropriate behaviour and what is not is vital. There should be



support, counselling and other psychiatric or psychological services for children who may engage in child to child abuse, as well as the victims of such abuse. A distinction needs to be made between predatory behaviour and “*childhood mistakes*”; the persons best placed to make that distinction are appropriately trained mental health practitioners and not legislators and/or compliance agencies.

#### **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?**

VCSPB believes that all schools need to meet the same standards and obligations. Abuse can occur in all sectors and no distinction should be made. VCSPB submits that all schools must comply with child safe principles, policies or procedures for registration and continued registration.

- 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?**

VCSPB is not in a position to provide a submission on this question.

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

- 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?**

As already stated VCSPB believes that anyone who works in a school or comes into contact with a child at school should have training on child abuse, child safety and the relevant regulatory and professional standards. Please see above.

- 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?**

VCSPB believes that teacher training in this area is critical. For new teachers, entering the classroom can be daunting enough, but having to address suspicions of abuse could be overwhelming. Providing all teachers (but particularly new teachers) with a framework and real skills in this area will enable them to ensure the safety of our children. This training should be mandatory.



- 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?**

VCSPB refers to the curriculums in Victoria, Queensland and South Australia with respect to child safety. Please see above.

#### **Topic F: Reporting, information sharing, complaints and investigations**

- 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?**

Reporting the abuse of children is a confronting process because of the fear of repercussions, lack of confidentiality and privacy violations. There will often be the fear of being wrong and having caused distress to the child and family concerned. From a parent's perspective there is also a fear that there may be repercussions for their child and family. VCSPB believes that the way to address these barriers is to remove the stigma attached to child abuse, to embed child safety in school culture so that reporting of such matters is normal and acceptable. VCSPB believes that the introduction of Child Safe Teams is a critical first step in this process.

- 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?**

VCSPB believes that a mandatory reporting process is absolutely critical, but that a different approach for child to child abuse may be needed.

- 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?**

VCSPB believes that information about such matters is critical so that the school can put in place processes to ensure the safety of the children in that school. There must be protocols in place to ensure the confidentiality of that information. A Child Safe Team would be best placed to address this type of information. The rights of a child who has engaged in sexually abusive behaviour cannot be ignored in this process and they and their family must also be directly engaged in establishing protocols specific to the school and the school community. There would need to be an effective risk assessment completed and medical and mental health reports to support the fact that it is safe for that child to be part of the school community.



**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?**

The Child Safe Team should be notified and preliminary reports should be noted and retained. Any investigation process needs to be undertaken by the Police not the school or school personnel. Pastoral care that is complementary should be provided for all affected.

A separate protocol should be adopted for child to child abuse that takes into account the complexity of the situation.

**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?**

VCSPB is not in a position to address this question specifically, but believes that sharing this information is a critical component in ensuring the safety of children in schools. VCSPB believes that whilst information should be shared in all cases, a different approach is required in child to child abuse.

The VCSPB acknowledges the importance of the work of the Royal Commission and is pleased to have the opportunity to make this submission.

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CHAIR