

## ADDRESSING THE RISK OF CHILD SEXUAL ABUSE IN PRIMARY AND SECONDARY SCHOOLS

The Australian Primary Principals Association (APPA), representing the principals and heads of school in government, Catholic and independent primary schools in all states and territories, welcomes the opportunity to provide a response to Issues Paper 9. Our response is based upon the professional opinions and experiences of primary school leaders working in schools and has been collated through a number of our member associations.

### 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?**
  - Overall, current systems and procedures are regarded as effective by primary school principals.
  - In primary schools today principals strongly support mechanisms being in place to ensure reporting processes are strong and effective.
  - The reality is that there would be considerable variance in policy and procedure from state to state, system to system and school to school.
  - Reporting mechanisms should be within a collaborative framework where the school uses established processes and the agency receiving the report acknowledges receipt of suspected child sexual abuse report and acts on these reports.
  - APPA is not aware of evidence that suggests current reporting mechanisms need refining.
  - There must be no bureaucratic impediment to the sharing of information across jurisdictions and/or between organisations.
  - Support that is sustainable and well-resourced is needed for families affected by this issue. There is significant scope for high level case management being in place to ensure the availability and access to focused multidisciplinary medical and psychological/psychiatric intervention and support for those affected.
- 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?**
  - Primary schools are committed in the first instance to the safety and protection of students within them.
  - Compliance with legislative obligations is expected within all primary schools whether government, Catholic or independent and it would be an unusual and unacceptable situation were any school not to comply fully.
  - APPA would support an audit of state and territory child protection legislative requirements.
  - Schools are required to provide evidence of safe school elements to meet school registration requirements.

- The role of a school is essentially to identify, report and support. Schools also provide education around personal safety i.e. safe touching, telling, etc and provide a safe environment for children.
  - The issue of identification and reporting can, though, be problematic as the features of sexual abuse as manifested in children are not always discernible from other issues or problems.
- 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?**
- Staff who report suspected child abuse can experience difficulty in remaining anonymous to adult members of the reported family. Parents and guardian anger can be directed towards school staff members after they are aware a child protection authority has been notified. This is particularly the case within smaller school communities.
  - The move towards increasing autonomy in schools, particularly government schools, provides an opportunity for a conversation between governments, system leaders and principals aimed at aligning legislative requirements across jurisdictions.
  - Each school and school system has a unique model of support and pastoral care. While there is always the risk that all potential cases of suspected child abuse will not be identified or reported by a school, more importantly, there is a risk that an individual child or family history is 'lost' in the move to a new school.
  - A national commitment to providing dedicated lead professionals who coordinate services around children in need is essential. Consistency of reporting requirements would also assist greatly.
  - Students and their families, teachers and other school staff regularly move between systems and sectors. Families, too, are known to move children from school to school to avoid a reputation or child protection reports and information being maintained within school communities. Importantly, schools must be satisfied that measures are in place for information critical to a child's or family's wellbeing follows the individual or family and that action in place in one jurisdiction to assist a child or family is followed through in the new destination.
  - APPA sees little, if any, value in maintaining different legislative requirements for government and 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?**
- In a similar way to the 2008 Melbourne Declaration on Educational Goals for Young Australians focused attention in the academic area, the National Safe Schools Framework has proven a catalyst for action and change across all schools in relation to child wellbeing and safety.
  - To assist primary schools to fully and successfully implement the National Safe Schools Framework, but particularly the intent of point 2.7 namely *'Appropriate monitoring of and response to child protection issues'*, resources should be dedicated to ensure that child protection issues are not an 'add-on' or 'afterthought' to resource limited schools and school leaders.
- 5. What regulatory, oversight or governance mechanisms are needed to ensure schools have adopted 'safe school' elements? How has their effectiveness been evaluated?**
- Primary school principals recognise that their schools must absolutely prioritise the health, wellbeing and safety of every child within them.

- Schools and school systems have worked on addressing systemic and isolated instances of child abuse through a commitment to the National Safe School Framework and in response to legislation.
- APPA is wary of 'over regulation' in an area where schools and school communities have recognised the issues involved at a school level and responded vigorously.
- School's should not have the responsibility to investigate child sexual abuse. This is the role of the relevant child protection service.
- If there were dedicated lead professionals in primary schools to coordinate services around children in need, these officers could take carriage of progressing, adopting and reporting on 'safe school' elements.
- School audits and registration processes should reveal compliance or otherwise.

## **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?**

- This is a complex issue and one that requires careful and considered investigation before changes are made to current school governance arrangements.
- There are several governance layers within most schools that would be seen as having responsibility for the pastoral care and wellbeing of students – board/council, school executive, pastoral care committee, parents and friends/citizens group, etc. In addition, school and system policies and complaints procedures, mandatory reporting procedures and legislation related to children and young people govern responses to child safety matters as well as providing the catalyst for implementation of proactive policy and procedure.
- At a systemic level, schools are answerable to school and system based policies; system officers with responsibility for working with the school around performance, policy compliance and student welfare; and departmental child protection officers responding to disclosures or information related to child abuse. An example of additional safeguards is found in Western Australia where the Catholic Church has planned for Safeguarding Officers in parishes (Catholic schools are generally connected to a parish), co-ordinated by a child protection expert, to be trained in how to respond in the event that an individual wishes to make a disclosure.
- Educators can reasonably be regarded as important parts of a protective and supportive network but this issue is 'whole-of-society'.

### **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?**

- Sufficient support services within schools would help to streamline reporting processes. Additionally, training in this important area would further negate any non-compliance.
- Investigating the prevalence of negative repercussions that occurs in reporting situations would help separate fact from fiction as well as help establish sound procedures for reporting that better enable anonymity in the reporting process.
- A comprehensive suite of wrap-around services within primary schools would better support students at risk of child abuse and children who present with significant emotional and social needs as well as providing better protection for children.

- Dedicated lead professionals in primary schools would enable effective coordination of services supporting children in need and better ensure that services available can be utilised to their full potential. Such services need to focus on the 'whole child' to support academic achievement, wellbeing and social development.

## **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?**
  - The availability of a comprehensive suite of wrap-around services in primary schools would support students at risk of child abuse who often present with significant emotional and social needs.
  - Increased and targeted resourcing is needed in settings where there is prevalence of child abuse.
  - In identifying child abuse as a community rather than school specific issue there is opportunity to engage community members to address child welfare and safety issues in a coordinated and focused way.
  - The promotion of Protective Behaviours within a school needs to be supported by effective lessons across all year levels. Again, professional development in this area is critical.
- 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?**
  - Most primary schools do not have on-site designated support personnel. Such lead professionals are needed to be on hand at all times, to deal with such instances as well as other less serious child safety issues.
  - As suggested above, primary schools are generally not resourced to deal with such issues and, should there be an expectation that they do, there is risk of harm to the individual concerned.
  - Referral to external providers is available though less so in rural and remote schools.
- 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?**
- 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?**
  - These factors do impact on a school's ability to prevent and respond. Resources to address child abuse and suspected child abuse must be provided where they are needed.
  - If there is a need in rural and remote locations, the resources should be provided there.
- 5. What sorts of measures are needed to help protect younger children from the risk of sexual abuse by older children?**
  - Protective Behaviours lessons are well established in primary schools. While there can never be certainty around how individuals behave in different circumstances these lessons aim to provide all children with the skills and knowledge to protect themselves from the

risk of sexual abuse, the confidence to report instances of abuse to a trusted adult and the awareness to avoid unsafe situations.

- Beyond reporting and providing authorities with details of the school level report, primary schools are generally not resourced to manage the intervention required with such issues.

## **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?**

- It is critical that procedures for managing any aspect of child safety and wellbeing be clear, concise, relevant and practical.
- Children, schools and communities would benefit from child protection legislation that utilises common language, aligns with policy and practice expectations, and crosses national, state and territory boundaries.
- Regular / annual review of policy and practice should be supported by common information provided by Australian, state and territory education departments.

### **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?**

## **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?**

- It is accepted practice in primary schools that all staff members attend information sessions around code of conduct, professional standards and child protection policies and procedures. Importantly, such practice should be supported by professional development, advice around changes made to policy and procedure, and ready access to written communication.
- Informing staff should extend to casual teachers and staff, staff new to the school and school volunteers especially where the volunteer is working directly with children.
- Best practice occurs where a multidisciplinary approach to dealing with child protection issues is in place. Without adequate resourcing it should not be the responsibility of schools to triage students who are suffering abuse and neglect.

### **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?**

- Teachers and school principals should receive ongoing and carefully planned and enacted training in this area.
- Identification should always occur in the context of the procedures that are in place to protect a child and would usually involve child protection personnel.
- The identification of a child experiencing sexual abuse or problem sexual behaviour should

not be seen as the responsibility of the individual teacher. The responsibility of a teacher is to raise concerns and to advise the principal or other designated school leader of that concern.

- Initial teacher education courses should include child wellbeing and safety aspects but, again, should be covered in the context of a school or school system's policy and procedure.
- It is alarming for education professionals that an accusation of paedophilia is an all too common abusive and threatening strategy used by students and vexatious families in social media. This represents a real, high-level risk to recruitment and retention of teachers.

**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?**

- In the primary school setting the aim of health and wellbeing programs should be broader than a narrow focus on delivering sexual abuse prevention education.
- Programs are about building a child's confidence in self, respecting the 'whole' of person – mind, body and spirit, teaching skills for good emotional and social development, etc.
- When children know the facts, understand what's acceptable and unacceptable, recognise that they have someone at home, in their neighbourhood or in their school who they can trust then they are best placed to inform about sexual abuse.
- Schools do a good job in this area but recognise that other circumstances, particularly in the home, can negatively impact on a child's life. When the partnership between home and school is strong the safety and welfare of a child is best positioned.

## **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?**

- There are concerns around waiting lists. All students who have been referred because of known family / parenting issues should be high priority. This is essential in the case of possible sexual abuse.
- There are situations where a parent or parents refuse to be involved in a holistic case management approach that involves intensive required family intervention and support and / or therapies. This is particularly the case in areas where demand upon child protection services is high. Poor outcomes are often the result. (One principal reported: "We have a family where serious levels of proven neglect and abuse are evident, at XXX Primary School, where the dogs were taken but the children were left. Staff here say that authorities care more for dogs than they do for children.")
- It has been suggested that barriers for some staff, particularly in smaller communities might include the possible negative impact reporting might have on their relationships with members of the family involved or on the reputation of the school if the perpetrator is a staff member or volunteer.
- It is important that there is access to personnel to take reports and also reasonable response times for notifications of action. This can cause concern for school principals if they do not have clear actions to implement at the school level to support children.
- Social workers and psychologists are in demand but are often overworked or in short supply. This sees them able to provide only minimal therapeutic support.

**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?**

- Mandatory reporting and reportable conduct schemes are well-accepted practice in primary schools.
- Particularly in smaller schools, the requirements for mandatory reporting do not always take account of the limited time available for the classroom teacher or principal to make an individual report and, following the report, for a child protection officer to receive and discuss the report.
- Lack of consistency in the mandatory reporting training for staff including the frequency and quality of training.
- Compliance in schools occurs with regular and consistent reminders/briefings/notices.
- Services in parts of Australia (esp. remote areas, NT) are extremely lacking; high turnover of staff have led to procedures not being followed and inappropriate actions and responses.
- Data should be collected especially after the implementation of the intervention in the Northern Territory.

**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?**

- Schools should not be the sole agency responsible for transferring information on children who are in vulnerable family situations, have exhibited problem sexual behaviour or are victims or possible victims of sexual abuse. Such responsibility should be in partnership with, if available, the school counsellor or school psychologist.
- Sensitive information should always be transferred through secure processes, as currently exist in some school systems when students move school or transition to the next school.
- Education systems need to ensure there are the resources and expertise available to manage the information transfer process. The issue of privacy can be at risk if a secure transfer of sensitive and confidential information is not in place.

**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?**

- Overall, primary schools accept a high level of duty of care and give exceptional support to children. In situations where a child's welfare and safety are at risk that duty is paramount.
- For the child at risk the school environment can be the 'refuge' where the child feels safe and secure.
- The investigating of allegations should always be regarded as serious and should be handled with great sensitivity.
- Parents or the offending person have been known to intimidate school staff for information and became aggressive.
- The reality is that interviewing children on school premises can be problematic, particularly if the school has made the notification.
- Ideally, schools provide a teacher or adult who the child is happy to have in the room.
- The collecting of information without parent consent can have unforeseen consequences.
- While school is a safe and familiar environment where children can talk about their personal situation, when a parent is involved in a child protection issue, an alternative

venue should be sought by agencies to conduct any interview. This way the school remains neutral and can maintain confidentiality and privacy.

**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?**

- The key barrier is access to school counsellors or psychologists. Schools also experience difficulty in accessing caseworkers or social workers from community agencies.
- In many schools, resources are being stretched with increasing responsibility to manage and support children suspected of neglect or sexual / other abuse. Staff are required, or at least feel the responsibility, to provide intensive ongoing support for children impacted by sexual abuse or neglect, without additional resources.
- APPA would recommend an improved communication system between agencies and schools working with children and families.
- Our observation is that continuity of support is more often than not dependent on the stability of the caseworker or social worker involved with the family. This is where the barrier becomes more evident and therefore the school is the only continuum of support for children. However, we do not advocate for schools to become the holder of all information.
- The school's primary role is to provide an education while being in partnership with agencies and families in supporting the development of children or implementing strategies that help care and protect children from the ravages of abuse or neglect.
- Schools can have concerns about the manner in which child protection agencies respond to matters. This is particularly the case with families in need that have had ongoing experiences of child protection agencies. Schools report that such dealings reinforce for the children that they shouldn't tell about things that happen in the family because of the poor way issues are sometimes managed.
- Where parents and children are involved in a multidisciplinary approach that improves a family's relationships and parenting skills, deals with substance abuse issues, improves financial capability, responds to violence and abuse, etc there is much greater hope for a good outcome. At times, schools feel they are part of a 'band aid' approach where the child (and often more than one child) returns home to an unchanged situation and what has been accomplished is quickly undone. (One principal commented: "I see this happen on a daily basis in my school!")

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