

**CREATE Foundation submission to the
Royal Commission into Institutional
Responses to Child Sexual Abuse**

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

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About CREATE Foundation

CREATE Foundation is the national consumer body for children and young people with an out-of-home care experience. We represent the voices of over 43,009 children and young people currently in care, and those who have transitioned from care up to the age of 25.

Our vision is that all children and young people with a care experience reach their full potential.

Our mission is to create a better life for children and young people in care.

To do this we:

- **CONNECT** children and young people to each other, CREATE and their community to
- **EMPOWER** children and young people to build self-confidence, self-esteem, and skills that enable them to have a voice and be heard to
- **CHANGE** the care system, in consultation with children and young people, through advocacy to improve policies, practices and services and increase community awareness.

We achieve our mission by facilitating a variety of programs and services for children and young people in care and developing policy and research to advocate for a better care system.

Introduction

CREATE Foundation appreciates the opportunity to provide a response to the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) Issues Paper 9, addressing the risk of child sexual abuse in primary and secondary schools. CREATE acknowledges and commends the Royal Commission's efforts to highlight that sexual abuse of children in institutions is occurring now and again draws the Royal Commission's attention to the 43,009 children and young people living in out-of-home care across Australia, with 41% in foster care, 49% in relative or kinship care, and over 5% in residential care (AIHW, 2007).


This submission acknowledges relevant findings of the Royal Commission (2014) to date, including:

- Effective responses to reports or allegations of child sexual abuse can help stop abuse.
- Ineffective institutional responses can allow abuse to continue.
- Child sexual abuse is under-reported.
- Disclosure of child sexual abuse is often delayed into adulthood, by over 20 years or more (on average survivors took 22 years to disclose their abuse to the Royal Commission after it happened).
- Lack of training for professionals can lead to child sexual abuse not being identified.

Where sexual abuse is perpetrated on children and young people in out-of-home care the responses must focus on the child or young person's safety, well-being and best interests, through open communication that is age-appropriate and supports children and young people. Ensuring children and young people know what is happening after they have been abused is essential to their recovery.

CREATE believes that promoting the participation of children and young people in out-of-home care in the decisions that affect their lives is a first step towards enabling them to stay safe or report when they have been abused. Through genuine participation, children and young people can trust that their voices will be heard and acted upon (G-Force, 2014).

The key areas addressed in this submission will be how child protection policies and programs can be developed in primary and secondary schools to ensure that the risk of child sexual abuse will be minimised and monitored within the school environment. CREATE believes that the participation of



children and young people with a care experience play a crucial role in the development of these policies and programs

Topic A: General questions

In CREATE's (2013) response to the Royal Commission, Issues Paper 3, *Child Safe Institution*, the focus of the submission was on the importance of institutions:

- fostering a culture of which empowers children and young people to speak up on a variety of issues (including any concerns about safety or disclosures of harm);
- the importance of clear and accessible complaints mechanisms;
- the value of independent oversight and the importance of developing processes; and
- guidelines which are consistent with relevant legislation and best practice. (CREATE 2013).

CREATE notes that the points discussed above similarly apply to any discussion relating to addressing the risk of child abuse in primary and secondary schools.

CREATE is aware that at a state and territory level, education departments across Australia have their own clear policies, procedures and/or practices in place to help prevent, minimize, report and respond to risks of child sexual abuse. Whilst CREATE is encouraged by these policies and programs there is concern as to how these policies, procedures and/or practices are reviewed, monitored and regulated. CREATE is not aware of a single independent oversight body who could review, monitor and regulate all of the child protection documentation for primary and secondary schools throughout Australia. These limitations add complexity and may restrict how contemporary and up to date the child protection policies and practices in individual schools.


Recently in Queensland we have seen a 'glitch' in a child protection software package designed for principles, which has led to several hundreds of cases of suspected child abuse go unreported to the Department of Communities, Child Safety and Disability Services (Howells, 2015). CREATE believes that there must be alternative ways for departments, schools and education settings to be reviewed and monitored so that this kind of issue do not occur again in Queensland or any other state and territory's.

CREATE believes that stronger links between school registration may be a way to address these issues. For example, if a school could not provide clear child protection processes and guidelines which are up to date and accurate then registration may be placed on hold until evidence can be produced to show that they have these frameworks in place.

In terms of educational institutions registration arrangements an additional safeguard could be to link to staff training and personal development on child protection to ongoing registration. A school would have to demonstrate that all staff participate in with annual training in contemporary child protection policies and child safe practices in order to continue to be registered.

CREATE reviewed the *National Safe Schools Framework - 2009-2020*. (Education Services Australia, 2010) as part of the development of this issues paper. Whilst CREATE agrees in-principle with the framework, it is noted that the wording 'child protection' is used minimally throughout the document and is only mentioned specifically in one of the nine key characteristics.

It is also stated within the guiding principles that, '*Australian schools must accept responsibility for developing and sustaining safe and supportive learning and teaching communities that also fulfil the school's child protection responsibilities*'. CREATE is concerned by this statement as whilst the responsibility sits with the school, it does not clearly illustrate how the schools child protection responsibilities will be monitored or reviewed. The severity of child sexual abuse and the impact on the individuals present and future, generic statements such as these, without direct links to



monitoring or regulatory process, are misleading in terms of the protection they may or may not be provide at the individual level (Education Services Australia, 2010).

CREATE believes that placing a greater focus on child protection in the nine key elements of the *National Safe School Framework*, may help to increase the schools sense of priority in responding to these issues. CREATE believes that the framework should be updated to include specific reference to child protection regulations which comply with findings and recommendations from the Royal Commission

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

The number of children and young people in out-of-home care continues to increase each year, largely driven by increasing numbers of Aboriginal and Torres Strait Islander children and young people entering care, and children and young people remaining in out-of-home care for longer (AIHW, 2015), (Tilbury, 2009).

Children and young people in out-of-home care are a clear group of disadvantaged children and young people within the education system. It is imperative that children and young people in out-of-home care have the same opportunities as are available to peers in the wider community to be inspired and engaged in the process of learning while young and hopefully throughout life (McDowall, 2013). All too often children and young people in care have disrupted living placements which all too often leads to disrupted and multiple school attendance (McDowall, 2013).


Aboriginal and Torres Strait Islander children and young people are ten more times likely to be in care than non-Indigenous (Australian Institute of Health and Welfare (AIHW), 2015). The over-representation of these vulnerable children and young people in care is of concern to CREATE and numerous non-government agencies across Australia. Specific attention within the education system for Aboriginal and Torres Strait Islander children and young people in care is required. This should be provided by culturally appropriate and community connected organisations.

In the Western Australian Commissioner for Children and Young People report (2015), *Listen to Us*, it noted that Aboriginal and Torres Strait Islander children and young people need multiple strategies across agencies to support engagement and participation in education, which includes strong partnerships between schools, families and communities to work together to identify and remove barriers to school engagement.

CREATE recognises education as an important gateway to health and emotional wellbeing, job acquisition and satisfaction, economic prosperity, and independence. An absence of education can compound disadvantages already faced by children and young people with a disability who have an out-of-home care experience. CREATE examined education in its 2006 Report Card and again in 2013 in its benchmark report towards the National Standards for Out-of-Home Care (CREATE Foundation, 2006); (McDowall, 2013).

In Australia most states and territories have adapted the guiding principles of the Convention of the Rights of the Child (1989) to develop their own individual Charter of Rights for children and young people in out-of-home care (or similar) (McDowall, 2013). Interestingly the 2013 Report Card found that of all respondents in the 15-17 year age group, only 17.8% knew about the Charter of Rights in their state or territory. In order for child protection strategies to work in school environments, children and young people in-out of home care need to be made aware of the standards of care which they are entitled too and be empowered to raise their concerns or complaints if these standards are not met.

Primary and secondary schools across Australia already provide a multitude of welfare support services to children and young people. Schools are in key positions to provide support to children and young people who have been or may have been sexually abused. Schools have the capacity to connect and link children and young people into services which can provide them with appropriate



support and/or referral processes. However all too often the children and young people within the school environment are not aware of the services and/or are too shy to access the services. Children and young people in care are also less likely to be aware of these supports and process due to their disruptive lived experiences. CREATE has conducted research on children and young people's ability to make a complaint in out of home care and only 50 percent knew how to make a complaint (McDowall, 2013). Due to these results CREATE Foundation believes that children and young people's ability to make complaints within an educational setting are likely to be the same scale if not lower.

CREATE believes that if schools were to make child protection policies and programs, a key part of the school's culture and language, children and young people affected by these issues may feel more comfortable coming forward to seek support or referrals.

TOPIC E – Education, training, professional support and primary intervention

Children and young people in the care system are a diverse group. They have different experiences before and while being in care; represent a large age range; varying levels of time spent in care and placement histories, and come from different cultural backgrounds. This requires awareness and training to improve the response to allegations of child sexual abuse and actions required to support children and young people to feel safe and protected.

Practices that minimise the number of professionals who conduct interviews with children and young people in care about allegations of sexual abuse should guide practice in this area, including limiting the number of times that children and young people need to repeat their story (Department of Human Services (DHS), 2012). At all times there should be a trusted adult nominated who can be briefed on the stages of an investigation and are able to explain to the child or young person what is going on and help them to understand the process.

Research into disclosure of child sexual abuse, shows that disclosing can have different results ranging from helping children to access safety interventions and emotional support to help with healing, through to further trauma and humiliation that has a detrimental effect on both psychological and physical well-being (Esposito, 2014). Teachers and support staff working on allegations of child sexual abuse also need to be aware of this research and develop appropriate responses that are informed by children and young people with a care experience.


One form of training for school staff could be based on trauma informed care. This practice is grounded in and directed by a thorough understanding of the neurological, biological, psychological and social effects of trauma and interpersonal violence and the prevalence of these experiences. It involves not only changing assumptions about how we organise and provide services, but creates organisational cultures that are personal, holistic, creative, open and therapeutic. A trauma-based approach primarily views the individual as having been harmed by something or someone: thus connecting the personal and the socio-political environments (Bloom, 1997).

Through this practice schools can begin to understand how trauma impacts on the individual and what therapeutic supports may be required.

CREATE recommends that on-going training is required for all teachers, welfare and support staff within the school environment with regard to engagement and participation strategies with children and young people and to remain up to date with contemporary child sexual abuse policies and programs

Topic F: Reporting, information sharing, complaints and investigations

Children and young people in out-of-home care have often experienced excessive levels of bureaucracy in their lives. They may have had a number of residential placements, multiple school enrolments and numerous case managers. CREATE is concerned how information received and dealt with in the school environment is reported to their case managers and recorded in their case notes.



CREATE believes that inter-departmental memorandums of understanding should be in place so that crucial information relating to a child or young person in out-of-home care is relayed to the school and vice versa to the department. Strict privacy rights for individual children and young people must form part of this process. In addition, clear guidelines must be in place for incidents which happen at school to be reported and recorded on the child or young person's child protection records.

Children and young people should not be expected to be the keepers of this information, processes must be in place to store this crucial information. Child protection case managers need to play a greater role in the educational lives of children and young people in out-of-home care.

Children and young people in the out-of-home care system all have the right to participate in significant decisions being made about them as per the *Charters of Rights* in each state and territory. However, this does not mean that all children and young people in care are aware of their rights or are included in these decision making processes.

McDowall identified that knowledge of complaints processes varied across Australia. Nationally only half of all respondents claimed that they knew how to complaint about any concerns they may have. Additionally, as might well be expected, the strongest effect on variations to the ability to make a complaint involved age.

In addition, McDowall (2013) recommended that it is crucially important that all professionals working in child protection do more to facilitate children and young people's involvement in decision making. Consulting with children and young people directly about their views on what 'child protection' means, could be considered by schools as a process of engaging with children and young people. It also demonstrates the value organisations place on the views and opinions of children and young people.

The monitoring and oversight of primary and secondary school environments is an important component of assessing the effectiveness of a school's child protection strategies. Whilst primary and secondary schools have the responsibility to develop internal child protection practices, independent oversight bodies such as a Children's Commissioner, Guardian or Ombudsman can provide an oversight role into the prevention of child sexual abuse within the education system. This role could include providing direction and contemporary frameworks to support the development of child protection policies and practice. It would also allow for external monitoring and investigation of child sexual abuse claims within the school environment.

In developing primary and secondary child sexual abuse strategies it is crucial that schools consider not only the age appropriateness of strategies but also the potential barriers to children and young people being able to identify and raise concerns. Identifying and addressing these barriers is a crucial aspect of minimising the potential for harm to occur to children and young people in the school environment. For example programs and support may need to be tailored to meet the needs of children and young people in out of home care without disadvantaging them or stigmatising them due to their care experience. Children and young people with a care experience have told CREATE that the stigma attached to being in care is impacting greatly on their educational experiences. In a number of cases, children and young people have been asked by their teachers about their experiences of being in care or had their status of being in care revealed to the entire class without asking them first. These experiences limit children and young people's trust of sharing to people within these settings and we recommend training of educational staff to improve the likelihood of children and young people in out-of-home care sharing their complaints and issues with appropriate staff in educational settings.



Conclusion

CREATE thanks the Royal Commission for the opportunity to provide input into this important aspect of its inquiry into, *'Addressing the risk of child abuse in primary and secondary schools'*. Children and young people who have been sexually abused while in care require support to address their physical, psychological, and emotional needs but they also require the right programs, support and intervention within the educational environment.

Specifically, the education system must recognise that children and young people in out-of-home care, are a diverse group and are entitled to respect and support. This training should include hearing directly from children and young people with a care experience.

CREATE believes that processes for addressing the risks of child sexual abuse in primary and secondary schools can be improved through:

- training for teachers, principals and staff which includes
 - children and young people's views and experiences, and
 - training professionals on the strategies needed to work with children and young people who have been sexually abused;
- open and age appropriate communication and engagement with children and young people; and
- independent oversight bodies in order to monitor and review school policies and programs which seek to address the risks of child sexual abuse.

CREATE hopes that the outcomes of the Royal Commission will ensure that the risk of child sexual abuse in primary and secondary schools lead to systemic changes which prevent the occurrence of sexual abuse and responds to it when it occurs in ways that enable children and young people to be heard and supported

Thank you for providing the opportunity to respond to the Royal Commission's ninth paper. CREATE commends the Royal Commission for encouraging discussion of these important issues.

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