

Response to the Royal Commission
Into Institutional Responses to Child Sexual Abuse
**Issues Paper 9 – Addressing the Risk of Child Sexual Abuse
In Primary and Secondary Schools**
By
Lutheran Church of Australia

Introduction

The Lutheran church has an emphasis on biblical literacy and Christian education that dates back to its foundations in the sixteenth century. Lutherans have operated schools in Australia since 1839. Lutheran schools and the associated systems are very much a part of the structure and function of the Lutheran Church of Australia. Currently there are Lutheran schools located in every state and territory of Australia except the ACT. The church operates early childhood centres as well. The Lutheran church has its own tertiary institution, Australian Lutheran College, which provides special training for Lutheran teachers in order to promote a distinctive ethos in its schools.

The growth in Lutheran schools has been very much part of the growth of the non-government sector and reflects the church's commitment to serving both its people and the Australian community. There has been particular growth in Lutheran schools since the last quarter of the twentieth century from 3,592 students in 1967 to 39,764 in 2014. Around one quarter of the enrolments are Lutheran.

Lutheran schools - statistics at a glance

There are 85 Lutheran schools:

- 40 primary schools
- 7 secondary schools
- 38 combined primary/secondary schools
- 56 kindergartens and early childhood centres

Schools by state:

- South Australia 33
- Queensland 27
- Victoria/Tasmania 16
- New South Wales 4
- Northern Territory 3
- Western Australia 2

Enrolments

- Schools 39,764 (21,900 primary students and 15,400 secondary student)
- Early childhood centres 4,000

There are 3,287 teaching staff.

Ethos

Lutheran schools are strongly linked by a common ethos, aiming to provide quality education in which the gospel of Jesus Christ informs all learning and teaching, all human relationships and all activities.

Independent but interdependent: As Lutheran schools are independently operated, the education program they offer can be tailored to serve the needs of their local communities.

Lutheran schools focus their resources to ensure they remain faithful to their mission and are accessible to the community. Fee levels are modest.

Although independently operated, Lutheran schools belong to regional systems, and, together with early childhood centres are linked and supported through regional and national offices.

Educational values: Central to their mission and ministry, Lutheran schools seek to nurture integrated individuals, who are:

- guided by core values and reflecting the characteristics of God especially love, justice, compassion, forgiveness, service, humility, courage, hope, quality and appreciation
- able to serve their communities by being self-directed, insightful investigators and learners
- discerning, resourceful problem solvers and implementers
- adept, creative producers and contributors
- open, responsive communicators and facilitators
- principled, resilient leaders and collaborators
- caring, steadfast supporters and advocates¹

Educational emphases

Students: Lutheran schools see each student as unique and offer an education program that will allow each student to develop their God-given abilities as fully as possible, providing programs for students with disabilities as well as those assessed as gifted and talented.

Indigenous education: Several Lutheran schools specialise in the education of Indigenous students. The enrolment at Yirara College (Alice Springs NT) is 100% indigenous. Peace Lutheran College (Cairns Qld) and Crossways Lutheran School (Ceduna SA) both have significant indigenous enrolments.

Rural and remote: While predominantly located in cities and larger regional centres, Lutheran schools are also found in rural and remote areas. As a result Lutheran Education Australia appreciates and understands the unique challenges faced by rural schools in overcoming additional obstacles of distance and access to resources.

Tertiary education: The tertiary institution of the Lutheran Church of Australia, Australian Lutheran College, in Adelaide, is involved in teacher education partnership programs with universities in Adelaide, Brisbane and Ballarat. In addition it offers post graduate theological and educational study options. In this way it supports the pre-service and in-service needs of Lutheran schools in Australia.

Valuing Safe Communities

Valuing Safe Communities is the name of the training that is provided to paid staff and volunteers who work with children in Lutheran schools. It sets the scene for mandatory child protection training and assists people to understand the values of schools and the expectations about how relationships are built and conducted within the school environment. It complements the Lutheran Education Association Code of Ethics.

Valuing Safe Communities was introduced in 2003 and incorporates the Lutheran Church of Australia (LCA) Safe Place Policy (the church's sexual abuse and harassment policy).²

¹ A vision for learners and learning in Lutheran schools (revised 2005)

² The LCA Safe Place Policy states:

- *Sexual abuse and sexual harassment by people in positions of trust has a destructive impact on other people's lives. Such abuse and harassment is totally unacceptable to the LCA.*
- *In observing Christ's command to love one another we are to treat each other with dignity and respect. In honouring people we are fulfilling our responsibility under the law of the land.* (Continued at the bottom of page 3)

Prior to the development of *Valuing Safe Communities*, the Lutheran school system had utilised *the LCA Safe Place Policy* as a basis for training and for responding to complaints of sexual abuse and harassment. The *Safe Place Policy* was adopted by the church in 2000. In February 2001 this was introduced into the school system with a checklist for schools, and guidelines for school principals, staff, students and school councils. The then National Director of Lutheran schools was instrumental in the development of the church policy and enthusiastically worked to introduce the policy and procedures into the schools. This high level of commitment continues to this day.

Mandatory reporting is undertaken within the Lutheran school system in accordance with local guidelines.

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- *The LCA is committed to implementing processes to ensure the Church is a safe place.*
 - *The LCA is committed to respecting people who feel that they have been subjected to sexual abuse and sexual harassment.*
 - *Those who hold positions of trust in the Church are called to guard with great care the trust placed in them. They have an absolute responsibility to avoid all forms of sexual abuse and sexual harassment.*

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?***

It is difficult to quantify the effectiveness of policies and procedures. However awareness of child sexual abuse and the policies and processes around it have increased since the introduction of the *Valuing Safe Communities* program. All staff at all schools participate in the program. There is an acceptance at all levels within the community that child sexual abuse is a reality. There is an increased familiarity with how to prevent, report and respond to child sexual abuse.

Boarding schools are a significant part of the Lutheran school system. Awareness of past informal 'initiation rites' has led to a focus away from rituals that may have included sexual harassment and possibly abuse to a 'welcome to boarding' emphasis which is less sinister and has aspects of fun and inclusiveness.

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?***

The *Valuing Safe Communities* program is an integral part of the Lutheran education system. It has explicit requirements for paid staff and volunteers to fulfil and *integrates a range of national policies, procedures and guidelines that impact on relationships in Lutheran schools and embeds the Lutheran Church of Australia's Safe Place Policy within it.*³

All teachers must be registered within the appropriate state before commencing at a school. All staff are required to undertake *Valuing Safe Communities* training. It is mandatory, and electronic records are kept. The system is currently being modified to ensure that reminders for updates are given within the required time frames.

Valuing Safe Communities is based on the Lutheran education system's values of love, justice, compassion, forgiveness, service, humility, courage, hope, quality and appreciation.

All volunteers and ancillary staff are required to conform to the local standard for police and child protection checks. If the person does not have the appropriate clearance, they are not entitled to be involved with a school.

Recommendation 1: All staff, including volunteers and ancillary staff, should have undertaken the required Working With Children Checks prior to commencing activity within a school.

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?***

There should be no difference between government and non-government schools in preventing, identifying, reporting and responding to child sexual abuse. It is important that all systems work together to protect children. It is also important that there are strong and respectful relationships between non-government schools and the agencies within government

³ *Valuing Safe Communities* – statement on Lutheran Education Australia's website www.lutheran.edu.au/school-professionals/valuing-safe-communities/

that are responsible for child protection. Education must be grounded in principles that involve the right of each child to education and focus on the best interests of children.

An area of significant risk for the Lutheran education system is the provision of boarding schools. This is addressed more fully below.

We continue to hear the evidence of the devastating outcomes that have resulted from secrecy and a lack of transparency within systems. It is important that these risks are mitigated in the light of what has been learned from the past.

It is crucial that guidelines and protocols are in place for sharing information between school systems, government agencies and non-government organisations to ensure that children are protected and kept safe. The lack of such information sharing guidelines means that schools are not always aware of the risks associated with some children. The South Australian Information Sharing Guidelines, which are grounded in the South Australian and Commonwealth privacy principles, provide a way to ensure that children and young people's needs can be known and addressed appropriately. National guidelines that allow for information to be shared would be of great value to all.

Recommendation 2: There should be no difference between government and non-government schools in preventing, identifying, reporting and responding to child sexual abuse.

Recommendation 3: That national Information Sharing Guidelines are developed to facilitate the appropriate sharing of information.

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?

It is critical that school systems provide opportunities for ongoing dialogue and education for staff so that all are aware of their obligations and how to fulfil them. It is through these opportunities to hear and discuss that school communities integrate child protection practices into their everyday culture.

The LCA and Lutheran Education Australia support the elements of the National Safe Schools Framework. This is shown by:

Leadership commitment to a safe school: The development and implementation of *Valuing Safe Communities*. It is an expectation that all members of the school community will participate in this program. There is a *Lutheran Education Australia Code of Ethics for safe and professional relationships* that is based on the values that Lutheran schools adhere to and promote.

A supportive and connected school culture: The framework for Lutheran Schools⁴ that was developed in 2002 and revised in 2005 is predicated on the notion of Lifelong learning. One of its core elements is 'a safe and supportive learning environment'.

Policies and procedures: These are in place and are implemented as required including robust procedures to prevent and respond to child sexual abuse.

Professional learning: The commitment to lifelong learning extends to staff as well as to students.

Positive behaviour management: Behaviour management is based on the system's values of faith, hope, justice and reconciliation.

⁴ *A vision for learners and learning in Lutheran schools* <http://www.lutheran.edu.au/publications-and-policies/a-vision-for-learners-and-learning/>

A focus on student wellbeing and student ownership: There is a belief that student safety is linked to school performance, and a commitment to building on the things that are done well – to building on strengths. This applies to students and to the school community as a whole.

Engagement, skill development and safe school curriculum: This is enacted through the focus on lifelong learning for all. Within the *Valuing Safe Communities* framework, there is a mandate to ensure that students are safe and healthy.

Early intervention and targeted support: Staff are trained to respond to the needs of the children and young people in the school community. Schools have chaplains who are available and larger schools have other staff members such as counsellors and psychologists to respond to emerging needs.

Partnerships with families and community: It is assumed that schools are in partnership with families and carers and the wider community which often includes a local church congregation. It is expected that families with children enrolled in the Lutheran education system will participate in school based activities. It is also expected that each Lutheran school will work co-operatively within its community.⁵

The nine elements are very helpful and we do not wish to recommend any further additional elements to the list.

Recommendation 4: That the 2009 National Safe Schools Framework (or an updated equivalent) continue to be promoted and implemented.

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

The development of the 'safe school' elements has been an important response to ensure the safety of children and young people. It has however made Lutheran Education Australia aware once again of the challenge that faces independent schools – particularly those that are not located in metropolitan areas/capital cities.

Governance responsibility for each school rests with a local board. It is not easy to find people in rural and remote areas who have the required level of knowledge and expertise to fulfil the growing governance obligations. This does not apply only to schools but in the provision of other services which have traditionally been a role that churches have readily filled.

A balance needs to be struck between the right that people have to choose an independent or faith based school even if they do not live in a metropolitan area and the responsibility that the independent school system has to provide an effective and responsible governance structure.

Once a responsible governance structure is in place, regular reviews of responsibilities and outcomes can ensure compliance and effectiveness. Lutheran Education Australia supports and promotes the need for board members to undertake training and also for boards to be reviewed regularly and to incorporate external expertise in that process on a regular basis.

Registration and compulsory external guidelines and standards which are non-partisan and non-sectarian assist changes to be introduced. External monitoring can also be helpful in ensuring that standards are met. It would seem obvious from the elements of the National Safe Schools Framework that consultation would be a central part of developing such processes.

⁵ Policy statement for Lutheran Early Childhood Education and Care
http://www.lutheran.edu.au/assets/Uploads/pr/policies/General/ECEPolicyStatement_Rev2004_May%2006.pdf

Lutheran Education has not evaluated the effectiveness of its regulatory, oversight or governance mechanisms in regard to the adoption of 'safe school' elements.

Recommendation 5: That independent schools are encouraged to appoint skills-based boards.

Recommendation 6: That training and evaluation standards are developed and implemented for governance bodies.

Recommendation 7: That members of governance bodies are required to comply with Safe School protocols.

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 Lutheran Church of Australia has recently undertaken a governance review and is in the process of implementing significant changes.

The review has highlighted the importance of and need for skills based boards. Where required, such a change needs to be managed with sensitivity as many of the older schools have been the responsibility of the local church community for generations and for one or two since 1839. The ageing of church populations means that there is increasing recognition of the need to do things differently. Subsequent to this, Lutheran Education Australia is about to embark on its own governance review to develop a model of governance that is appropriate for current circumstances.

Lutheran Education Australia recognises that *every teacher and every school authority has a common law duty of care – a duty to take reasonable care to ensure that their acts or omissions do not cause reasonably foreseeable injury or harm to a student.*⁶ This must be enshrined in the responsibilities of board members and part of the training of board members also.

Board members should be part of the *Valuing Safe Communities* program and be required to undertake regular working with children checks and training through the *Valuing Safe Communities* program to demonstrate that Lutheran Education Australia is serious about its commitment to keeping children safe.

Policies and procedures to enhance child safety are an integral part of school culture. All members of a school community should be aware of the school's values and how they are interpreted in behaviour. Codes of behaviour provide guidelines. Robust systems must be in place within the school to deal with breaches of codes of behaviour. It is important that these are able to respond in a way that is appropriate for the severity of the breach. When it is obvious that child safety is taken seriously, those who have concerns are confident to raise those concerns knowing that they will be addressed. This should apply to everyone within the community – from the child in reception through to the principal; from parents to school council members.

There are reporting protocols in place between principals and School Councils which include the necessity to report matters that have ethical and legal implications. Training requirements are clearly spelled out, and the recording of completed training and reminders when refresher training is due are about to be managed by the central database.

Recommendation 8: That all school board members are required to be part of the school's child protection strategy by undertaking regular Working With Children Checks and child protection training.

Recommendation 9: That each school should be required to have a code of behaviour that applies to all staff and volunteers, and appropriate penalties up to and including termination of employment for breaches of that code.

⁶ Lutheran Education Australia – Valuing Safe Communities – *Mandatory Reporting*

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?

One responsibility of leadership is to care for professional boundaries through the establishment of structures that protect them. Structures provide for support, examination, and action to ensure that school leaders, staff and students act according to boundaries that help, protect and uphold the dignity and worth of each individual.⁷

Lutheran Education Australia endorses and promotes the principles included in the *National Safe Schools Framework*, the Lutheran Church of Australia *Safe Place Policy*, and in *A Vision for Learners and learning in Lutheran schools* that articulates Lutheran Education Australia's guiding principles. All of these espouse the need for schools to be safe places.

There are policies, programs and procedures in place to ensure that these principles are lived out within Lutheran school communities. There is a regular training schedule for staff and the principles are incorporated into curricula for students. Staff members are aware of their responsibility to report suspected child abuse and they are assisted to act on that.

Recommendation 10: That governance bodies ensure that all schools have policies, programs and procedures in place to ensure that schools are safe places for children.

⁷ Valuing Safe Communities – Foundational Statements

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?***

Not all Lutheran schools have the capacity or the requirement to respond to the full diversity of children's needs. Local policies and procedures are in place where these are required. There is a reliance on and appreciation of funding that is available from the government to support vulnerable children.

Recommendation 11: That systems are developed so that schools can assess their capacity to meet the diversity of needs of students – particularly those who are most vulnerable.

- 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?***

Some Lutheran schools have the capacity to provide a wide range of support options for victims and others affected by child sexual abuse. This is through pastoral care programs which are provided by trained chaplains and counsellors including registered psychologists. Smaller schools and those located outside of metropolitan areas may not provide these resources internally, but would certainly refer to resources within the wider community and external providers. The only limiting factors would be the availability and/or waiting times within external services.

Lutheran Education Australia is committed to promoting the need for counselling and support to those who have been affected by child sexual abuse.

Recommendation 12: That within the community adequate resources are available to support those who have been affected by child sexual abuse.

- 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?***

- A. *What measures should boarding schools take to ensure that students are and feel safe?***

There is a long tradition of Lutheran boarding schools in most Australian states as well as in the Northern Territory. All boarding schools are co-educational and are an expression of the value placed on Christian education by members of the Lutheran church. Included in the boarding schools in the Lutheran system is Yirara College in Alice Springs that caters specifically for Aboriginal and Torres Strait Islander children and young people.

One of the challenges that is experienced within the Lutheran system is that of finding appropriate staff for boarding houses in rural and regional centres. It is important to have robust systems in place to ensure that boarding house staff have a knowledge base and understanding of human development and of adolescence in particular as well as an understanding of what constitutes appropriate boundaries for staff and for students and that they are able to implement and monitor these. It is helpful for boarding house staff to undertake training so that they are able to manage student behaviour and to recognise, respond to and mitigate risks.

Even though most boarding schools are found in independent school systems, it would be helpful to have centralised training and registration for boarding house staff – recognising the need for senior/supervisory staff as well as for base grade staff members.

There is an increased opportunity/risk for sexual activity when students are housed within a school. Once again, the importance of values and boundaries that are explicit and obviously enacted cannot be underestimated. Staff in boarding houses need to be visible, ethical and respected; to model the school's values at all times – and to maintain appropriate boundaries.

It is not unknown for students new to boarding school to be apprehensive and rituals and practices to welcome new students should be undertaken in ways that reflect school values and policies.

Some students are enrolled in boarding schools as part of a behaviour management program of their parents – maybe to manage the young person's behaviour or to ease a stressful home situation. These young people may bring with them some challenging behaviours which require wisdom and skill to manage. Information from a student's previous school should provide details of weaknesses and vulnerabilities as well strengths.

Recommendation 13: That centralised training and registration is available for all boarding house staff.

Recommendation 14: That protocols are developed to facilitate appropriate sharing of information about students when they transfer to a new school. (refer Recommendation 3 above)

B. 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?

Yirara College of the Finke River Mission is a boarding school for Indigenous students twelve years and older from remote communities in the Northern Territory and across the Territory border from South Australia, Western Australia and Queensland.⁸

The fact that the students who come to Yirara come from remote communities means that for many of these young people, there is a significant cultural change involved in leaving home and entering boarding school. The school has to assist in transitioning the young people from a life of freedom in their home community to the constraints that are necessary for the safety and comfort for students and staff within the school community. Behavioural expectations need to respect the fact that some of the young people attending the school have been initiated and that in their own eyes and in the eyes of their community, they are young adults with an adults' rights and obligations. Relationships between staff and students need to reflect this.

It is not easy to find staff who understand the cultural issues that are integral to this school community. Some young people are from communities where addictions to alcohol and petrol are common. English is not always the first language of the students, and their level of literacy and numeracy may not be high when compared to non indigenous students. The students may have health issues – the school is a microcosm of the wider community from which the students are drawn.

One challenge for the school administrators is that funding can change from year to year. This uncertainty means that many staff are employed on contracts and that means in turn that they will leave if something more permanent is available. It also means that those staff who are

⁸ For more information about Yirara College go to <http://yirara.nt.edu.au/>

attracted to the school are not always those who are most skilled or most sought after as teachers. Staff training is crucial to assist staff to understand the culture and the characteristics of the school and of its students.

Students may have obligations within their communities which mean that their attendance at school is not consistent. Yirara has appointed Community Liaison Officers whose role it is to build relationships with students and their families and the communities from which they come. If they gain the respect of community members, it is easier to ensure that young people are attending school more regularly.

Yirara College has developed positive relationships with the local police and child protection workers to assist with respectfully managing behaviours that pose a risk to students and to staff and which cannot and should not be dealt with internally.

An ideal situation would be that Yirara College was funded to provide a range of post secondary school qualifications so that students could be given the opportunity to train for careers that are relevant and specific to that location: mechanics, construction. Health care, child care, metal and wood work, animal care, fashion, design, hospitality and theology – the community is constantly asking for pastors and evangelists to be trained to work among their people. Traditional crafts and skills could be an integral part of such a training venture. It would be exciting to be able to train young people in how to respectfully lead change within their culture. There are many opportunities to promote and implement lifelong learning – if there were resources available to do that.

See appendix 1 for the Lutheran Education Australia *Indigenous Education Statement*

Recommendation 15: That consideration be given to developing multi-year funding models to ensure that schools in remote areas are able to offer longer term contracts to staff thus enhancing stability and the ability of the school to provide a safe environment.

C. Will the draft National Boarding Standards for Australian Schools provide boarding students with stronger protection against child sexual abuse?

We support the introduction of an industry standard for boarding schools. As mentioned above, sometimes children and young people with challenging behaviours are sent to boarding schools as a behaviour management strategy, and meeting their needs may not be easy.

Providing boarding house accommodation carries a high risk, and an industry standard for staff qualifications could help to mitigate that risk. It needs to address the needs of staff such as our staff at Yirara who are caring for young people from a culturally diverse background as well as the needs of young people from other countries and those with disabilities.

Recommendation 16: That the industry standard for boarding schools and for boarding staff qualifications be implemented.

3. 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?

Geographical isolation is definitely an issue for staff selection and retention. The Lutheran education system has developed in rural areas where the church has significant membership and support – eg the Barossa Valley in South Australia, Jindera and Walla Walla in New South Wales, Toowoomba in Queensland, the Western Districts in Victoria, Alice Springs in the Northern Territory. It is widely acknowledged that many of our gifted university graduates are attracted to the Eastern seaboard where the jobs are more readily available, the pay is higher,

the social life is more lively. This can lead to challenges in attracting and retaining excellent staff.

On-line training can go some way to addressing training issues, but it is desirable that face-to-face contact occurs on a regular basis as well to ensure that staff do not feel isolated and also that they can share their learning. Some training can be shared with other faith-based school systems, but it is important to nurture loyalty and understanding of our own system as well.

It is the experience of our staff that on-line systems facilitate reporting of child sexual abuse, however we are also aware that the reporting systems are overloaded and under pressure in most states and territories.

Recommendation 17: That child protection reporting systems be resourced adequately to ensure that allegations of child sexual abuse are able to be investigated in a timely and appropriate manner.

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

Child to child sexual abuse is one of the most challenging aspects of this issue. Currently, cyber bullying is a challenge for us as well as the physical aspects of sexual abuse and harassment. We are also aware that students can abuse or harass staff.

In addressing this, the values and culture of the school are important. A school that promotes its values and allows for breaches of those values to be recognised, reported and addressed is working towards promoting a safe community. Staff training and awareness are critical to this as is student training and formation.

Students need to have the language and words to be able to name and speak about abuse if it happens. Student leaders have a part to play and can model and mentor younger students to ensure that the school values are recognised and promoted. Training in life skills, pastoral care and Christian studies are where this would be addressed. A formal protective behaviours curriculum and pastoral program starts in reception and is supplemented throughout the student's time at school.

Adults need to be aware of the signs that a child or young person has been abused. They need to know the school systems and process for reporting and managing an allegation of abuse. Discussing what has happened with older students is one way of opening up the issue and ensuring that they are developing the skills and language to acknowledge and combat such behaviour.

Recommendation 18: That child protection training is regularly available for all staff, students and volunteers.

Recommendation 19: That this training include information about indicators that a child or young person has been abused.

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?*

Lutheran Education Australia supports the need for schools to be registered and that one of the measures be strong child safe principles, policies and procedures. This is not negotiable and must be the norm. Key Performance Indicators give guidelines. Schools that do not meet the standards should not be registered or receive funding.

Evidence has to be gathered and there also needs to be an audit function to ensure that standards are being met. An audit serves to heighten awareness of issues and also raises awareness of inconsistencies and non-conformity. One way of assessing compliance is through gathering evidence from policies and from training records. A school that does not have policies and programs and procedures in place may need assistance to reach the required standard.

Lutheran Education Australia welcomes the opportunities that are aligned with registration.

Recommendation 20: That schools provide evidence of child safe principles, policies and procedures as part of the registration process.

Recommendation 21: That registration is dependent on the successful outcome of an external audit.

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?*

If a school loses registration because of non-compliance, there should be an arrangement whereby ACNC and ASIC are informed and it triggers a review by those bodies of whether the school is entitled to retain its charitable status.

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?***

National expectations, standards and guidelines need to be met if a school is to be registered. The values and ethics of Lutheran schools indicate their respect for authority and their concern to ensure that children entrusted to them are safe within their system.

Teaching staff, non-teaching staff and volunteers receive training in the *Valuing Safe Communities* program on a regular basis, and their compliance with the values and expectations that it espouses are mandatory.

Recommendation 22: That national guidelines are clearly articulated and it is mandatory that schools comply with them.

- 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?***

Child abuse and neglect has become increasingly relevant in schools, and consequently a greater emphasis on the roles and responsibilities of teachers and schools in recognising and responding to children who are being abused or who have been abused. Teacher training must recognise this and include relevant modules so that teachers are equipped and confident when confronted by children who are or have been abused. Behaviour management theory and practice are another essential element of teacher and in-service training.

Training needs to be refreshed regularly to ensure that teachers remain aware of what they have learned and also to develop their knowledge and skills in emerging areas such as cyber bullying and the complex issues that social media are bring to children at increasingly younger ages. Policies and protocols need to be developed and implemented so that schools and child protection agencies can work together when children disclose at school that they have been abused.

Recommendation 23: That teacher training include modules on child sexual abuse and behaviour management.

Recommendation 24: That teachers are required to undertake refresher training in child protection on a regular basis.

Recommendation 25: That policies and protocols are developed and implemented so that schools and child protection agencies work together cohesively when children disclose at school that they have been sexually abused.

- 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?***

School systems should ensure that sexual abuse prevention education is taught within daily living skills training for children and young people. Children need to learn about feeling safe and have insight to recognise when they do not feel safe and have skills and confidence to tell

someone when that is so. Such learning should be values based and should build a child's sense of self-respect and confidence.

Yirara College has faced some challenges in this area, and staff there have built relationships with the child protection agency and with the police so that any situations that could involve abuse are reported promptly and in situations where there have been concerns about students abusing or harassing other students or staff, agencies have worked together to address this in a pragmatic way so that all involved are aware of the consequences of inappropriate behaviour.

This process has addressed some of the challenges that have arisen with Aboriginal and Torres Strait Islander young people who have been initiated into and who are viewed as adults within their community.

It is important that teaching and non-teaching staff are culturally aware of what is the norm for their students. This is true not just for indigenous students but also for children from other cultures including those from refugee and new arrival families. Orientation and induction processes are important for staff if there are children with particular sensitivities within the school community.

Support is needed for children with disabilities – particularly those whose hearing or vision is seriously impaired. It may be necessary for some children to have a carer with them while they are at school to ensure that they are aware of what is happening and to speak on their behalf if needed. The funding support for children with disabilities is improving, and the national definitions for disabilities are helpful. Better resourcing for children with disabilities leads to a safer environment for children and young people who have disabilities while allowing them to exercise their right to education.

Recommendation 26: That sexual abuse prevention education is integrated into curricula and that it is values based and builds the child's sense of confidence and self-respect.

Recommendation 27: That teachers can access appropriate cultural awareness training about the backgrounds of children within their school.

Recommendation 28: That funding for children with disabilities is sustained at a level that allows them to participate fully and safely in school life.

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?

Staff who are not familiar with the processes involved in reporting abuse can be reluctant to report suspected child abuse. They may fear that the alleged perpetrator will find out their identity. Training about reporting should provide factual information to dispel such myths.

Another concern could be lack of conviction that the abuse is happening. Reporting child abuse means that one's concerns have to be articulated to another person and that makes the situation more real. If an allegation is unfounded, there could be some very unpleasant consequences for the alleged perpetrator and for the person who undertook to make the report. An allegation of abuse can mean the end of a career. Many of us are aware of allegations of abuse that have been heard in court, and the alleged perpetrator found not guilty. This is devastating for those who have made the allegations and who have supported them through the process. This can be another deterrent to making further reports.

Part of religious instruction can be teachings about men being the head of the house, and being in authority over women. Unquestioning belief in this makes it difficult for a woman to recognise or to speak out against injustices perpetrated by men. This has been the situation within the Lutheran church in the past, but is less so now. A corollary of that belief is an ability to interpret sexual abuse as the fault of the victim. Education and changing societal attitudes have addressed this for many women – but there would be some who remain true to prior attitudes and beliefs.

The Australian culture of mateship does not encourage 'dobbing' or 'telling on' a mate. Once again, affirming messages that certain behaviour is not OK can help to address that. The courageous campaign being waged by the current Australian of the Year, Rosie Batty, against domestic violence is being reported widely in the media. It is actions such as hers that promote the fact that abuse and harassment are not OK.

Another major deterrent for people is the challenge of negotiating the reporting system. Those who have reported suspected child abuse feel as though they have not been heard when there appears to be no outcome from the report being made. It is frustrating if numerous reports are made, and each time the person reporting has to deal with a different worker.

Lutheran Education has had a positive experience when reporting suspected abuse of children at Yirara College in the Northern Territory. The child protection agency has been proactive in responding and working with the school and when necessary there has been positive engagement with the police.

Lutheran Education has established the role of Contact Officer as part of the *Valuing Safe Communities* program. Each school is expected to have a Contact Officer who is the local 'go to' person when abuse is suspected – they are the local expert. Their role is to:

- Take the complaint seriously
- Clarify why someone has the perception about a situation that they have, and get specific examples of how this perception has been formed
- Provide information about the relevant school behaviour policies and procedures, including *Valuing Safe Communities*
- Ask the person what action they wish to take
- Provide information about support services available for example an Employee Assistance Program

- Take brief, accurate notes of meetings to enable the school to monitor the number and type of complaints and target particular problem areas.
- They do not conduct any investigation
- Assist with setting a standard of acceptable workplace behaviour
- Advise an authorised person immediately if there are any concerns about the safety of the complainant.

Contact Officers may be a senior or middle manager, or a staff member.

This system allows complaints to be made anonymously, and to provide an alert within the school if there are concerns.

Training of students and staff members about abuse of power and that abuse and harassment are not acceptable ensures that there is an awareness and understanding of what they constitute and what to do if a person is feeling that they are being abused – or they become aware of someone who is experiencing that. Such training gives people the knowledge and the language to feel confident to make a report.

Recommendation 29: That students and staff members receive training in the use and abuse of power as part of child protection training.

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?

Lutheran Education has been implementing *Valuing Safe Communities* for more than ten years. It has become increasingly effective over that time and has led to a greater awareness of and sensitivity to the issue of child abuse. A further result has been increased confidence in working with local child protection agencies.

As *Valuing Safe Communities* has developed and evolved, roles and responsibilities have been clarified and clearly spelled out. These are delineated for Lutheran Education Australia, regional offices and schools.

Training is provided, resources are available including a designated trainer in each school, and the program is published and promoted to all staff. Resources include the *Foundational Statements* and the *LEA Code of Ethics for safe and professional relationships* referred to above. There are clear guidelines for professional boundaries between staff members and between staff members and students. The *Foundational Statements'* Guiding principles are from the LCA *Safe Place Policy* and from the *National Safe Schools Framework*.

We believe that these suit the environments of our schools as they are values based and they uphold the principles upon which our education system is based. Part of the training provided to staff is to assist them to have some understanding of child protection issues. They need to be aware of their own behaviour – and to be encouraged to be aware of non-verbal messages, to be private in public settings, to consider the impact of their words and actions and to use touch appropriately. They also need to be alert, to pay attention, to observe and listen and be prepared to take responsibility. Staff are trained so that they can report abuse if they become aware of it and they can feel confident about doing that.

We would hope that the role of Contact Officer in each school provides a mechanism for reportable behaviours to be noted and monitored and addressed.

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?*

It is the vision of Lutheran Education Australia that our schools are safe places, and we respect the right of other schools to be the same. We believe that all children have the right to education. The management of information sharing can be challenging – particularly when a child has exhibited problem behaviours or sexually abusive behaviours.

There are informal systems in place, but these are haphazard and not necessarily respectful. There is a need for consistent Information Sharing Guidelines that apply throughout Australia. The basis for these must be Privacy Principles, so that information can be shared respectfully and consistently when children move schools. The consequences of not sharing information can leave risks unaddressed, and children vulnerable.

Information that is shared should be: necessary, shared only with those people who need to have it, accurate and up-to-date, shared in a timely fashion and shared securely.⁹

Recommendation 30: That national Information Sharing Guidelines be developed that are based on the national Privacy Principles so that information that information is able to be shared in a respectful, secure and timely manner (refer Recommendations 3 and 14 above).

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?*

It is not appropriate for investigations into suspected child abuse to be undertaken within schools. Such investigations are the prerogative of Child Protection Services and the police who can provide an independent and expert service. If a child discloses that he/she has been sexually abused, then the school can provide support and encouragement to that child, but it is important that clear boundaries are maintained and that the appropriate people are involved in the investigation. The school's role is to provide education and a safe community.

Pastoral carers and/or school counsellors can provide support for children who have been abused.

Should an allegation of child sexual abuse be made against a teacher at a Lutheran school, there are clear guidelines for responding including the alleged perpetrator being stood down on full pay while the matter is investigated. It is important to manage the information within the school community and beyond, and once again there are protocols for this.

Recommendation 31: That protocols are developed and implemented that clearly delineate the responsibility of child protection services and police in investigating allegations of child sexual abuse and the role of the school in providing support to children who have been abused.

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*

⁹ See www.ombudsman.sa.gov.au/isg for South Australian Information Sharing Guidelines

schools and government agencies, regulators and oversight bodies, or across jurisdictions)? How could such barriers be addressed?

See response to Question 3 above. The recommendation from this Royal Commission that there be national guidelines for Working With Children Checks is one that we strongly endorse. In conjunction with those guidelines, we advocate the development of Information Sharing Guidelines that are able to be applied throughout Australia so that information can be shared respectfully. These guidelines should apply to all relevant information including health services. (See Recommendations 3,13, and 29).

The current situation mitigates against sharing information and this can be detrimental for vulnerable children and also for school communities.

Recommendation 32: That the implementation of a national Working With Children Check as recommended by the Royal Commission be undertaken as a matter of urgency.

Conclusion

Thank you for the opportunity of responding to this issues paper.

You will see from this submission that Lutheran Education Australia and the Lutheran Church of Australia are committed to ensuring that the schools within our jurisdiction are safe places. There is a preparedness to commit the necessary time and resources to developing policies and procedures and to implementing comprehensively through our system.

As the Lutheran Education Australia Code of Ethics states: Lutheran schools seek to ensure that each member of the school community (students, employees, parents, volunteers, independent contractors, agents and work experience personnel) enjoys a safe, healthy and respectful workplace. The LEA Code of Ethics ... makes explicit the practices that are needed to build school communities that are safe for all and are characterised by the highest level of ethical and professional behaviour.

Should you require further information from us, please contact the Executive Officer, Peter Schirmer by email on peter.schirmer@lca.org.au

Submitted on behalf of the Lutheran Church of Australia

Peter Schirmer
Executive Officer of the Church

Recommendations

Recommendation 1: All staff, including volunteers and ancillary staff, should have undertaken the required Working With Children Checks prior to commencing activity within a school.

Recommendation 2: There should be no difference between government and non-government schools in preventing, identifying, reporting and responding to child sexual abuse.

Recommendation 3: That national Information Sharing Guidelines are developed to facilitate the appropriate sharing of information.

Recommendation 4: That the 2009 National Safe Schools Framework (or an updated equivalent) continue to be promoted and implemented.

Recommendation 5: That independent schools are encouraged to appoint skills-based boards.

Recommendation 6: That training and evaluation standards are developed and implemented for governance bodies.

Recommendation 7: That members of governance bodies are required to comply with Safe School protocols.

Recommendation 8: That all school board members are required to be part of the school's child protection strategy by undertaking regular Working With Children Checks and child protection training.

Recommendation 9: That each school should be required to have a code of behaviour that applies to all staff and volunteers, and appropriate penalties up to and including termination of employment for breaches of that code.

Recommendation 10: That governance bodies ensure that all schools have policies, programs and procedures in place to ensure that schools are safe places for children.

Recommendation 11: That systems are developed so that schools can assess their capacity to meet the diversity of needs of students – particularly those who are most vulnerable.

Recommendation 12: That within the community adequate resources are available to support those who have been affected by child sexual abuse.

Recommendation 13: That centralised training and registration is available for all boarding house staff.

Recommendation 14: That protocols are developed to facilitate appropriate sharing of information about students when they transfer to a new school.

Recommendation 15: That consideration be given to developing multi year funding models to ensure that schools in remote areas are able to offer longer term contracts to staff thus enhancing stability and the ability of the school to provide a safe environment.

Recommendation 16: That the industry standard for boarding schools and for boarding staff qualifications be implemented.

Recommendation 17: That child protection reporting systems be resourced adequately to ensure that allegations of child sexual abuse are able to be investigated in a timely and appropriate manner.

Recommendation 18: That child protection training is regularly available for all staff, students and volunteers.

Recommendation 19: That this training include information about indicators that a child or young person has been abused.

Recommendation 20: That schools provide evidence of child safe principles, policies and procedures as part of the registration process.

Recommendation 21: That registration is dependent on the successful outcome of an external audit.

Recommendation 22: That national guidelines are clearly articulated and it is mandatory that schools comply with them.

Recommendation 23: That teacher training include modules on child sexual abuse and behaviour management.

Recommendation 24: That teachers are required to undertake refresher training in child protection on a regular basis.

Recommendation 25: That policies and protocols are developed and implemented so that schools and child protection agencies work together cohesively when children disclose at school that they have been sexually abused.

Recommendation 26: That sexual abuse prevention education is integrated into curricula and that it is values based and builds the child's sense of confidence and self respect.

Recommendation 27: That teachers can access appropriate cultural awareness training about the backgrounds of children within their school.

Recommendation 28: That funding for children with disabilities is sustained at a level that allows them to participate fully and safely in school life.

Recommendation 29: That students and staff members receive training in the use and abuse of power as part of child protection training.

Recommendation 30: That national Information Sharing Guidelines be developed that are based on the national Privacy Principles so that information that information is able to be shared in a respectful, secure and timely manner.

See Recommendations 3 and 14 above.

Recommendation 31: That protocols are developed and implemented that clearly delineate the responsibility of child protection services and police in investigating allegations of child sexual abuse and the role of the school in providing support to children who have been abused.

Recommendation 32: That the implementation of a national Working With Children Check as recommended by the Royal Commission be undertaken as a matter of urgency.

Lutheran Education Australia

Indigenous Education Statement

Preamble

The Lutheran Church of Australia (LCA) has had a long history of involvement in Indigenous education. From 1839, when the first Lutheran missionaries taught Indigenous children in their own Kurna language on the banks of the River Torrens in South Australia, and provided lessons for the Indigenous children at the Zion's Hill Lutheran mission in Queensland, through to today's schools where a significant number of Indigenous children attend Lutheran schools across the nation, Indigenous education has been an important feature of Lutheran Education Australia (LEA). In partnership with their families, LEA has maintained a strong commitment to providing high quality Christian education to Indigenous students.

The unique nature of this relationship has created fertile ground for supporting students in their development. Trust and shared values mean that it is possible to achieve a commitment to educational and spiritual growth through rich cultural experiences. The combination of Lutheran and Indigenous values and beliefs creates a positive context for nurturing new opportunities for Indigenous students and their families.

Principles

The following statements are underlying principles for this document:

- Indigenous students need to feel safe in their learning environment and know themselves to be loved children of God.
- Lutheran schools value and respect Indigenous people as Indigenous custodians and acknowledge their contributions to Australia's heritage - past, present and future.
- An Indigenous Australian is a person of Aboriginal or Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander and is accepted as such by the Indigenous community in which he/she lives.

Priorities

Celebrating Indigenous culture and spirit has been a significant aspect of LCA activity for many generations. Lutheran schools need to build on this tradition, by strengthening their engagement with Indigenous families and communities. This engagement can occur through focussing on being places of welcome and nurture for Indigenous students, as well as building a school community awareness of Indigenous culture, language and history.

Such activities require the prioritisation of resources to create or strengthen Indigenous cultural awareness programs and the integration of Indigenous perspectives across the curriculum by way of implementing the National Curriculum in each school.

LEA shares the Australian Government's commitment to improving educational outcomes for Indigenous students by means of the six key priorities:

- Readiness for school
- Engagement and connection
- Attendance and retention
- Literacy and numeracy
- Leadership, quality teaching and workforce development
- Pathways to meaningful post-school options

Responsibilities

Lutheran school systems have initiated a structure of support for Indigenous education through the creation of broad, systemic strategic plans and the employment of system-based Indigenous education facilitators whose work across schools is funded by the Government. These

initiatives have been crucial in ensuring the emphasis on Indigenous education is a systemic priority across all Lutheran schools. Schools have highly visible celebrations of Indigenous culture throughout their facilities and grounds and work towards integrating Indigenous perspectives across the curriculum as a matter of priority.

LEA will continue to work with Lutheran systems in ensuring a strategic focus on Indigenous education, which includes:

- the responsibility to lessen the gap in achievement for Indigenous students;
- informing all students of Indigenous history;
- promoting employment of Indigenous Australians in schools.

LEA acknowledges the progress made so far and will continue to encourage schools to play a vital role in strengthening programs and procedures which promote the inclusion of Indigenous perspectives across the curriculum and achieve more equitable learning outcomes for Indigenous students.