



Uniting Church in Australia Submission to Issues Paper 9

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

August 2015

Introduction

The Uniting Church in Australia (UCA) offers the following response to Issues Paper No 9 in order to contribute to the Royal Commission's deliberations on how to provide safe environments for children in schools. In compiling the responses, consultation took place with UCA schools and other committees of the UCA.

The Uniting Church wishes to record its appreciation for the work of the Commission in providing research and case studies which are being used to enhance the work already being undertaken within the Church and schools to provide safer environments for children.

There are currently over 40 schools across Australia which identify as having a connection to the UCA. Most of these were established by the former Presbyterian or Methodist Churches which became part of the UCA in 1977. The schools range from large city schools to small regional ones, including some which cater for indigenous students from remote communities.

There is a range of governance arrangements for schools identifying with the Uniting Church which does not have a school system as defined by the federal Department of Education. Within the Uniting Church, schools relate to one of the six Synods (roughly state-based Church entities). Some schools are separately incorporated, some are ecumenical, some are connected closely to a congregation and for some the respective Synod Property Trusts are recognised by the federal government as the Approved Authority. For all schools, the individual school boards bear

responsibility for the operation and management of their school through an approved constitution.

However, regardless of the legal structure, where schools have an identifiable link to the Uniting Church, they are expected to have values and policies consistent with those of the Uniting Church as expressed in the Basis of Union and more explicitly, in relation to child protection, the Values Statement (2013) as published on <https://assembly.uca.org.au/rcvalues> .

The Uniting Church believes that an open and engaged school community where the needs of students are paramount and child safety is seen as the responsibility of all, provides an appropriate culture and an environment where there is less risk of abuse occurring. Clear policies and processes, good communication channels and regular training of staff are key elements of such an environment.

The Uniting Church supports a more nationally consistent approach to school accreditation, frameworks, reporting processes and the availability of support services while recognising that education is a state based responsibility.

The following responses are provided with regard to the questions from Issues Paper 9.

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?*

The various legislated state mandatory reporting obligations have made reporting responsibilities much clearer than they were previously. This has led to reviews of policies and practices in schools. Although it is too early to evaluate the long term effectiveness, anecdotal evidence would suggest that the subsequent staff training related to child protection policies and procedures has increased the awareness and understanding of staff in relation to potential abuse and their obligations to report. For example, in Queensland the state government legislation system requires a systematic approach to child protection policies that includes staff training and mandatory reporting.

The research that has been provided by the Royal Commission has increased the knowledge base of school leaders and those providing the training.

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 Uniting Church supports the position that all schools and school systems should be expected to comply with child protection training regimes and policies, regardless of whether they are in the government or non-government sector. Each state has a body responsible for the accreditation/registration of non-state schools and it is a requirement of accreditation/registration that schools have a child protection policy consistent with current legislation and that regular staff training sessions are conducted. The accrediting body should also be required to follow up if they become aware of a related issue at a school.

The Uniting Church recognises that there is always an opportunity to improve compliance through increased awareness by professional learning, including case studies of where child protection policy and practice has not been followed and where subsequent abuse has occurred.

Within schools, boards have the responsibility to oversee compliance through the principal who in turn is responsible for the compliance of staff. In general, increased awareness of obligations and requirements will lead to more compliance. Hence, requirements of board members to receive training in this area could help compliance.

A clause in employment agreements or contracts which requires an employee to agree to abide by school policies and processes will assist school leaders to enforce compliance by staff.

Compliance could also be encouraged through raising awareness of obligations as part of the initial teacher registration and on-going registration process. Professional educators could be required to sign an online form acknowledging that they are aware of their responsibilities under the legislation and their school's child safe policies. Training should occur at induction and be repeated at least annually with staff acknowledging they have attended and that they agree to abide by requirements.

Recent Victorian legislation has assisted with sharing the responsibility for reporting suspected child sexual abuse in the school community. There needs to be a wider campaign about this legislation in the broader community. Teachers would benefit from further clarification of the relationship between the Failure to Report legislation and Mandatory Reporting obligations.

- 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?*

The Uniting Church believes that all schools, regardless of state or sector, should have the same legislated reporting obligations.

Differences in strengths and challenges are more likely to be reflected in the nature of the individual school, its location and level of community support. Common protective factors include strong pastoral care programs, a strong relationship between school and family, student education on protective behaviours, clear policies and guidelines and training of staff.

Small or remote independent schools which are not part of a large system can sometimes have less capacity to access appropriate specialised services.

One feature of most, if not all independent schools is the extent of co-curricular programs which often include off-campus activities. Specific policies and procedures are required for these activities.

One of the more recent challenges faced by schools is cyber safety and its impact on students and school communities.

4. *Do the nine elements of the 2009 National Safe Schools Framework effectively make schools safer for students? Are there any additional elements schools should adopt?*

The Uniting Church understands that, if followed, the National Safe Schools Framework does make schools safer for children and ensures that students are encouraged to be in the process through student voice and seeing the context as collaboration between school, families and the student.

The Safe School's Hub is a very useful resource for schools in setting up and reviewing the safety and wellbeing programs in their respective schools. Schools can further develop elements depending on their specific focus, needs and observations.

In addition to the nine elements, there could be more consideration around increased access to external support agencies such as Lifeline, Headspace, Bravehearts and Beyond Blue.

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

Independent schools are locally governed by boards which should be the body to take responsibility for ensuring that the "safe school elements" of the National Safe Schools Framework have been adopted. Accrediting bodies could require board members to undergo certain training. The Uniting Church understands that for example in NSW, board members are required to

complete regular governance training which includes matters of child protection. Boards should require principals to include the status of “safe school elements” in their regular board reports and compliance with the Framework could be included in annual reports.

Where there is an Approved Authority for several schools, the Approved Authority can require school boards to sign off on adopting the National Safe Schools Framework.

It may be beneficial to include these elements as part of the non-government schools registration process.

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?*

School councils/ boards should have oversight of child protection within the schools in a similar fashion to their obligation to ensure work, health and safety compliance. Councils/boards should approve the school’s child protection policy, require notification from the principal regarding incidents and review the key performance indicators relating to the controls implemented in managing the risk associated with child protection in schools. School boards should require the principal to notify the board if a child harm or abuse complaint has been received.

Parents and students can provide valuable input into child safety practices and there should be very good communication with parents as to the implementation of school policy and processes.

The accrediting body should require evidence of compliance during any review. A consistent system of registration/accreditation across Australia would make compliance easier.

The funding of child protection officers across a number of independent schools who could assist with reviews, training, and policy preparation would take child protection to a greater level.

The newly established Victorian Office of Child Cybersafety Commission could be extended so that if students felt they needed external support they could get it and this type of agency could then work with schools as required.

A further responsibility of the school board is to ensure that sufficient funds are provided for the regular training of staff.

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?*

What has worked well is mandatory reporting. Regular awareness raising sessions for all staff makes it easier for teachers and other staff to know how to report their concerns and to whom. Mandatory reporting requirements take away any necessity of having to make a judgement on an observation of behaviour which is a concern.

School boards/councils are responsible to ensure that the school child protection policy has explicit guidelines as to the options for whom staff can report concerns to if circumstances mean they are fearful of personal ramifications from school leadership, other staff or parents relating to their reporting of the concern.

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?*

Teachers of students with particular vulnerabilities such as children with a disability are well-trained in the particular methodologies for communicating with and equipping their students. What is essential is that all staff in the school are trained in what to look for in the full diversity of student behaviour which may indicate abuse.

Other students who may be particularly vulnerable to abuse are those in the child protection system. Information sharing between schools, carers and support agencies might help to address this.

It may be necessary to translate some processes for children for whom English is not their first language and to have special information sessions for families for whom English is not their first language or where there are different cultural understandings.

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?*

Ideally schools should be able to provide a range of internal and external support services for students affected by child sexual abuse. Schools do offer a range of services such as pastoral care programs and chaplaincy and sometimes health services. However, educators are not generally qualified to deliver specialist services to victims and not all schools have the financial resources to pay for external professional help. In addition, for regional schools, these professional services may not be readily available. Additional funding would be required to increase the level of pastoral services.

While general pastoral care and low level individual counselling could be provided by a qualified counsellor, not all schools have professional counsellors on site able to assist with the complexities of the problems that abuse victims are facing. This is especially important if the school is the place the abuse has taken place. Victims may not wish to or benefit from seeking help from the school.

Many of the Royal Commission hearings have identified the effectiveness of independent specialist trauma informed counselling for victims of child sexual abuse. This should be available for all school children who are victims of 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?*

All boarding schools face challenges with regard to child protection. The Uniting Church supports the draft National Standards for Boarding Schools and believes they will be very helpful in providing clear expectations for governing bodies and staff. They can also be built into performance management strategies.

Schools catering specifically for Aboriginal and Torres Strait Islanders from remote communities face particular challenges in relation to child protection.

The Uniting Church's experience with boarding schools for Aboriginal and Torres Strait Islander students from remote communities indicates that there are three particular factors/resources which contribute to providing a safe and caring environment.

i. Liaison with the communities

English is often the third or fourth language for these students and if they are to feel comfortable reporting abuse or to be supported well if incidents occur, they must have someone who can relate to them culturally and ideally, linguistically and who can liaise with their communities and community health clinics. Our experience is that the provision of staff or community workers who can relate culturally and effectively liaise with communities and families is essential. There can be large travel and associated costs to providing such services.

ii. Onsite health clinics

The second essential resource which makes a positive difference is an onsite health clinic. Our experience is that students will readily avail themselves of the services of an onsite health centre where nursing and other medical staff trained in Indigenous health and counselling can build a relationship with students. A psychologist plays an essential part of the team. Our experience is that students will connect with staff who they see regularly on site and who understand their cultural sensitivities.

Additional staff are required to transport students to outside referred appointments. Not all these services relate to sexual abuse but it is a factor in a considerable number of health related issues.

iii. Protective behaviours program

The provision of culturally appropriate protective behaviours programs where the materials used are culturally sensitive are essential. It is important to also provide material to families. For example, on some occasions a UCA Indigenous boarding school has found it helpful to bring in elders from the communities to the school; however, cost is always a factor. Building resilience is a key aspect of these programs.

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?*

The geographical location of a school should not impede a culture of child safety being developed but it can mean that the school is more dependent on external providers for specialised training and student education. It also adds to the difficulty of accessing particular professional services in a timely manner when an incident occurs. Regional teams of specialised professionals who may be accessed by all schools regardless of whether they are government or non-government would be helpful.

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

The following are some measures highlighted by schools identifying with the Uniting Church, in no particular order.

- A school wide culture of safety
- Teacher training targeted at identifying and responding to child on child sexual abuse
- Clear guidelines and boundaries for student behaviour. Students being made aware of what is and is not appropriate
- Teacher vigilance
- Training students to report inappropriate or sexualised behaviour without fear of recourse
- Building a culture of responsive bystanders
- Physical space strategies such as separate play areas and toilets for younger students

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?*

The Uniting Church supports a requirement that all school accreditation/registration (government/non-government) should be conditional on having strong child safe values, policies and procedures. It is a core function of a school to provide a safe learning environment for children. Identifiable and readily accessible child safe principles, policies and procedures should be part of school registration/accreditation.

Evidence of staff training should be included in school reviews to ensure policies are "living" documents with high levels of staff awareness and responsiveness.

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?*

The registration/accreditation requirements for non-government schools include obligations related to child protection. This should be supported by the school's policy and procedures and evidence of regular professional development in this area should be reviewed in internal audit procedures and the renewal of a school registration/accreditation.

Schools should require staff to complete training in these areas. The provision of appropriate on-line modules resourced through the state/federal education bodies would ensure consistency of information and training expectations.

Child safety policies and the school codes of conduct need to be an integral part of induction processes and ongoing training for all staff and volunteers in schools.

It is beneficial to have employment agreements and volunteer agreements that bind employees and volunteers to supporting the values and policies of the schools.

All schools need policies which define clear boundaries between adults and children and professional conduct in this domain.

Clear cycles of policy review, knowledge of procedures, audits and compliance protocols are necessary. Regular training needs to be linked to school protocols for reporting issues related to child safety. Schools need to be connected to external bodies in a manner which is supportive of their drive to develop policies and practices which protect children.

Training for senior staff who are frequently involved in responding to concerns about possible child sexual abuse needs to be developed. This professional development should include strategies to support children and their families, and how to repair relationships if they are damaged, and continue to provide a safe place.

Most training is directed at identifying signs of sexual abuse and reporting it. Another level of training would be helpful in managing the process of reporting and its aftermath for those staff most likely to be involved each time.

Such training can also include referral options to external agencies as well as in-school supports.

The Victorian government offers on-line modules for training staff on particular issues, for example, mandatory reporting. This is considered a very helpful resource and if extended, it could provide an avenue for all school staff to complete and sign-off on. This would assist schools in the management of training for their staff.

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?*

Teacher education, training and professional support all play a vital role in ensuring that teachers have the confidence and skill to recognise behaviours which may be indicative of child sexual abuse and to know how to respond. Child protection legislation, policy elements and child safety strategies should be introduced in teacher training.

Regular training of teachers and other school staff and acknowledgement of such should occur at induction and be repeated at least annually. Policies and procedures should be reviewed regularly and when new legislation is enacted.

The complexities of dealing with children with issues in this area probably go beyond the scope of a teacher's expertise and training other than to be informed and to report.

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?*

Designated school systems have an opportunity to ensure consistency between schools in the system. As mentioned earlier, there is a range of governance arrangements for schools identifying with the Uniting Church which does not have a recognised school system. The individual school boards bear the responsibility for the operation and management of their school through their constitution. As such, it is the responsibility of the board to ensure that the principal provides regular reports on the implementation of the schools' child protection policy and to be satisfied that the appropriate education programs are in place.

Schools would welcome more research and guidance on which programs are best to deliver sexual abuse prevention education in a developmentally appropriate manner. Because of the sensitive nature of the topic, it is

preferable to have specialist providers to deliver these programs; however, particularly in smaller, remote or lesser resourced schools, these services are not always readily accessible; hence teachers need professional development on how to deliver such programs, particularly the generalist primary teacher or non-health trained secondary teacher. How to raise and discuss this issue with young children is very challenging and an understanding of what constitutes best practice across primary and secondary is unclear.

Topic F: Reporting, information sharing, complaints and investigations

4. *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?*

Schools employ a large range of staff, full-time/part-time, long term/short term, casual/permanent in both teaching and support roles.

Depending on their length of association, training and individual experience, some would be more confident than others of the policies and processes and the culture of the school. Some may feel less confident of their observations and less certain of their role in reporting. Some may fear retribution and lack of protection from possible repercussions by the accused or others.

The fear of falsely accusing a colleague/parent/student and knowledge of the ramifications of such could well be a factor in the reluctance of individual staff members reporting some behaviours of concern to principals or other senior staff.

Anecdotal evidence suggests that legislated mandatory reporting has been helpful in reducing reluctance.

Such fears may be somewhat overcome by a well-written child protection policy that encourages openness and accountability. A school culture that avoids blame and talks about child safety openly will hold all adults in the school accountable for their behaviour. A system which sets out clear boundaries for interactions with children, requires reporting where there is a breach or potential breach of boundaries, allows reporting without judgments having to be made and where adults are supported for reporting in good faith, will maximise the safety of children.

Communicating child protection procedures clearly and often to parents is essential.

Providing a toll-free hotline similar to KIDS HELPLINE may assist as long as there was a mechanism for principals to be informed that a report had been made so that they could respond in the school context.

One further way of addressing these concerns could be increased education around case studies, for example, where colleagues and others had suspicions but did not report for the same fears, and which then culminated in a child being abused.

5. *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 have pastoral care and behaviour management systems in place which enable teachers to communicate any concerns of behaviour to parents and to manage the behaviour of the student. Independent schools work closely with parents in addressing any behavioural concerns and this might involve a mutual agreement to engage professionals. Occasions do occur where it is difficult to effectively communicate issues of inappropriate child or child behaviour, if there is reluctance on the part of parents to accept such behaviour could occur.

With regard to passing on such sensitive information to third parties, schools need to have clear policies and procedures so that all parties have a good working knowledge of legislative requirements and exemptions regarding privacy and confidentiality (as per each jurisdiction's Privacy Act). Information should be shared only at principal to principal level.

In some cases, the school being left is not aware of where the student has next enrolled. However, the principal of the new school would be able to follow up provided the parent agreed for personal information to be acquired. Gaining this agreement in writing is usually done via the enrolment contract.

Schools would welcome further guidance about the responsibility of schools to alert teachers in other schools, parents/carers when a child who has exhibited sexualised behaviour or engaged in sexually abusive behaviour moves to another school. Guidelines need to be developed for these scenarios. Such guidelines should clarify the roles of the school, the family, child protective services, and the police. Any action in this context needs to also consider the age and development of the child and the opportunity for young people to make a fresh start.

6. *How should investigations into allegations of child sexual abuse be undertaken within schools, and by whom? What measures should be taken to ensure that the sensitivities and vulnerabilities of children involved are considered?*

The Uniting Church supports an approach that investigations should be conducted only by suitably qualified personnel. Larger schools may have relevantly accredited persons on staff but smaller or remote schools are unlikely to and will need to rely on external investigators. Challenges can occur for schools if there is a lag in the delivery of those services and there is an ongoing risk for the child.

Staff should be trained in the techniques required to ensure that any initial information is gathered and managed in a way that it does not impede any formal investigation.

Support persons should be provided for children in any interview relating to possible abuse.

7. *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?*

Child protection legislation has been a catalyst for communicating child protection concerns/reports in different contexts in a more effective and timely manner. The experience of our schools is that since child protection legislation requirements have intensified, government agencies have responded to school reports in a timely fashion.

There is now a much more heightened awareness of the need for timely responses to child protection matters and the requirements for good information sharing.

One of the barriers to sharing of information relating to staff who have been observed to display concerning behaviour is the lack of a consistent way to access such information. Some of the research presented to the Commission by Professor Smallbone has been helpful in identifying interviewing and referee checking strategies.