

# **Royal Commission Issues Paper No 9**

**Response from  
Catholic School Parents Australia (CSPA)**

**28 August 2015**

## **Introduction**

CSPA is the peak national parent body representing the parents and guardians of over 760,000 children and young people who attend the 1700+ Catholic schools across Australia.

CSPA welcomes the invitation to respond to the Issues Paper and thanks the members and staff of the Royal Commission for their efforts to ensure children and young people across Australia are safe, particularly when attending school or taking part in community organisations.

## **Underlying Principles**

1. Schools must be places where children feel safe and in reality are safe
2. Parents must be confident of their child's safety at school
3. Children and young people are aware of their rights to be safe and how to raise concerns about their safety

## **CSPA Concerns**

Australian States and Territories' child commissioners or similar have been responsibly and co-operatively active in developing 'child safe' legislation, policies and practices. Schools clearly seek to follow such legislation closely. However, there appears to be some disconnect with how effectively Government and schools communicate and assist in the education of parents around this issue of such importance to parents – their child's safety.

Parent forums conducted by the State and Territory members of CSPA consistently hear the message that parents don't really understand the child protection policies and practices of schools and are not familiar with how to lodge concerns or complaints around a school's handling of issues concerning child safety, and this is particularly so in the vexed area of child sexual abuse or possible sexual abuse. CSPA would hope that as we move forward there is a much greater involvement of parents and their representative bodies in developing and implementing policy and practice in this area.

Given that international data suggest 95% of abusers are known to the child or young person, the centrality of parent education cannot be over-emphasised as a vital means to reducing incidences of abuse. It is also important that schools and systems ensure that parents who volunteer in schools receive, as part of their induction, explicit instruction around reporting of sexual abuse or suspected sexual abuse or harm to children and young people.

Another concern borne out by the Royal Commission itself is the gap between what we understand the current situation to be in terms of public policy and expectation compared to the findings context of the Royal Commission and its deeper work and analysis.

## **Response: General Questions**

CSPA hopes that when compared with the past, current child safe practices are comprehensive and prioritise the protection of children and young people. However, this is an ongoing issue and parents have reasonable concerns about the actuality. It will always be a challenge to ensure that the current focus is maintained and standards do not slip. There is always challenge for organisations and the individuals within them to bring to bear full concentration when they are constantly reviewing and judging through a risk management lens. At the same time ensuring that staff in schools, particularly teachers, are paying full and well-formed attention to the breadth of safety risks faced by a child and young person in their care is a dramatic challenge given the myriad demands and concerns that teachers face in their primary vocation of working to enhance the learning and life development of each young person in their care.

CSPA accepts that compliance with legislative obligations and child protection policy requirements should be mandatory and be treated similarly to other arenas of public policy and practice such as WHS legislation. CSPA believes that such requirements should apply similarly in all schools across the nation regardless of sector. In a similar fashion school systems should ensure that the wider community is informed that each school is meeting their obligation to keep children safe. Perhaps the national My School website could be a key and common reporting mechanism for this for all Australian schools.

We also note here a concern that in some jurisdictions the relevant legislation is too complex and contained in multiple Acts that all impinge on school requirements. To ensure compliance requirements are clear and able to be fulfilled, schools should only need to follow a single, comprehensive piece of legislation.

### **Governance & Leadership**

Ensuring that the school is compliant with all legal and statutory responsibilities while having staff meet best practice standards in the area of child safety is a core responsibility whatever the governance structure. This means that those involved in school governance, particularly those not involved directly in school education on a day to basis, must experience extensive education around what constitutes proper child safe standards.

Opportunities for such education must also be extended to parents and it should be clear to even the most casual observer that school and sector policies around a school being child safe have high visibility within the school physically and in the school's online presence. This reality should be especially clear and visual in the school to children and young people.

CSPA wishes to propose the notion of a school Child Safe Team as one means of achieving this and has developed this notion in an addendum to this response.

### **Protection**

The interim report of the Royal Commission has pointed up some very important protective factors. Codes of Conduct for staff and volunteers must be prepared through the lens of being child safe and further they must be clear, detailed and unambiguous. In doing this they can reflect the proper boundaries and behaviour for Staff-Student relationships and

also child to child relationships. In this way a code of conduct serves its purpose but can be strengthened by explicit Protective Practices Guidelines as for example those endorsed and implemented across all education sectors in South Australia.

However, it is important that staff and volunteers have the opportunity to be properly formed in this area, otherwise what is a sound, comprehensive code or set of guidelines can be too easily dismissed as highlighting the community's lack of trust in schools and their staffs. It is vital that staff understand that the risks to, and safety of, children and young people is the proper context in which to understand this approach. This is viewed as vital by parents.

The wellbeing of students is a first order responsibility of schools and as a peak parent body CSPA applauds the efforts of schools and school systems to ensure sufficient attention is paid to this dimension. It is important that schools do not attempt to be one stop shops for all issues but rather they see themselves in a community context. By referring out and closely working with community and health agencies, schools can broker wonderful supports for students on all issues, including support for victims of child sexual abuse regardless of the context in which it occurred. There must always be an awareness of privacy rights in this regard and this is exacerbated in rural and remote communities.

## **Registration**

CSPA is firm in its view that all schools regardless of sector should operate at the same standards of compliance and compliance checking against child safe standards and that this be the basis of gaining and maintaining registration. The Victorian and South Australian models where a statutory body – the Victorian Registration and Qualifications Authority and the Education and Early Childhood Services Registration and Standards Board of South Australia respectively, are responsible for school registration regardless of sector, is a model that CSPA recommends as a pattern for the future. This means there is a consistent approach and equity in expected standards.

## **Primary Prevention**

All elements of school communities need to be engaged in this important dimension – children and young people, staff especially teachers and parents. Educationally sensitive programs for children should begin from the time they enter school. The recent review of the Australian curriculum saw the reviewers asked to consider the appropriateness of South Australia's cross sectoral Child Protection Curriculum and the Daniel Morecombe materials in Queensland and they judged them to be suitable. CSPA believes there is considerable merit in the approach of schools in England where some staff are especially trained to be leads and supports in their own school for issues, including ongoing education, around child protection. In this way trained staff are supporting the principal in ensuring children remain safe and child safety is embedded in the culture of the school.

In most if not all Australian States and Territories, teachers are mandated to report child abuse to government agencies and the police. Ongoing education and formation is necessary and in line with this responsibility teachers are often required to complete mandatory training modules, a deal of which can be done online and be monitored. Similar modules need to be part of pre-service training for teachers, including the more challenging

task of learning about the ways children and young people might behave when they are experiencing neglect or abuse, with a special emphasis on sexual abuse. The consistent implementation of comprehensive induction processes for volunteers in relation to responding to abuse and neglect (RAN) is also advocated by CSPA.

The Royal Commission has indicated for example that parents need to be educated so they can be alert to possible grooming scenarios in relation to their own children. Primary schools in particular are probably the key locus for this work and this is a further reason why

CSPA supports the English model of ensuring some staff have the training to actualise effectively this key responsibility. A model for this forms part of this submission.

In this context and with this education being effective, parents can be in a better position to understand and take steps to prevent child to child sexual abuse, which is a growing concern and is often taking place in a cyber-space context. This requires a whole of community response and one such approach would be a focus on respectful relationships education for parents, indeed all age groups. Poor management of self and relationships is core to all types of abuse, particularly sexual abuse. If one in four girls is experiencing abuse and one woman dying every week from domestic violence we have an epidemic. We reacted strongly to Aids and smoking with community awareness campaigns, why not similarly to abuse be it sexual or violent, or as too often happens, both.

In summary, a suite of programs informed by evidence-based practice on prevention from across the world need to be delivered at all developmental ages for children and young people and of course parents.

### **Reporting/Investigation**

A desire to refrain from over-reacting might hinder reporting of abuse in schools, but given the ongoing increase in mandatory referrals it would seem that schools and teachers are more effectively addressing this responsibility. However, there appears to be less confidence and more challenge where the perpetrator of abuse or grooming for abuse might be a fellow member of staff, given the natural empathy for a fellow staff member and possible career ramifications. In this situation CSPA believes that the Royal Commission's comments on the importance of a clear code of conduct and/or explicit Protective Practices guidelines which define the adult-child relationship and boundaries quite closely and impose mandatory reporting is most helpful. An atmosphere of openness and transparency in a school as well as strict child protection policy and practice can make it more difficult for possible perpetrators to offend and lessen the burden on other staff who have no option but to report matters.

CSPA supports the principle that when changing schools parents should be part of approving any information sharing and disclosure. Where a child or young person is changing schools and there is some history of them being sexually abusive or engaging in inappropriate sexual activity then this must be sensitively disclosed and used appropriately, even when a parent may have concerns about such disclosure. Consideration could be given to ensuring that it is someone with training or expertise in this area who leads such disclosure and who can ensure that the information is used responsibly and in line with general privacy principles.

In the matter of investigation, CSPA is clear that this must be undertaken by someone with specialist expertise and training, and at arms-length from the school if someone connected with school is the alleged perpetrator. No staff member including the principal should lead such investigations. The use of such experts can also better cut through any barriers to timely information sharing across schools or sectors.

## **MODELS FOR CONSIDERATION**

### **CHILD SAFE TEAMS (CST)**

The Royal Commission interim report noted that any institution working with children should have a suite of child protection policies that includes:

- a statement of intent and commitment to child safety and protection
- a statement of policy philosophy and purpose about child protection and duty of care, clearly articulating the organisation's intention to act in children's best interests
- definitions of what is meant by 'child protection', 'child sexual assault', 'child abuse' and related terms, including reference to laws where appropriate
- recruitment processes for staff and volunteers with well-defined position descriptions, clear selection criteria, thorough reference checks, WWCCs, selection panels and behavioural-based interview questions
- written rules on appropriate behaviour for staff contact with children
- guidelines on how children should behave with each other
- reporting protocols and notification management

The major role of the CST is to oversight the above on behalf of the school community. The responsibility for developing such policies rests with the principal and professional staff with the support and guidance of a System authority as appropriate.

### **Membership**

In all schools there would be a core CST membership of 5 people made up of 3 staff members of whom two must be registered teachers and 2 members of the school governance body one of whom must be a current parent of the school. In schools with an enrolment larger than 400, an additional two members could be considered – one from each membership base. The principal will be responsible for assigning staff members to be part of the CST although the *designated child safety/protection liaison person* will be an ex-officio member. The Convenor of the school governance group will do likewise.

The chair of the CST should not be a staff member. The membership period of the CST will be two years. Members can be nominated for further periods of membership.

## **Practice**

The CST will meet three times per year/once each school term. Administrative responsibilities for the work of the Team will be the responsibility of the designated child safety (protection/liaison) officer who will be registered teacher trained in this role.

The principal will prepare a briefing report for each meeting. The briefing will cover the following areas:

- Details of staff training and parent education around child protection/child safe issues
- Relevant policy development and implementation and issues arising from implementation
- Cyclical policy reviews and updating
- Report on implementation and any issues around employment/vetting of staff and volunteers
- School programs and activities to assist students to be child safe aware and pro-active in their own and others students' safety
- A sensitive summary of child protection and staff compliance issues around being child safe in the school that maintain the strictest privacy of all concerned

A brief report of each CST meeting will be developed by the Chair for inclusion in the School newsletter. The report is to be co-authorised by the CST Chair and the Principal before being published.

The CST will prepare an annual report of their work for the school community. A copy of this report will be considered by the school's governing body. The report will also be sent to the relevant system authority.

## **CHILD SAFETY OFFICER**

The school Child Safety Officer(s) will:

1. Take the lead on child protection in the school and act as a source of support, advice and expertise to staff on matters of child safety.
2. Have the skills and ability to identify signs of abuse and be a point of first contact for staff and volunteers should they have concerns for the safety of a student.
3. Ensure all elements of the school community are aware of the school's child safe policies and practices and that the communication of this is appropriate to the needs of each group, particularly students.
4. Assist in reviewing and monitoring any causes of concern relating to students which are raised in school.
5. Be an ex officio member of, and provide administrative support to, the school Child Safe Team.
6. As required and appropriate be the school's contact person for liaison with statutory bodies, the police and community agencies around child protection issues.
7. Ensure the secure maintenance of accurate, confidential and up to date school documentation of cases involving Child Protection.

8. Assist in ensuring students who are victims of abuse are supported appropriately and sensitively and that all actions emanating from planning and intervention meetings are successfully carried out and monitored by the school.
9. Assist in facilitating the development and monitoring of the 'child safe standards' in the school and provide leadership and support for the regular updating of staff professional development around child safety as well being involved in regular and planned Policy review.
10. Maintain close support and communication with the Principal on all matters to do with child safety.
11. Maintain a high level of personal commitment, knowledge and experience through engaging in appropriate and regular personal PD around matters to do with child safety.