

Royal Commission into Institutional responses to Child Sexual Abuse

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To whom it may concern

**Submission 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**

The Centre for Excellence in Child and Family Welfare (the Centre) welcomes the opportunity to submit a response to the Royal Commission into Institutional Responses to Child Sexual Abuse Issues Paper 9 on addressing the risk of child sexual abuse in primary and secondary schools.

The Centre for Excellence in Child and Family Welfare

The Centre for Excellence in Child and Family Welfare is a not-for-profit peak body for nearly 100 child and family services in Victoria. Working for vulnerable children, young people and families, the Centre provides sector training, facilitates and publishes research, advocates through campaigns and media relations, and sustains ongoing programs focusing on key areas of the State care system. These include the voice of children and young people, and specific programs for foster care, kinship care and residential care. We also work and advocate for better transitions for young people leaving State care. The Centre represents small, medium and large community service organisations across the State, enhancing their capacity to deliver services through engagement and voice in State policy and service development.

More recently the Centre has developed a project to improve the education outcomes for young people in out of home care in partnership with La Trobe University, Federation University Australia, Anglicare Victoria and Mackillop Family Services. Children and young people growing up in out of home care and leaving care have experienced trauma and disruption which can often lead to serious learning problems. Supported pathways are urgently required so these young people can achieve strong higher educational outcomes beyond secondary school. The project will develop supported

pathways so more young people in out of home care can complete their education, including university.

The Centre believes it is critical that vulnerable and at risk children feel safe in school settings particularly where they have experienced abuse at home and or living in out of home care settings. A sense of safety at school for children will enhance children's stability, school attendance and attaining their educational potential.

Child Protection in Australian Schools

The Centre's submission will broadly respond to the issues that have been identified by the Royal Commission on child protection in Australian schools by highlighting key points and recent developments in Victoria. This submission adds to the Centre's previous submissions to Issues Paper 3 on child safe institutions and Issues Paper 4 on preventing sexual abuse of children in out of home care. It is the Centre's view that many child safe strategies are equally applicable in school settings as out of home care as both settings have a significant requirement of care, supervision and responsibility for children outside of their parents care.

Historically challenging

There has been a plethora of historical inquiries that are relevant to the work of this Royal Commission which speaks to the size of the problem. It demonstrates the difficulties faced by governments, the non government sector, professionals/experts in the field and the community, both historically and currently, to address the sexual abuse and exploitation of children and young people.

The work of these inquiries reflects a growing awareness of the widespread and at times systematic abuse of children within institutions and the devastating consequences to the victims of child abuse. These are concerns not just for institutions but all families with children, no one is immune.

The majority of abuse of children occurs by people known to them, their families, community, parents, school community. This is a problem for every parent, family, school community and our wider community. The relationship between the offender and the institution maintains the silence of abuse as an institution trusts an offender and holds them in high esteem, children are less likely to disclose their concerns or abuse.

As such, law reform and policy development need to include measures that prevent, detect and respond to child sexual abuse and exploitation including public and targeted awareness campaigns to institutional settings that have contact with children and responsibility for children.

An increase in public awareness of child sexual abuse will enable organisations, the community and parents to understand the dynamics of child sexual abuse so that they may recognize, prevent and intervene to appropriately protect children from harm.

The current publicity of the Royal Commission has significantly increased public awareness of child sexual abuse that the Centre hopes will enable organisations and the community and parents to understand the dynamics of child sexual abuse so that they may recognize, prevent and intervene should they become aware of a child being harmed. The Centre recognizes that with public awareness comes demand on support services and advocates for additional resources in the Royal Commission's recommendations to government.

Cultural Change

The main lesson learnt from the Royal Commission's work to date is that the culture of an institutional setting is a critical feature in a child safe setting. An organisation's culture or ethos can be influential in minimising the likelihood of abuse.ⁱ As institutions our culture influences the attitudes of our community that we serve.

Cultural change is necessary throughout our community that makes people act where they suspect child sexual abuse or exploitation whether they be in institutional, community or familial settings. Without a cultural change, the best laws, policies and practices will not prevent child sexual abuse as all measures rely on human actions. Despite existing laws that make child sexual abuse and sexual exploitation an offence, it has not enabled allegations or suspicions to be reported to the appropriate authorities. As such child safe policies in schools must incorporate a cultural change strategy.

Betrayal of Trust

In Victoria, there have been many recent developments introduced to protect children from abuse in institutional settings, including schools. The new measures are as a result of the 2013 Family and Community Development Committee inquiry report "Betrayal Of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations" (Betrayal of Trust). Betrayal of Trust made a number of recommendations that have or planned to be implemented in Victoria. These recommendations relate to criminal and civil law reform and creating child safe organisations.

Criminal law reform

New criminal offences were introduced for grooming, a failure to disclose and a failure to protect offence. The grooming offence will allow police to charge persons with predatory conduct designed to facilitate later sexual abuse of a child. This new grooming offence should be embedded in all child safe policies and training as grooming behaviours often provide the most challenging behaviours to manage in school settings as the behaviours may be minimised and viewed as crossing professional boundaries. The Royal Commission public hearings have shown that often those in authority in school settings do not take further action because the observed and reported inappropriate behaviour may not be defined as sexual abuse. Inaction can often lead to an escalation of inappropriate behaviours that may result in child sexual abuse.

The failure to disclose offence will require adults such as teachers to report a reasonable belief that a child has been sexually abused to police. The failure to protect offence will require those in authority such as school principals or school boards, who know of a risk of child sexual abuse by someone in the school to reduce or remove the risk. The failure to disclose and protect offence, further add legal protection to children over and above current mandatory reporting requirements.

The new offences require a targeted community awareness and education campaign that is not focussed just on familial abuse but extended to child to child abuse, institutional abuse and exploitation.

Creating child safe organisations

The Victorian Government has committed to protect children by strengthening organisations to better prevent and respond to abuse with the introduction of minimum child safe standards and a 'reportable conduct' scheme.

The proposed minimum child safe standards will aim to drive cultural change in organisations so that protecting children from abuse is embedded in everyday thinking and practice. The child safe standards propose to include a code of conduct that establishes clear expectations of appropriate behaviours, enhance human resource practices, that is, recruitment and selection, training, support, supervision and performance management, processes for responding and reporting abuse, risk management and the participation and empowerment of children. The child safe standards will protect children from child abuse including, sexual, physical, emotional, psychological harm and neglect including cultural harm. These are due to be introduced in Victoria in 2016. The Centre supports the implementation of child safe standards in all government, non government and faith based schools for all abuse types and encourages the Royal Commission to consider similar recommendations.

In addition, all Victorian government and non-government schools will have consistent policies in place for responding to child abuse allegations. In Victoria the Education and Training Reform Amendment (Child Safe Schools) Act 2015 was introduced to ensure that all Victorian schools are required to adopt minimum child safe standards to improve the protection of children and provide consistent policies for responding to allegations of abuse as it will make this a requirement for school registration. Oversight of compliance will be necessary for all Victorian schools including government, non government and faith based schools.

However, additional measures are required for schools that provide boarding to students where their visibility and contact with family and persons outside the school setting is more limited to other students which may place them at higher risk of abuse.

The Centre would further advocate that the child safe policies established to support child safe standards should be visible and accessible to parents and students as this will illustrate a schools commitment and influence the attitudes of the school community to prevent, detect and respond to child protection concerns will result in the necessary cultural change in schools and school communities.

The Centre supports the above measures and the implementation of the remainder of the measures recommended in Betrayal of Trust to strengthen the prevention, detection and appropriate responses to protect children in institutional settings with a high degree of responsibility for children such as schools.

The voice of children

Children spend a significant period of their formative years in school settings. The school is not only an educational setting but a safe haven particularly for vulnerable and at risk children. Often children are encouraged to discuss problems or concerns with a trusted school teacher. As such, it is essential that schools are a safe environment.

The participation and empowerment of children is an element of the proposed Victorian minimum child safe standards. The policies that support the child safe standards that schools develop should also consider the voices of Aboriginal children, children from culturally and linguistically diverse communities and children with disabilities. The voice of the child must be valued and children heard to be safe and feel safe. The Royal Commission's recent research on children's views of safety

provides valuable information for organisations on how the participation and empowerment of children can assist to strengthen children's safety in schools.

The Centre looks forward to the Royal Commission's further research projects examining children and young people's views of safety as they will inform future child safe policies in institutional settings to ensure that we do not repeat past mistakes of not listening to children. As Justice McLennan said at your Triennial Assembly "the power of an institution must never again be allowed to silence a child or diminish the preparedness or capacity of adults to act to protect children."

Mandatory reporting

Mandatory reporting generally refers to the requirement of certain professional groups where they form the belief on reasonable grounds that a child is in need of protection to make a report to statutory child protection services.

In Victoria teachers are mandated to report abuse or the likelihood of abuse where the parents have not protected, or are unlikely to protect, the child from physical and sexual abuse. In general, mandatory reporting training provides an overview of the physical and psychological indicators of abuse, what to do when a child discloses abuse and how to make a report to statutory child protection services and or police. The focus of mandatory reporting training is on familial abuse.

Mandatory reporting training in school settings should consolidate training on the new offences including grooming, failure to protect and disclose offence and child safe standards.

Thank you again for the opportunity to provide a submission to Issues Paper 9 on addressing the risk of child sexual abuse in primary and secondary schools. The Centre continues to inform the child, youth and families sector on the learnings and research from the Royal Commission to ensure appropriate responses to past victims of child sexual abuse and the future protection of children from abuse and neglect in institutional settings.

If you require further information please do not hesitate to contact either myself or Mary Kyrios on (03) 9614 1577.

Kind regards

Deb Tsorbaris
CEO
Centre for excellence in Child and Family Welfare

ⁱ L.R. Beyer, D.J. Higgins and L.M. Bromfield (2005) "Understanding Organisational Risk Factors for Child Maltreatment: A Review of Literature"