

# **Royal Commission into Institutional Responses to Child Sexual Abuse:**

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

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## 1. Introduction

The Australian Psychological Society (APS) welcomes the opportunity to make a submission in response to Issues Paper 9: Addressing the risk of child sexual abuse in primary and secondary schools. As the peak body for psychology, representing over 22,000 members, the APS is able to draw on the knowledge of a large number of researchers and practitioners whose expertise includes the application of psychological theory and knowledge to meet the needs of organisations, communities and individuals.

The APS responded to several earlier Issues Papers including those relating to child-safe institutions and the prevention of sexual abuse of children in out-of-home care. The APS has approached Issues Paper 9 from a similar perspective to that espoused in previous submissions. That is, this response utilises a psychological lens to address the risk of child sexual abuse in schools, with a particular focus on facilitating disclosure by:

- Creating positive child-safe institutional (school) cultures, and
- Raising (school) community awareness.

### **Principles of institutional safety for children and young people in schools**

This section of the submission outlines the general principles, from a psychological perspective, for addressing child safety in institutional settings, particularly schools. It draws heavily on the material presented to the Commission by the APS in our response to Issues Paper 3.

Higgins and colleagues (Beyer et al, 2005; Higgins, 2013a; Irenyi et al, 2006) identify the importance of a *whole-of-organisation approach* to child safety that comprises three key elements: screening for known perpetrators, managing situational risks, and creating positive organisational cultures. Given that the Royal Commission has already addressed the issue of screening, this submission draws the attention of the Commission to the role of situational factors and the organisational culture of schools.

Making institutions safe involves (Higgins, 2013b):

- Identifying organisational risk factors
- Changing risky environments where possible
- Closer monitoring of inherent risks.

Much of the research on the perpetration of child sexual abuse has focussed on the criminality and characteristics of the offender. However, the opportunity to perpetrate child sexual abuse without being caught is a critical determinant of its occurrence. Terry and Ackerman (2008) argue that even perpetrators who are strongly attracted to children can be prevented from sexually abusing them if certain situational constraints are present. These include, from the offender's perspective, when the opportunity to commit an offence poses too much risk, offers too little reward or requires too much effort.

This evidence calls for increased organisational awareness of situational indicators and patterns of institutional child abuse so that the opportunities they afford to perpetrators can be more effectively addressed in prevention strategies. For example, knowing that perpetrators are opportunistic should inform relevant risk management strategies.

A key mechanism for building situational constraints in schools is the development of positive child-safe cultures that facilitate rather than promote disclosure. A school with a positive child-safe culture espouses zero tolerance for any sexual act by an employee (or any other person) towards a child, and has clear and transparent mechanisms for reporting and investigation. Moreover, there is a sense of duty to report and an absence of the uncertainty and fear sometimes associated with whistle-blower behaviour. Schools with positive cultures are also likely to be characterised by respectful relationships between the principal, the management team, teachers and other school staff. Strategies for reducing risk in primary and secondary schools must therefore include much more than a focus on legislation; key strategies will also include fostering positive school leadership and role-modelling to embed a child-safe and respectful philosophy throughout the whole-of-school environment.

An example provided by an APS member with experience in school settings illustrates the key components of such a culture. This case involved a teacher who was arrested for predatory behaviour towards teenage girls. None of the victims were within the school setting because this school had developed a supportive environment where there is a focus on teachers having open, respectful, mentoring relationships with the students. The risk to this teacher if he were to attempt to perpetrate within the school setting was high due to the likelihood that the children themselves felt they could approach most staff members to discuss their concerns. Student welfare was the highest priority in this school and the students' sense of their wellbeing was promoted as the paramount concern for the school.

## **2. Comments in response to specific questions on 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?*

There is some indirect evidence that schools respond to and report instances of child sexual abuse effectively, as teachers and school welfare personnel have the highest numbers of *substantiated* reports of child abuse. However, over recent years there appears to have been *less focus* on specific policies, procedures and practices to minimise or prevent child abuse in schools. In the 1980s and 1990s, there was an emphasis on the explicit teaching of child safety through programs such as *Protective Behaviours and Personal Safety*. These were formal professional learning programs for teaching staff, usually led by trained student services personnel or community police. They were empowering programs for children with well-designed curriculum and teaching resources. The underlying principles for both programs were that all children have a right to feel safe at all times and nothing is so awful that we can't talk about it. Teachers received explicit training in:

- protective interrupting
- recognising the possible warning signs of child abuse
- developmentally appropriate child sexual behaviour
- dealing with disclosures, and
- mandatory reporting.

As school governance in the public sector has become less centralised and more autonomous, these programs (which were centrally administered) are being increasingly replaced by programs that school communities can choose to implement. The current program that is being heavily promoted across many jurisdictions is the *Daniel Morcombe Child Safety Curriculum*, an initiative of the Queensland Education Department. The program promotes child safety through an annual *Day for Daniel* that includes promotional T-shirts, balloons, posters and invitations to whole school communities to wear red for the day. While the program certainly offers curriculum resources for all age groups, it does not offer explicit staff professional development.

There are other state-based programs that promote child safety in a range of settings from bullying to child sexual abuse, for example, the *Bravehearts* program in Tasmania and *Bullystoppers* in Victoria. The *Respectful Relationships Education* program in Victoria offers a whole-of-school approach and curriculum advice for preventing gender-based violence. It targets school culture and respectful practices and offers professional development for staff. However, rather than being a mandatory program, schools can choose whether or not to opt into the program.

The devolution of autonomy to school principals or small networks of school principals in government schools (with concomitant reduction of the power of central and regional offices) may also be impacting on reporting within schools. Whereas education department regional offices traditionally offered leadership in student wellbeing and were responsible for teacher training in protective initiatives such as mandatory reporting and training of student welfare coordinators and primary welfare officers, information on these important areas is now only passively available in many jurisdictions on education department websites (e.g., policies on Mandatory Reporting, Duty of Care, Risk Management, and Guidelines for Teachers Regarding Allegations of Sexual Assault or Inappropriate Sexual Behaviour). The opportunities for effective proactive and preventative training of teachers are lost when information is restricted to online policies.

The existence of a regional authority or a governing body with authority over the school can make it easier for staff to report suspected abuse. With the governance of public schools increasingly residing primarily with the principal, as in most private schools, whether or not a staff member takes action depends increasingly on the internal culture of the school and the rapport the principal has with his/her staff. For example, despite mandatory legislation that requires individuals to take personal responsibility for a report of suspected abuse, the chain of responsibility for a decision to report is sometimes unclear to employees inside a school. Individuals may feel that there is no appropriate independent senior person to whom they can turn for assistance. A potential whistleblower within a school can easily be labelled a troublemaker. However, concerned staff members may be more willing to voice their concerns to a regional office, or to a phone line dedicated to hearing and investigating possible sexual abuse in schools.

Reintroducing mandatory reporting training for all schools across all sectors could provide school personnel with more confidence in both their ability and responsibility to identify and respond to child abuse.

*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?*

Legislative requirements alone are unlikely to be sufficient to ensure child safety. Compliance is likely to be strongly associated with the culture of the school. Schools that view child safety as the responsibility of all those in the school community (teachers, parents, administration, principals, visiting staff, and the children and young people themselves) are likely to create environments where grooming behaviours are not tolerated, explained, or laughed away. For an effective compliance environment, there has to be a culture of awareness, and unacceptability of any possibly predatory behaviours, with people empowered to speak up and take action, and senior leaders equipped to monitor and ask questions. Schools leaders must also be facilitated to shift the culture of schools towards such an environment.

*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 APS draws the attention of the Commissioners to the submission on behalf of the Professional Practice Committee of the School Counsellors Forum, NSW Non-Government Schools. This submission outlines the concerns of the APS in relation to certain weaknesses in the policies and procedures of the NSW Association Australian of Independent Schools.

*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 *National Safe Schools Framework* offers comprehensive guiding principles for the promotion of supportive learning environments in schools that enable all students to feel and be safe. However, in some jurisdictions, the Framework exists as a passive document, available only as a link on an education department website under 'Whole School Engagement Strategies' or 'Bullying'. To be effective, the Framework needs to be supported by a comprehensive promotion and roll-out, with clear lines of accountability for its implementation. Without a suitable implementation plan, schools can choose to ignore the Framework.

#### 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?*

One of the least reported areas of child sexual abuse and/or assault is the abuse of students by other students in specialist settings. The reasons for this can be complex. They can be related to, for example, the intellectual disability of the perpetrator and victim, the limited ability of victims to disclose abuse, and the reluctance of teachers to report incidents that might attract media attention or bring an educational setting into disrepute. To address this issue, the APS emphasises the need for more mandatory reporting training for all school staff, tailored for staff employed in specialist settings to tackle the issues unique to that sector.

Home-schooled students and students registered to study via distance education are another specific population of students who are not adequately protected by legislature, school policies or school practices pertaining to child abuse. The Home Education Association of Australia estimates that 1-2 per cent of Australian children are home

schooled (approximately 50,000 children).<sup>1</sup> There is no mandated oversight for the teaching, learning or wellbeing for students who are home schooled. They may represent a group who are not adequately protected.

Asylum seekers who are unsure of their (or their family's) status as refugees or Australian residents may be reluctant to report abuse at school or elsewhere in the community. Even in the most extreme circumstances, these children and young people may be afraid that telling someone will jeopardise their claim to refugee status. The APS also raises concerns about the policies, procedures and/or practices associated with the schooling of children and young people in detention centres. Given the limited amount of public information about these centres, the Royal Commission is ideally placed to examine risk of child sexual abuse associated with the schooling of children and young people in detention centres, especially offshore.

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

Specific teaching of respectful relationships is an important protective factor for children and young people. *School Wide Positive Support* is a well-researched and evidence-based initiative currently being implemented in 70 Victorian government schools. It proactively teaches respectful relationships. It is based on students having a deep understanding of school rules and the shared responsibilities of all members of the school community.

The *KidsMatter*<sup>2</sup> program for primary schools and early childhood settings is an initiative of the Department of Health, beyondblue, the APS, Principals Australia Institute, and Early Childhood Australia. *KidsMatter* promotes positive mental health and wellbeing that facilitates the development of a positive whole-of-school community founded on respectful relationships and a sense of belonging and inclusion. *KidsMatter* promotes:

- Social and emotional learning (including evidence-based social and emotional learning programs)
- Working authentically with parents, carers and families
- Support for students who may be experiencing mental health difficulties.

The program is available across Australia but schools must choose to opt-in. The *KidsMatter* evaluation showed:

- Improvements to child mental health and wellbeing
- Reductions in child mental health difficulties (including behaviour problems)
- Increased staff capacity, and
- Stronger parental engagement (Slee et al, 2009).

While not directly targeting child safety, the *KidsMatter* initiative has the broader school culture and children's mental health and wellbeing as a priority.

**Topic E: Education, training, professional support and primary prevention**

*3. What should school systems do to ensure their schools consistently deliver effective sexual abuse prevention education? Do such programs address barriers to children*

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<sup>1</sup> See Home Education Association website: <http://www.hea.edu.au/>

<sup>2</sup> See KidsMatter website: <https://www.kidsmatter.edu.au/primary>

*disclosing abuse, including the specific needs of children with disability, with English as a second language or with other particular vulnerabilities?*

The APS reiterates the need for compulsory and standardised school programmes addressing child abuse and family violence themes, and for better integration into the national curriculum. School programs must also be tailored to the needs of particular groups, including children with disabilities, children with English as a second language, and children from Aboriginal and Torres Strait Islander backgrounds. Prevention programs must be designed and delivered in culturally responsive ways.

Work undertaken in New Zealand suggests that school-based educational initiatives should focus on providing a safe space for children to disclose abuse or violence, but also should focus building healthy relationships, learning about safe sex, and developing life skills such as enhanced communication and self-esteem (Foote et al, 2014).

### **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?*

This submission has placed considerable emphasise on the development of positive child-safe cultures within schools as the necessary pre-requisite to reporting and to deterring perpetrator behaviour. Such cultures can help to minimise the fear of ostracism associated with whistle-blowing, the pressures associated with the intense hierarchy that exists within schools, and concerns about appearing ridiculed if one reports a suspicious behaviour that is later unsubstantiated. The option for school staff to make an anonymous complaint (or to talk to an anonymous 'hotline') may also assist schools to overcome these barriers.

Regular, explicit and comprehensive training of school staff in the responsibilities of mandatory reporting and related legislation would also assist to mitigate against the concerns held by some teachers that anomalies in the legislation can lead to adolescents who engage in 'normal' developmental activities, particularly on-line activities, being erroneously labelled as sex offenders.

### **3. Conclusions**

This submission has focused on the need to expand the discussion of reducing the risk of child sexual assault in schools from one of simply mandatory training, legislation and compliance, to one that includes a focus on fostering child-centred/child-safe cultures within the whole-of-school community. Strategies for reducing risk in primary and secondary schools must include fostering positive school leadership and role-modelling to embed a child-safe and respectful philosophy throughout the whole-of-school environment so that the welfare of children is prioritised.

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