FINAL REPORT

Schools

Royal Commission
into Institutional Responses
to Child Sexual Abuse



VOLUME 13

ISBN 978-1-925622-70-6

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Volume 13
Schools

Content warning

This volume contains information about child sexual abuse that may be distressing. We also wish to advise Aboriginal and Torres Strait Islander readers that information in this volume may have been provided by or refer to Aboriginal and Torres Strait Islander people who have died.

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Preface

The Royal Commission

The Letters Patent provided to the Royal Commission required that it 'inquire into institutional responses to allegations and incidents of child sexual abuse and related matters'. In carrying out this task, the Royal Commission was directed to focus on systemic issues, be informed by an understanding of individual cases, and make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs. The Royal Commission did this by conducting public hearings, private sessions and a policy and research program.

Public hearings

A Royal Commission commonly does its work through public hearings. We were aware that sexual abuse of children has occurred in many institutions, all of which could be investigated in a public hearing. However, if the Royal Commission was to attempt that task, a great many resources would need to be applied over an indeterminate, but lengthy, period of time. For this reason the Commissioners accepted criteria by which Senior Counsel Assisting would identify appropriate matters for a public hearing and bring them forward as individual 'case studies'.

The decision to conduct a case study was informed by whether or not the hearing would advance an understanding of systemic issues and provide an opportunity to learn from previous mistakes so that any findings and recommendations for future change the Royal Commission made would have a secure foundation. In some cases the relevance of the lessons to be learned will be confined to the institution the subject of the hearing. In other cases they will have relevance to many similar institutions in different parts of Australia.

Public hearings were also held to assist in understanding the extent of abuse that may have occurred in particular institutions or types of institutions. This enabled the Royal Commission to understand the ways in which various institutions were managed and how they responded to allegations of child sexual abuse. Where our investigations identified a significant concentration of abuse in one institution, the matter could be brought forward to a public hearing.

Public hearings were also held to tell the stories of some individuals, which assisted in a public understanding of the nature of sexual abuse, the circumstances in which it may occur and, most importantly, the devastating impact that it can have on people's lives. Public hearings were open to the media and the public, and were live streamed on the Royal Commission's website.

The Commissioners' findings from each hearing were generally set out in a case study report. Each report was submitted to the Governor-General and the governors and administrators of each state and territory and, where appropriate, tabled in the Australian Parliament and made publicly available. The Commissioners recommended some case study reports not be tabled at the time because of current or prospective criminal proceedings.

We also conducted some private hearings, which aided the Royal Commission's investigative processes.

Private sessions

When the Royal Commission was appointed, it was apparent to the Australian Government that many people (possibly thousands) would wish to tell us about their personal history of sexual abuse as a child in an institutional setting. As a result, the Australian Parliament amended the *Royal Commissions Act 1902* (Cth) to create a process called a 'private session'.

Each private session was conducted by one or two Commissioners and was an opportunity for a person to tell their story of abuse in a protected and supportive environment. Many accounts from these sessions are told in a de-identified form in this Final Report.

Written accounts allowed individuals who did not attend private sessions to share their experiences with Commissioners. The experiences of survivors described to us in written accounts have informed this Final Report in the same manner as those shared with us in private sessions.

We also decided to publish, with their consent, as many individual survivors' experiences as possible, as de-identified narratives drawn from private sessions and written accounts. These narratives are presented as accounts of events as told by survivors of child sexual abuse in institutions. We hope that by sharing them with the public they will contribute to a better understanding of the profound impact of child sexual abuse and may help to make our institutions as safe as possible for children in the future. The narratives are available as an online appendix to Volume 5, *Private sessions*.

We recognise that the information gathered in private sessions and from written accounts captures the accounts of survivors of child sexual abuse who were able to share their experiences in these ways. We do not know how well the experiences of these survivors reflect those of other victims and survivors of child sexual abuse who could not or did not attend a private session or provide a written account.

Policy and research

The Royal Commission had an extensive policy and research program that drew upon the findings made in public hearings and upon survivors' private sessions and written accounts, as well as generating new research evidence.

The Royal Commission used issues papers, roundtables and consultation papers to consult with government and non-government representatives, survivors, institutions, regulators, policy and other experts, academics, and survivor advocacy and support groups. The broader community had an opportunity to contribute to our consideration of systemic issues and our responses through our public consultation processes.

Community engagement

The community engagement component of the Royal Commission's inquiry ensured that people in all parts of Australia were offered the opportunity to articulate their experiences and views. It raised awareness of our work and allowed a broad range of people to engage with us.

We involved the general community in our work in several ways. We held public forums and private meetings with survivor groups, institutions, community organisations and service providers. We met with children and young people, people with disability and their advocates, and people from culturally and linguistically diverse communities. We also engaged with Aboriginal and Torres Strait Islander peoples in many parts of Australia, and with regional and remote communities.

Diversity and vulnerability

We heard from a wide range of people throughout the inquiry. The victims and survivors who came forward were from diverse backgrounds and had many different experiences. Factors such as gender, age, education, culture, sexuality or disability had affected their vulnerability and the institutional responses to the abuse. Certain types of institutional cultures and settings created heightened risks, and some children's lives brought them into contact with these institutions more than others.

While not inevitably more vulnerable to child sexual abuse, we heard that Aboriginal and Torres Strait Islander children, children with disability and children from culturally and linguistically diverse backgrounds were more likely to encounter circumstances that increased their risk of abuse in institutions, reduced their ability to disclose or report abuse and, if they did disclose or report, reduced their chances of receiving an adequate response.

We examined key concerns related to disability, cultural diversity and the unique context of Aboriginal and Torres Strait Islander experience, as part of our broader effort to understand what informs best practice institutional responses. We included discussion about these and other issues of heightened vulnerability in every volume. Volume 5, *Private sessions* outlines what we heard in private sessions from these specific populations.

Our interim and other reports

On 30 June 2014, in line with our Terms of Reference, we submitted a two-volume interim report of the results of the inquiry. Volume 1 described the work we had done, the issues we were examining and the work we still needed to do. Volume 2 contained a representative sample of 150 de-identified personal stories from people who had shared their experiences at a private session.

Early in the inquiry it became apparent that some issues should be reported on before the inquiry was complete to give survivors and institutions more certainty on these issues and enable governments and institutions to implement our recommendations as soon as possible. Consequently, we submitted the following reports:

- *Working With Children Checks* (August 2015)
- *Redress and civil litigation* (September 2015)
- *Criminal justice* (August 2017)

Definition of terms

The inappropriate use of words to describe child sexual abuse and the people who experience the abuse can have silencing, stigmatising and other harmful effects. Conversely, the appropriate use of words can empower and educate.

For these reasons, we have taken care with the words used in this report. Some key terms used in this volume are set out in Chapter 1, 'Introduction' and in the Final Report Glossary, in Volume 1, *Our inquiry*.

Naming conventions

To protect the identity of victims and survivors and their supporters who participated in private sessions, pseudonyms are used. These pseudonyms are indicated by the use of single inverted commas, for example, 'Roy'.

As in our case study reports, the identities of some witnesses before public hearings and other persons referred to in the proceedings are protected through the use of assigned initials, for example, BZW.

Structure of the Final Report

The Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse consists of 17 volumes and an executive summary. To meet the needs of readers with specific interests, each volume can be read in isolation. The volumes contain cross references to enable readers to understand individual volumes in the context of the whole report.

In the Final Report:

The **Executive Summary** summarises the entire report and provides a full list of recommendations.

Volume 1, *Our inquiry* introduces the Final Report, describing the establishment, scope and operations of the Royal Commission.

Volume 2, *Nature and cause* details the nature and cause of child sexual abuse in institutional contexts. It also describes what is known about the extent of child sexual abuse and the limitations of existing studies. The volume discusses factors that affect the risk of child sexual abuse in institutions and the legal and political changes that have influenced how children have interacted with institutions over time.

Volume 3, *Impacts* details the impacts of child sexual abuse in institutional contexts. The volume discusses how impacts can extend beyond survivors, to family members, friends, and whole communities. The volume also outlines the impacts of institutional responses to child sexual abuse.

Volume 4, *Identifying and disclosing child sexual abuse* describes what we have learned about survivors' experiences of disclosing child sexual abuse and about the factors that affect a victim's decision whether to disclose, when to disclose and who to tell.

Volume 5, *Private sessions* provides an analysis of survivors' experiences of child sexual abuse as told to Commissioners during private sessions, structured around four key themes: experiences of abuse; circumstances at the time of the abuse; experiences of disclosure; and impact on wellbeing. It also describes the private sessions model, including how we adapted it to meet the needs of diverse and vulnerable groups.

Volume 6, *Making institutions child safe* looks at the role community prevention could play in making communities and institutions child safe, the child safe standards that will make institutions safer for children, and how regulatory oversight and practice could be improved to facilitate the implementation of these standards in institutions. It also examines how to prevent and respond to online sexual abuse in institutions in order to create child safe online environments.

Volume 7, *Improving institutional responding and reporting* examines the reporting of child sexual abuse to external government authorities by institutions and their staff and volunteers, and how institutions have responded to complaints of child sexual abuse. It outlines guidance for how institutions should handle complaints, and the need for independent oversight of complaint handling by institutions.

Volume 8, *Recordkeeping and information sharing* examines records and recordkeeping by institutions that care for or provide services to children; and information sharing between institutions with responsibilities for children's safety and wellbeing and between those institutions and relevant professionals. It makes recommendations to improve records and recordkeeping practices within institutions and information sharing between key agencies and institutions.

Volume 9, *Advocacy, support and therapeutic treatment services* examines what we learned about the advocacy and support and therapeutic treatment service needs of victims and survivors of child sexual abuse in institutional contexts, and outlines recommendations for improving service systems to better respond to those needs and assist survivors towards recovery.

Volume 10, *Children with harmful sexual behaviours* examines what we learned about institutional responses to children with harmful sexual behaviours. It discusses the nature and extent of these behaviours and the factors that may contribute to children sexually abusing other children. The volume then outlines how governments and institutions should improve their responses and makes recommendations about improving prevention and increasing the range of interventions available for children with harmful sexual behaviours.

Volume 11, *Historical residential institutions* examines what we learned about survivors' experiences of, and institutional responses to, child sexual abuse in residential institutions such as children's homes, missions, reformatories and hospitals during the period spanning post-World War II to 1990.

Volume 12, *Contemporary out-of-home care* examines what we learned about institutional responses to child sexual abuse in contemporary out-of-home care. The volume examines the nature and adequacy of institutional responses and draws out common failings. It makes recommendations to prevent child sexual abuse from occurring in out-of-home care and, where it does occur, to help ensure effective responses.

Volume 13, *Schools* examines what we learned about institutional responses to child sexual abuse in schools. The volume examines the nature and adequacy of institutional responses and draws out the contributing factors to child sexual abuse in schools. It makes recommendations to prevent child sexual abuse from occurring in schools and, where it does occur, to help ensure effective responses to that abuse.

Volume 14, *Sport, recreation, arts, culture, community and hobby groups* examines what we learned about institutional responses to child sexual abuse in sport and recreation contexts. The volume examines the nature and adequacy of institutional responses and draws out common failings. It makes recommendations to prevent child sexual abuse from occurring in sport and recreation and, where it does occur, to help ensure effective responses.

Volume 15, *Contemporary detention environments* examines what we learned about institutional responses to child sexual abuse in contemporary detention environments, focusing on youth detention and immigration detention. It recognises that children are generally safer in community settings than in closed detention. It also makes recommendations to prevent child sexual abuse from occurring in detention environments and, where it does occur, to help ensure effective responses.

Volume 16, *Religious institutions* examines what we learned about institutional responses to child sexual abuse in religious institutions. The volume discusses the nature and extent of child sexual abuse in religious institutions, the impacts of this abuse, and survivors' experiences of disclosing it. The volume examines the nature and adequacy of institutional responses to child sexual abuse in religious institutions, and draws out common factors contributing to the abuse and common failings in institutional responses. It makes recommendations to prevent child sexual abuse from occurring in religious institutions and, where it does occur, to help ensure effective responses.

Volume 17, *Beyond the Royal Commission* describes the impacts and legacy of the Royal Commission and discusses monitoring and reporting on the implementation of our recommendations.

Unless otherwise indicated, this Final Report is based on laws, policies and information current as at 30 June 2017. Private sessions quantitative information is current as at 31 May 2017.

Summary

This volume examines what we learned about institutional responses to child sexual abuse in government and non-government (Catholic or Independent) primary and secondary schools. It examines the nature and adequacy of institutional responses and draws out the contributing factors to child sexual abuse in schools. It makes recommendations to prevent child sexual abuse from occurring in schools and, where it does occur, to help ensure effective responses to that abuse.

Australian schools

The institutional context

There is near universal enrolment in school for Australian children aged between six and 15 years. In 2016, almost 3.8 million children were enrolled in more than 9,400 Australian primary and secondary schools.

Australian schools fall under two broad sectors: government and non-government. In 2016, 70.5 per cent (6,634) of Australian schools were government schools and 29.5 per cent of schools (2,780) were non-government schools. Non-government schools are divided into either Catholic or Independent schools. In 2016, 18.5 per cent of all schools were Catholic schools and 11.0 per cent were Independent schools. Almost two-thirds (65.4 per cent) of students in Australia attend government schools.

Every government school and most Catholic schools belong to a system; most Independent schools do not. Each system has its own peak body, administrative arrangements and organisational structure.

The complex arrangements and responsibilities for the regulation, funding and administration of government and non-government schools are shared between the Australian Government and state and territory governments.

The role of schools in children's lives

Schools are highly valued in Australian society and have a broader role than educating children in literacy, numeracy and other formal subjects. Schools promote children's health, safety and wellbeing, and impart social and life skills, cultural values and, in the case of many non-government schools, religious values.

Certain programs relevant to the prevention of child sexual abuse are delivered in some Australian schools. The first type of program focuses on teaching age-appropriate personal safety messages and skills, the second on respectful relationships. Such programs are relevant in preventing harmful sexual behaviours by children, and can be complementary and linked to programs that focus on the prevention of child sexual abuse.

Teachers and school leaders are of fundamental importance for achieving the educational and wellbeing goals of schooling, and creating and sustaining learning environments in which students can thrive. As role models for children, teachers have the capacity to transform their lives, and to inspire and nurture them. Children and young people in commissioned research told us that after a friend or parent, they would turn to a teacher for help in a situation where they felt uncomfortable. A safe environment is an essential prerequisite for effective learning in schools.

Responsibilities to keep children safe in schools

The Australian Government has various domestic and international responsibilities to uphold children's right to education and to protect children against sexual abuse in schools.

Australia has ratified international human rights treaties including the United Nations International Covenant on Economic, Social and Cultural Rights in 1975 and Convention on the Rights of the Child in 1990, which recognise the right of a child to education and to be protected from sexual abuse.

The responsibility to protect children is shared by all Australian governments, institutions and the community, and is reflected in a range of legislation and policy instruments. Specific to schools, these mechanisms include the National Safe Schools Framework, legal and administrative requirements for school and teacher registration, Working With Children Checks (WWCCs), and reporting requirements.

The National Safe Schools Framework is an Australian Government initiative to provide policy guidance on how all Australian schools can be safe schools. Areas highlighted by the framework include the importance of a safe school environment for student wellbeing and effective learning, and the need to support young people to develop the understanding and skills to keep themselves safe.

Child sexual abuse in schools

Nature and extent of child sexual abuse in schools

Almost one in three of all survivors we heard about in private sessions (2,186 survivors or 31.8 per cent) told us they were sexually abused in a school setting as a child. Of these survivors:

- three-quarters (75.9 per cent) said they were abused in non-government schools, of which 73.8 per cent identified a Catholic school and 26.4 per cent identified an Independent school

- one-quarter (24.9 per cent) said they were abused in government schools
- almost three-quarters (71.8 per cent) said they were abused in a religious school, while 4.1 per cent said they were abused in a secular non-government school
- almost one in three (30.4 per cent) said they were abused in a boarding school setting, of which 96.8 per cent told us it was a non-government boarding school and 3.2 per cent identified a government boarding school. Of the non-government boarding schools, 57.0 per cent identified a Catholic school and 43.2 per cent identified an Independent school.

Survivors told us about abuse occurring in 1,069 schools, of which 55.8 per cent were non-government schools and 44.2 per cent were government schools. We heard of many instances of abuse 'clusters' in non-government schools, where a perpetrator or perpetrators would abuse multiple students over time.

Particular institutional factors in non-government schools may increase the risk of child sexual abuse and prevent disclosure and appropriate responses. Factors include concern for a school's reputation and financial interests; hyper-masculine or hierarchical cultures; a sense of being part of a superior and privileged institution; the selection of ex-students for employment; and long-serving principals in governance structures with little or no accountability in the area of student wellbeing and safety. Non-government schools are also more likely than government schools to be boarding schools, or to employ people in religious ministry. We heard from a disproportionate number of survivors who were abused in a boarding school setting or by people in religious ministry in a school.

Of the survivors of school-based abuse who provided information about the perpetrator's age, most (88.0 per cent) told us they were sexually abused by an adult, and the vast majority (96.2 per cent) of these survivors told us that the abuser was male. Where information was provided, 88.9 per cent told us they were abused by a single adult perpetrator, while 11.1 per cent told us they were abused by multiple adult perpetrators. Where information was provided, more than half (58.4 per cent) of survivors said that they were abused by teachers, and more than one-third (39.9 per cent) said they were abused by people in religious ministry.

As in other institutional contexts, we were told that perpetrators in school settings have used a wide range of tactics and strategies, including grooming, to facilitate the sexual abuse of a child. Perpetrators can groom the child, as well as other people in the child's life, for example, their parents or carers, teachers and other staff members in schools. Consistent with research, we were also told that children were sexually abused in a range of different school locations, such as on school grounds, at school activities and in other related settings such as the home of a teacher.

We heard that when children experienced forms of abuse and neglect in schools other than sexual abuse, their ability to disclose sexual abuse was reduced and sexual abuse could become normalised.

Of the 2,186 survivors of school-based child sexual abuse we heard about in private sessions, 1,060 (48.5 per cent) told us they experienced other forms of abuse and neglect. Emotional maltreatment, such as psychological abuse, bullying, harassment, intimidation, social isolation and ridicule by adults and other children, was common alongside child sexual abuse in schools. This type of maltreatment occurred in both historical periods (pre-1990) and contemporary periods (from 1990 onwards).

Physical abuse by adults and other children was also a strong feature of child sexual abuse in schools. It appears to have been more common in historical periods, when physical punishment was an accepted form of discipline. The punishment was administered not only by teachers and other adult authority figures, but also by older children such as prefects, who were sometimes empowered to discipline younger children.

Psychological, physical and emotional violence by older students towards younger students was a particular feature we heard about in prestigious all-boys schools. We heard of incidences where older students were violent and emotionally abusive towards younger students, sometimes through hazing or harmful initiation practices intended to degrade and humiliate new students.

We were also told about many school-based survivors who were sexually abused by other children. Of the survivors who told us the age of the person who harmed them in a school setting, 14.1 per cent told us that they had been abused by a child.

Impacts of school-based sexual abuse on the lives of survivors

Survivors told us about the impacts of child sexual abuse in schools, and the subsequent responses of the relevant institutions, on their education.

The long-term consequences of these educational impacts have been the subject of limited research. However, compared to people who have not experienced abuse, survivors of child sexual abuse generally report poorer academic achievement.

In private sessions we heard from survivors about learning difficulties and a decline in academic performance following abuse. This included those who had been high achievers in school until their academic performance was affected by child sexual abuse.

Survivors also told us of unhappiness, despondency and distress at school after being sexually abused there, and many told us they had left school early as a result of the abuse. We also heard from survivors who became reluctant to engage with educational institutions later in life as a result of the abuse they experienced, with consequential impacts on their future prospects, income and self-esteem.

Institutional responses to child sexual abuse in schools

We identified numerous problems in the ways that schools responded to child sexual abuse in schools and met their responsibility to keep children safe. Many of these problems are common to other types of institutions and are summarised in Volumes 6, 7 and 8. However, certain features and risks of the school environment have influenced how these failures manifest in schools and magnify the impact of a failed response.

Contributing factors to child sexual abuse in schools

The failure to act on disclosures and complaints of institutional child sexual abuse can lead to the further abuse of victims, to other children being placed at risk of harm, and to perpetrators not being held accountable for their criminal behaviour. Our evidence shows that the schools examined in our public hearings, held as part of case studies into particular issues, did not respond adequately to reports of child sexual abuse. In particular, we heard about poor leadership and governance, a lack of accountability, and cultures that prioritised protecting the school over the safety of children. Inadequate complaints processes, investigations and disciplinary action contributed to school leaders and staff failing to act on complaints or meet their obligations to report matters to external authorities. Inadequate recordkeeping and sharing of information, including information about students who had been abused or had exhibited harmful sexual behaviours, perpetuated the risk of sexual abuse to children in schools.

School leadership, governance and culture

Ineffective leadership, flawed governance and unhealthy school cultures, particularly in some non-government schools, emerged as strong themes throughout our case studies, private sessions and research. We heard how these factors can have a strong influence on the way child sexual abuse is prevented, identified and responded to.

We were told about ineffective leadership, particularly in non-government schools, that prioritised protection of the school's reputation and financial interests. Such school leaders contributed to unhealthy school cultures that made it difficult to detect abuse, challenging for children to disclose abuse, and unlikely that concerns would be reported. School leaders sometimes acted to protect the reputation of the religious institution associated with the school, where the identities of the two institutions were closely linked. We heard about teachers and other staff in schools who acted to protect a colleague who had been accused of child sexual abuse.

Poor governance processes are another contributing factor to the risk of child sexual abuse, particularly in non-government schools. Good governance processes ensure that every school

and its leaders understand their obligations to keep children safe, and are held accountable if they do not. Poor governance processes that lack transparency can obscure pathways of responsibility for responding to child sexual abuse and prevent school leaders and schools boards being held accountable for failures. The composition of school boards can also contribute to poor governance, such as when boards are predominantly made up of school alumni with a personal stake in upholding the reputation of the school.

Our work has shown that certain institutional cultures in schools are a particularly strong factor in creating a risk of child sexual abuse. We were told about many harmful characteristics of school cultures that can allow more opportunities for abuse to occur and make it difficult to detect abuse when it has occurred.

We heard about schools that resembled 'closed' or 'total' institutions, that is, highly controlled and isolated, often within a physically confined space, and closed to the outside world. We observed that schools where children were sexually abused were often places where children also experienced physical and emotional abuse.

Cultures where males are encouraged to see themselves as powerful, aggressive and sexually eager may be present in all-boys schools, although they can be found in other environments. Boys in such hyper-masculine cultures may be more likely to exhibit harmful sexual behaviours, and this may be seen by others in the school as a healthy expression of masculinity. Homophobia is characteristic of such cultures and could be a barrier to boys disclosing sexual abuse by a male.

We heard that some schools have strong cultures of obedience to authority and that this could create the conditions for child sexual abuse to occur.

Children's disempowerment

Adults in schools – principals, teachers, counsellors, nurses, people in religious ministry and boarding housemasters, for instance – have considerable authority. Many have the ability to significantly influence the academic success or other outcomes of children in schools. They can bestow privileges, or discipline, suspend or expel them from school. In this environment abuse can occur and go undetected.

Survivors of school-based abuse often told us they felt unable to speak up about sexual abuse. A fear of not being believed was common. In some cases, we heard that disclosing abuse could lead to further abuse, including other forms of abuse. Another fear related to the perpetrator's ability to adversely affect the victim's outcomes in school.

Students may also be reluctant to disclose abuse by their peers due to a culture of retribution against 'dobbers' that exists in some schools. Many survivors told us of their fear of the impact of disclosure on their family and community.

As in other institutional contexts, many survivors of school-based abuse said they did not disclose the sexual abuse because they did not know or were uncertain that what had happened to them was abusive. This uncertainty came from a range of factors, including 'normalisation' of child sexual abuse in the school setting and a lack of awareness in the school community of sexual abuse by children with harmful sexual behaviours. Some children were not taught to identify sexual abuse because they lacked access to appropriately tailored sex education.

Limited engagement with families and communities

Particular features of the school environment can make it difficult for schools to communicate openly with complainants, their parents and caregivers, and other school stakeholders. During our consultations we were told about the difficulties that schools face in deciding what they can tell affected parties about matters being investigated by the police.

In some cases schools did not tell parents that their child had made a complaint of sexual abuse, and did not subsequently keep parents informed about the school's response to their child's complaint. This prevented parents from supporting their distressed children, and from scrutinising how the school responded to the abuse.

In the case of children with harmful sexual behaviours, there are particular considerations about what information should be shared with the school community. Survivors and their families told us that schools did not communicate with them about the progress of their complaint. Some never learned whether the school took any action. Sometimes the subject of a complaint was moved from the school without any explanation.

There is a clear need to communicate with the parents or caregivers of the child who has caused harm as well as the families of the victims of abuse.

Insufficient consideration of equity and diverse needs

Schools are responsible for the safety of all students and can place some children at greater risk of abuse or a poor institutional response to abuse when they are not alert to the unique needs and vulnerabilities of some populations. As with other institutions, we heard that Aboriginal and Torres Strait Islander children, children with disability and children from culturally and linguistically diverse backgrounds were more likely to experience this in schools.

Aboriginal and Torres Strait Islander children and children from culturally and linguistically diverse backgrounds can experience specific impacts from racism and cultural isolation in schools. Children with disability can also experience discrimination. Mainstream education programs on respectful sexual relationships are often inaccessible to them, making it more difficult for some to identify and speak up about abuse.

Greater cultural safety in boarding schools and more effective supports for Aboriginal and Torres Strait Islander children transitioning to and from boarding schools is needed.

Human resource management

Poor human resource management can contribute to failure to keep children safe in schools through:

- inadequate recruitment practices – such as failing to undertake referee checks, allowing staff to work with children without a WWCC, and lack of induction processes
- subjects of a complaint not being disciplined or held to account – such as allowing teachers to resign when complaints of child sexual abuse were made, transferring them to other schools, or giving them positive references that enabled them to teach in other schools and thereby exposing other children to the risk of abuse
- poor management of non-teaching staff – such as failing to ensure that all staff who could come into contact with children are suitable and supported, including administrators, contractors, gardeners, sports coaches, parent volunteers and maintenance staff.

School policies and procedures

In our case studies and consultations, we heard about schools that did not have policies and procedures in place for preventing or responding to child sexual abuse. In other cases limitations in the policies and procedures that were in place failed to provide staff with adequate guidance on how to respond to incidents, and in some cases may have increased the likelihood of a negative outcome.

We heard that even where policies and procedures were in place, their poor implementation could leave staff with uncertainties on how to respond to reports or suspicions about child sexual abuse. Issues with implementation may include policies not being clearly communicated to staff, insufficient training being provided on the policies, or cultures where non-compliance with policies was commonplace.

The accessibility of policies and procedures was also identified as an issue, particularly where those policies were of interest to parties outside the school, such as parents and others in the school community.

We also identified a need for school policies and procedures to keep pace with changes in student and perpetrator behaviour arising from developments in technology in order to address children's online safety.

Complaints processes

We heard about the barriers staff in a school might face in reporting a complaint externally, including institutional barriers, personal relationships, concerns about consequences and confusion about legislative requirements, and how these barriers might be greater in small or rural schools.

Poor complaint handling processes emerged as a strong theme in our examination of schools. We heard about schools that did not effectively investigate complaints, and had uncaring responses to victims.

Recordkeeping

We heard about poor records and recordkeeping practices by contemporary institutions – for example, some non-government schools – and about the adverse effects they have had on responding to child sexual abuse and alleviating the trauma of survivors. It is clear that institutional practices should be improved, including those in schools.

Information sharing

We have heard about the risks to children that arise when information about child sexual abuse by teachers is not shared. Lack of information sharing between teachers' employers, or between employers and teacher registration authorities, can enable perpetrators to continue to pose a risk to children by moving between schools or jurisdictions. State and territory teacher registration laws provide for the recording (on teacher registers) and sharing of information about teachers by registration authorities, including information that may be relevant to child sexual abuse. However, there are significant inconsistencies in these laws across jurisdictions.

We have also heard that it is important that schools share information, relevant to child sexual abuse, about students transferring to new schools. Information may need to be shared – including across school systems and jurisdictions – where a transferring student with harmful sexual behaviours may pose risks to other students. This would enable the school to address risks to other students and to meet the transferring student's therapeutic and support needs. Additionally, sharing information about transferring students who have experienced sexual abuse, and who as a consequence have particular support needs, may assist their new school to meet those needs.

Arrangements for sharing information about students between schools vary significantly across jurisdictions and school systems. We have been told, and our commissioned research suggests, that current arrangements for sharing information about students may have limitations.

Staff education and training

Limited awareness of child sexual abuse among staff and inadequate training on policies and procedures may contribute to a failure to keep children safe in schools. Schools can fail to detect abuse because limited awareness prevents staff from identifying and reporting potential indicators or 'warning signs' of child sexual abuse. For example, we heard that even where school staff observed grooming behaviour, they did not immediately recognise its link to child sexual abuse.

We heard that schools struggled in particular with the identification of children's harmful sexual behaviours. A common response of schools may be to minimise the behaviours or dismiss them as 'child's play' or 'just boys being boys', resulting in children who have displayed or been subjected to harmful sexual behaviours not receiving the support or interventions that may be required.

We were also told that staff often received inadequate training and guidance on how to implement a school's child protection policies and procedures. Delivering training in rural areas and in some boarding schools can pose particular challenges.

Continuous improvement and review

The purpose of a systems review is to identify the 'root causes' of an incident of child sexual abuse. Our work showed that schools commonly did not review the systems that had enabled the abuse to occur and to continue undetected. A systems review enables schools to learn from past failures, and consider systemic improvements to the institution's policies and processes to better protect children in the future.

Risks in physical environments

Children have been abused in many different school settings – on school grounds, during school activities and in other school-related settings.

We were told that schools did not address the risks of private spaces on school grounds, which enabled perpetrators to be alone with children. Survivors told us that they were abused in private spaces including locked classrooms, secluded music rooms and school bathrooms. Survivors said some perpetrators who were school counsellors used the privacy afforded by their counselling rooms to abuse students. The size of a school's premises and the number of students attending the school can influence the opportunities for child sexual abuse.

Many survivors told us about abuse that occurred in boarding houses and dormitories located on school grounds. As residential institutions, boarding houses combine many of the features that heighten risk for child sexual abuse. These settings have more opportunities for perpetrators to be alone with children, no parents to turn to for protection, and little external oversight of the institutions. Boarding facilities allow opportunities for abuse through lack of

privacy and eroded personal boundaries. We learned during our public hearings that boarding facilities can present more opportunities for sexual abuse by children with harmful sexual behaviours due to a lack of supervision, supervision being delegated to older students, and students of different ages and genders being housed together. Schools should identify and mitigate risks in these environments.

Schools also failed to address the risks of child sexual abuse occurring in occasional activities, such as school camps and day excursions. School camps with overnight stays can increase perpetrators' access to children, as well as children's isolation from their parents or caregivers. School buses can present a risk of abuse because bus drivers are commonly the only adult on board and are unsupervised.

Risks in online environments

Ensuring children are safe online is a growing area of concern in communities and institutions. The nature of the online environment and the rapidly evolving ways in which it is being used create risks that need to be identified, considered and minimised to better protect children from harm. These risks include:

- the use of online communications for grooming purposes by adult perpetrators
- the use of digital technologies and platforms to produce, distribute, broadcast and traffic child exploitation materials, including images, video and live-streaming of sexual abuse of children
- image-based abuse, including non-consensual sharing or publishing of sexual images of children.

Addressing these online risks is a critical aspect of creating child safe environments for schools. In doing so, a balanced approach is needed that acknowledges the positive role played by online technologies in young people's lives.

Creating child safe schools

Volumes 6, 7 and 8 present a national approach to making, improving and supporting child safe institutions. They explain how institutions can be made safer for children by better preventing, identifying, reporting and responding to institutional child sexual abuse.

Recommendations made in Volumes 6, 7 and 8 are of general application to institutions. The recommendations made in this volume for creating child safe schools are intended to supplement the general recommendations.

Initiatives to improve children's safety in schools

Child sexual abuse prevention education for children and parents

In Volume 6, *Making institutions child safe* we outline a number of prevention initiatives to build child safe communities and recommend a national strategy for child sexual abuse prevention (see Recommendation 6.2 in Appendix A). The following initiatives delivered through schools would form part of this national strategy:

- Prevention education for children delivered through preschool, school and other institutional settings should aim to increase knowledge and build skills to help reduce the risks of sexual abuse. Education should be integrated into existing school curricula and should make links with related education areas such as respectful relationships and sexuality, and be mandatory for all preschools and schools (see Recommendation 6.2b).
- Prevention education for parents delivered through day care, preschool, school and other institutional or community settings should aim to increase knowledge and build skills to help reduce the risks to children of sexual abuse (see Recommendation 6.2c).

Child Safe Standards

As part of its Terms of Reference, the Royal Commission was required to inquire into what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future. A key aspect of this task has been to examine what makes institutions 'child safe'.

In Volume 6, *Making institutions child safe* we recommend that all institutions concerned with children implement the 10 Child Safe Standards identified by the Royal Commission (see Recommendation 6.5 in Appendix A). The institutions include government and non-government schools, education departments, system authorities for non-governmentschools, peak industry bodies, school registration bodies and teacher registration authorities.

We also make recommendations to the Australian Government and state and territory governments to ensure the Child Safe Standards are implemented in all institutions that engage in child-related work, including schools (see Recommendations 6.8, 6.9 and 6.13 in Appendix A).

In recognition of the crucial role of schools in the lives of almost all children, we recommend that all schools implement the Child Safe Standards identified by the Royal Commission (see Recommendation 13.1).

Monitoring and enforcing the Child Safe Standards through school registration

In our view, all Australian schools should have the same Child Safe Standards in place to protect all children. At present, inconsistent regulation between states and territories means that children could have more or less protection depending on where they attend school.

All Australian schools must be registered in accordance with state or territory laws. We therefore recommend that the registration process be the vehicle for implementing the Child Safe Standards in schools, by having relevant state and territory oversight bodies delegate responsibility for monitoring and enforcing compliance with the Child Safe Standards in government and non-government schools to school registration authorities (see Recommendation 13.2).

In carrying out these functions, school registration authorities should work cooperatively with other relevant bodies, including across school sectors and jurisdictions.

Supporting boarding schools to meet the Child Safe Standards

The risk of child sexual abuse is heightened in boarding schools compared to day schools because students spend up to 24 hours a day at school, living on school grounds. They are away from their families and under the care of other adults, and they are often left in groups of peers and with older students.

We recommend that state and territory governments, through school registration authorities, place particular emphasis on monitoring boarding schools to ensure they meet the Child Safe Standards (see Recommendation 13.3).

It is important that boarding schools provide adequate support for children facing a significant set of transitions at a developmentally vulnerable stage of life. We heard that Aboriginal and Torres Strait Islander students from remote communities entering boarding environments need particular help to support their transition and safety in boarding schools.

We recommend that the Australian Government and state and territory governments should ensure that needs-based funding arrangements for Aboriginal and Torres Strait Islander boarding students are sufficient for schools and hostels to create child safe environments (see Recommendation 13.4).

There are also accommodation arrangements such as boarding hostels which service students who attend schools away from home. While many characteristics that contribute to a higher risk of child sexual abuse in boarding schools are likely to exist in these accommodation arrangements, they are not overseen by school registration authorities. To address this risk, we recommend boarding hostels that provide accommodation for children and young people implement the Child Safe Standards (see Recommendation 13.5). The independent state or territory oversight body or a sector regulator to which it delegates that responsibility should ensure accommodation services for children meet the Child Safe Standards.

Preventing and responding to online child sexual abuse in schools

The importance of creating safe online environments for children is reflected in our proposed Child Safe Standard 8: Physical and online environments minimise the opportunity for abuse to occur. To help meet Child Safe Standard 8, schools require more support.

The Australian Government's Office of the eSafety Commissioner has a national leadership role in the online safety of children, and is best placed to lead this work. Online safety is a rapidly evolving and dynamic area of activity. Our recommendations reflect this, as well as the need for a combination of flexible, ongoing, nationally coordinated measures.

We conclude that key opportunities to strengthen children's safety online and improve school responses to online child sexual abuse include:

- a nationally consistent approach to online safety education embedded in school curriculums, starting from an early age and staged appropriately from Foundation year to Year 12. Vulnerable children who may not access formal school education programs should be engaged through targeted responses (see Recommendation 6.19 in Appendix A)
- national online safety education aimed at parents and other community members to better support children's safety online (see Recommendation 6.20 in Appendix A)
- pre-service education and in-service staff training should be provided to support schools in creating safe online environments (see Recommendation 6.21 in Appendix A)
- an e-safety framework and resources to support schools in creating child safe online environments, which includes strengthening institutional policies and procedures, and implementing codes of conduct (see Recommendation 6.22 in Appendix A)
- centralised mechanisms in state and territory departments of education to support schools in managing responses when online incidents occur and ensuring the appropriate level of escalation of issues to relevant agencies (see Recommendation 6.23 in Appendix A).

Legal responsibilities of schools and their personnel

Civil liability

In our *Redress and civil litigation* report we recommend that an institution have the onus to prove that it exercised its duty of care. This means that if a survivor could prove that they were abused in an institution, it would be for the institution to prove that it did everything it reasonably could to avoid that person being damaged. The extent to which a school has implemented the Child Safe Standards may become relevant in determining whether the institution exercised reasonable care.

Criminal liability

In our *Criminal justice* report we recommend that states and territories introduce legislation to enact an offence for a failure to protect a child in a relevant institution from a substantial risk of sexual abuse by an adult associated with the institution.

We recommend relevant institutions should be defined to include institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution. This would encourage leaders of institutions to identify, mitigate and manage risks to children through, for example, the implementation of the Child Safe Standards.

Improving institutional responses to, and reporting of, child sexual abuse in schools

Our case studies and private sessions have shown problems with the way in which schools have responded to complaints of child sexual abuse. There are instances of schools failing to investigate and report allegations as well as schools conducting poor quality investigations. In particular, we have seen that many complaints about children with harmful sexual behaviours are made in schools, and that many schools are struggling to know how to respond to this type of complaint.

Child-focused complaints process

A child-focused complaints process helps children and others in institutions make complaints. We heard about schools with no policies or procedures to respond to complaints of child sexual abuse, and schools with inadequate policies and procedures.

We also heard about schools that had policies in place but they were not followed for various reasons: the guidance was confusing and not clearly communicated to staff, staff were not adequately trained, or there was a culture where policies were seen as unimportant. Lack of communication with the victim, families and the school community was also a common failure.

Child safe institutions, including schools, respond to complaints by immediately protecting children at risk and addressing complaints promptly, thoroughly and fairly. Volumes 6 and 7 discuss our Child Safe Standard 6: Processes to respond to complaints of child sexual abuse are child focused, which aims to ensure that all institutions respond in such a fashion (see Recommendation 6.6 in Appendix A).

Responding to complaints relating to children with harmful sexual behaviours

Schools experience particular difficulties in responding to complaints of harmful sexual behaviours by children. We saw evidence of critical failings by schools in past responses to abuse, as well as in contemporary responses.

Schools should pay particular attention to this issue in developing their complaint handling policies to help teachers and other school staff respond appropriately to children exhibiting harmful sexual behaviours.

Volume 10, *Children with harmful sexual behaviours* details particular issues to cover in complaint handling policies to address children with harmful sexual behaviours. In addition, we recommend that schools should have policies specifically for managing complaints about children with harmful sexual behaviours (see Recommendation 13.6).

Educational support for all children involved

Many survivors of child sexual abuse can experience long-term impacts on educational outcomes, including academic difficulties and a reluctance to engage with education later in life. Educational settings can play a key role in the recovery of children and young people who have experienced trauma. Conversely, we have heard that a lack of awareness by education providers of the way trauma can affect behaviour and learning can 'inadvertently re-traumatise' children. Education providers should be aware that children who are known to have experienced child sexual abuse may require a level of ongoing educational support.

Oversight of institutional complaint handling

Independent oversight of institutional complaint handling can improve identification and reporting of institutional child sexual abuse, improve the capacity of institutions to handle complaints, and strengthen institutions' accountability and transparency for the way in which they respond to complaints.

In Australia, the only model for independent oversight of institutional responses to complaints of child abuse and neglect across multiple sectors is known as a reportable conduct scheme. These schemes oblige heads of institutions to notify an oversight body of any reportable allegation, conduct or conviction involving any of the institution's employees, and provide for the oversight body to monitor the way institutions investigate and handle allegations.

In Volume 7, *Improving institutional responding and reporting* we recommend that state and territory governments should establish nationally consistent legislative schemes that cover institutions providing education services for children, including government and non-government schools, TAFEs and other institutions registered for senior secondary education or training, courses for overseas students or student exchange programs (see Recommendations 7.9–7.12 in Appendix A).

Recordkeeping and information sharing

Recordkeeping

In Volume 8, *Recordkeeping and information sharing* we recommend that institutions that engage in child-related work should implement five high-level principles for records and recordkeeping (see Recommendation 8.4 in Appendix A).

We recommend that institutions that engage in child-related work, including schools, should retain, for at least 45 years, records relating to child sexual abuse that has occurred, or is alleged to have occurred (see Recommendation 8.1 in Appendix A). This period is to allow for delayed disclosure of abuse by victims and take account of limitation periods for civil actions for child sexual abuse.

In Volume 8, we recommend that state and territory governments ensure that non-government schools operating in the state or territory are required to comply, as a minimum, with standards applicable to government schools in relation to the creation, maintenance and disposal of records relevant to child safety and wellbeing, including child sexual abuse (see Recommendation 8.5 in Appendix A).

Information sharing

Improved information sharing is a core component of our Child Safe Standard 1: Child safety is embedded in institutional leadership, governance and culture. Where there is a lack of information sharing in the schools sector, children may be put at risk of child sexual abuse by teachers and other school staff, as well as by other students.

In Volume 8, *Recordkeeping and information sharing* we recommend that Australian and state and territory governments implement a nationally consistent information sharing scheme that allows for intra-jurisdictional and inter-jurisdictional exchange of information relevant to children's safety and wellbeing (see Recommendations 8.6–8.8 in Appendix A). We consider this scheme should enable information sharing between a range of bodies with responsibilities related to children's safety and wellbeing. Our recommended scheme may provide a legislative basis for improved information sharing in the school sector, and between the school sector and other institutions and agencies.

In Volume 8 we also recommend specific reforms to improve arrangements for sharing information, relevant to child sexual abuse, in the school context. Our recommendations address information sharing about teachers, including the improvements that could be made to improve teacher registers as platforms for information sharing (see Recommendations 8.9–8.12 in Appendix A). We also address information sharing about students. In particular, we make recommendations about arrangements for sharing information between schools – including across sectors and jurisdictions – when a student transfers to a new school (see Recommendations 8.13–8.16 in Appendix A).

We have heard from stakeholders about the importance of safeguards in relation to information-sharing arrangements for teachers and students. Volume 8 discusses a range of safeguards concerning information sharing about teachers and students. We also make recommendations about safeguards in relation to both teachers' and students' information. More generally, where information is shared under our recommended information exchange scheme, the safeguards attached to that scheme will offer some important protections.

Staff education and training

Teachers are key to identifying and responding effectively to child sexual abuse in schools. Growing school and community expectations are placing greater demands on teachers to fulfil roles outside traditional teaching domains. Some of these additional demands on teachers cannot be completely divorced from their primary responsibility of education. A safe environment is necessary for effective education, and school leaders have the responsibility of creating and sustaining these environments. However, teachers and principals currently lack training, guidance and support in meeting these additional demands and in preventing, identifying and responding to child sexual abuse.

In Volume 6, *Making institutions child safe* we recommend prevention education for tertiary students studying at university, undertaking technical and further education, and vocational education and training courses before they enter child-related occupations, including as teachers. Education should aim to increase awareness and understanding of the prevention of child sexual abuse and potentially harmful sexual behaviours exhibited by children (see Recommendation 6.2 in Appendix A). Further, we recommend that online safety education is included as a component of this prevention education for tertiary students on these courses (see Recommendation 6.21 in Appendix A).

We also recommend that guidance on preventing and responding to child sexual abuse be issued under the national standard on maintaining student safety (see Recommendation 13.7). State and territory governments should also consider options for requiring teachers to undertake pre-service and in-service training on mandatory reporting that reflects current legislative requirements.

Teacher registration

Teacher registration is a key regulatory mechanism for ensuring that all teachers meet minimum quality standards, including the suitability of a person to work with children and be a teacher. We recommend that the Council of Australian Governments (COAG) Education Council consider strengthening teacher registration requirements to improve national consistency of standards and the effectiveness of the requirements (see Recommendation 13.8).

Recommendations

The following is a list of the recommendations made in this volume. Recommendations relevant to schools from Volumes 6, 7, 8 and 10, and the *Redress and civil litigation* and *Criminal justice* reports are in Appendix A.

Child Safe Standards (Chapter 5)

Recommendation 13.1

All schools should implement the Child Safe Standards identified by the Royal Commission.

Recommendation 13.2

State and territory independent oversight authorities responsible for implementing the Child Safe Standards (see Recommendation 6.10) should delegate to school registration authorities the responsibility for monitoring and enforcing the Child Safe Standards in government and non-government schools.

Recommendation 13.3

School registration authorities should place particular emphasis on monitoring government and non-government boarding schools to ensure they meet the Child Safe Standards. Policy guidance and practical support should be provided to all boarding schools to meet these standards, including advice on complaint handling.

Supporting boarding schools (Chapter 5)

Recommendation 13.4

The Australian Government and state and territory governments should ensure that needs-based funding arrangements for Aboriginal and Torres Strait Islander boarding students are sufficient for schools and hostels to create child safe environments.

Recommendation 13.5

Boarding hostels for children and young people should implement the Child Safe Standards identified by the Royal Commission. State and territory independent oversight authorities should monitor and enforce the Child Safe Standards in these institutions.

Responding to complaints relating to children with harmful sexual behaviours

Recommendation 13.6

Consistent with the Child Safe Standards, complaint handling policies for schools (see Recommendation 7.7) should include effective policies and procedures for managing complaints about children with harmful sexual behaviours.

Guidance for teachers and principals (Chapter 5)

Recommendation 13.7

State and territory governments should provide nationally consistent and easily accessible guidance to teachers and principals on preventing and responding to child sexual abuse in all government and non-government schools.

Teacher registration (Chapter 5)

Recommendation 13.8

The Council of Australian Governments (COAG) should consider strengthening teacher registration requirements to better protect children from sexual abuse in schools. In particular, COAG should review minimum national requirements for assessing the suitability of teachers, and conducting disciplinary investigations.

1 Introduction

1.1 Overview

This volume examines what we learned about institutional responses to child sexual abuse in schools. It examines the nature and adequacy of institutional responses and draws out common failings. It makes recommendations to prevent child sexual abuse from occurring in schools and, where it does occur, to help ensure effective responses to that abuse.

This chapter explains how this volume responds to the Terms of Reference of the inquiry, why we focused on child sexual abuse in schools, and the issues we examined in the schools context. It also describes important information sources and links with other volumes of this Final Report, and defines some key terms.

1.1.1 Why we focused on schools

We selected six types of institution for in-depth examination in this Final Report: children's residential institutions pre-1990; institutions providing contemporary out-of-home care; schools; sport and recreation institutions; contemporary detention environments; and religious institutions. Factors that influenced the selection of these institution types included:

- the number of allegations of abuse we received about them
- the significant role they have played, or play, in children's lives
- children's vulnerability to sexual abuse in the institutions, for instance due to the high risk nature of the particular environment or the high participation rates of children in those institutions
- the particular regulatory and governance arrangements in place.

School is one of the most important institutions in children's lives.[1] In 2016 almost 3.8 million children were enrolled across more than 9,400 Australian primary and secondary schools.[2] Of the 6,875 survivors of child sexual abuse in institutional contexts who came forward to us in private sessions, 31.8 per cent told us they were abused in a school setting. During our investigation, we have identified a number of specific risks in school settings, including the amount of time children spend in school, the inherently hierarchical relationship between students and teachers (and other school staff), and the fact that children of different ages attend school together.

Every school must address the risk of child sexual abuse, but our work has shown that certain types of schools and school settings carry a higher risk of child sexual abuse than others. Of the 2,186 survivors of child sexual abuse in school settings we heard about in private sessions, three-quarters (75.9 per cent) said they were abused in non-government schools. Of these survivors, 73.8 per cent said they were abused in Catholic schools and 26.4 per cent were abused in Independent schools.[3] Of all survivors of child sexual abuse in schools we heard about in private sessions, almost one in three (30.4 per cent) said they were abused in a boarding school.

A further reason to focus on schools is that they can play a central role in preventing child sexual abuse, for example, by providing prevention education for students and their parents. They also play an essential role in promoting the development and wellbeing of students.

1.1.2 Our definition of schools

This volume examines primary and secondary schools in Australia. Australian schools are either government or non-government. Non-government schools are either Catholic or Independent.[4]

We focused on allegations and incidents of child sexual abuse where the school had primary responsibility for managing the risk to the child, such as on school grounds, sports ovals, school camps and school buses and in school boarding facilities and teachers' cars and homes (see Chapter 2). Some instances of sexual abuse that might have occurred during activities on school premises, or were otherwise connected with schools – for example, abuse at a swimming carnival organised by the local swimming club that occurred on school grounds – are discussed in other volumes.

Institutional responses to child sexual abuse in educational settings other than schools – including childcare, preschool, vocational education and training, university, tutoring and distance education – are considered to varying degrees in other volumes.

1.1.3 Issues examined

When we began our inquiry, little was known about the distinctive features of child sexual abuse in schools or the responses of institutions to this abuse. The available research into child sexual abuse in institutions was limited,[5] and much of it focused on child sexual abuse by people in religious ministry. We wanted to know if the institutional setting had influenced how and why abuse occurred in the school, or the way schools had responded to the abuse.

It became apparent through our work that there were several overarching areas that we needed to examine in relation to child sexual abuse in schools. They were:

1. the context, roles and responsibilities of schools in Australia
2. the nature, extent and impacts of child sexual abuse in schools
3. the nature and adequacy of institutional responses to child sexual abuse in schools
4. how to make schools child safe.

These issues required us to consider several questions, outlined in Table 13.1.

Table 13.1 – Issues and questions for examination of child sexual abuse in schools

Issues	Questions for examination
Context, roles and responsibilities of schools	• What is the nature of schools and the school system? • What governance, management or oversight frameworks exist? • How many children attend school? • What are the roles and responsibilities of schools to keep children safe?
Nature, extent and impacts of abuse	• What is the nature and extent of child sexual abuse in schools? • Who are the victims? Who committed the abuse? • In which schools and school settings have children been sexually abused? Which types of schools and school settings carry high risk of child sexual abuse? • What are the impacts of child sexual abuse in schools on victims' education?
Nature and adequacy of institutional responses	• How have institutions responded to child sexual abuse in schools? • What are the factors that contributed to inadequate responses to child sexual abuse in schools?
Creating child safe schools	• How can schools become child safe? • What role can school and teacher registration play in creating child safe schools?

1.2 Terms of Reference

The Letters Patent establishing the Royal Commission required that it 'inquire into institutional responses to allegations and incidents of child sexual abuse and related matters' and set out the Terms of Reference of the inquiry.

In carrying out this task, we were directed to focus on systemic issues, informed by an understanding of individual cases. We were required to make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs.

This volume addresses the future focus of our Terms of Reference. Under paragraph (a) we were directed to inquire into 'what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future'. Paragraphs (b) and (c) also directed us to consider what institutions and governments need to do to improve their responses to child sexual abuse in institutional contexts and reduce the impact on survivors.

1.3 Information sources

To inform our understanding of institutional responses to child sexual abuse in schools, we gathered information through public hearings, private sessions and written accounts, consultations, policy and research work, and engaging with the community. Information from these sources informed the development of our findings and recommendations, and is referred to throughout this volume.

Some important information sources relevant to child sexual abuse in schools are highlighted below.

1.3.1 Public hearings

Many of our public hearings, held as part of case studies, examined institutional responses to child sexual abuse in schools. The following case studies examined abuse in schools in detail:

- *Case Study 6: The response of a primary school and the Toowoomba Catholic Education Office to the conduct of Gerard Byrnes*
- *Case Study 9: The responses of the Catholic Archdiocese of Adelaide, and the South Australian Police, to allegations of child sexual abuse at St Ann's Special School*
- *Case Study 12: The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009*
- *Case Study 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton*
- *Case Study 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse*
- *Case Study 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school*
- *Case Study 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions*
- *Case Study 23: The response of Knox Grammar School and the Uniting Church in Australia to allegations of child sexual abuse at Knox Grammar School in Wahroonga, New South Wales*
- *Case Study 28: Catholic Church authorities in Ballarat*
- *Case Study 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students*
- *Case Study 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse (Brisbane Grammar School and St Paul's School)*

- *Case Study 41: Institutional responses to allegations of the sexual abuse of children with disability*
- *Case Study 45: Problematic and harmful sexual behaviours of children in schools (Harmful sexual behaviours of children in schools).*

Many of the case studies examined non-government schools, which reflected the disproportionately high number of victims in schools we heard about who were abused in non-government schools. Of the survivors of child sexual abuse in schools we heard about in our private sessions, just over three-quarters (75.9 per cent) told us they were abused in non-government schools and one-quarter (24.9 per cent) were abused in government schools.[6] The Royal Commission heard of many instances of abuse 'clusters' in non-government schools, where a perpetrator or perpetrators would abuse many students over time. Government schools were examined in the *Harmful sexual behaviours of children in schools* case study and the *Brisbane Grammar School and St Paul's School* case study, which concerned a perpetrator who moved between government and non-government schools.

In the *Harmful sexual behaviours of children in schools* case study, a panel of experts discussed how to create child safe boarding environments for Aboriginal and Torres Strait Islander students.

1.3.2 Private sessions

As noted, almost one in three of all survivors we heard about in private sessions (2,186 survivors or 31.8 per cent) said they were sexually abused in a school as a child. The experiences that were shared with us provide important insights into the sexual abuse of children in schools.

In this volume, when discussing quantitative information gathered from private sessions, the term 'survivor' refers to:

- survivors of child sexual abuse who participated in private sessions (as at 31 May 2017)
- survivors and deceased victims who did not or could not attend a private session, but whose experiences of child sexual abuse were discussed with us by family members, friends, whistleblowers and others who did attend (as at 31 May 2017). Family members, friends, whistleblowers and others are not counted as 'survivors' in the quantitative information derived from private sessions.

1.3.3 Policy and research

We commissioned research reports to help us understand child sexual abuse in institutional settings, including schools, and the subsequent responses of institutions. Table 13.2 sets out the commissioned reports particularly relevant to this volume.

Table 13.2 – Commissioned research relevant to institutional responses to child sexual abuse in schools

Report title	Published
Assessing the different dimensions and degrees of risk of child sexual abuse in organisations[7]	2017
Child sexual abuse in Australian institutional contexts 2008–13: Findings from administrative data[8]	2017
Audit of primary school-based sexual abuse prevention policy and curriculum[9]	2017
Grooming and child sexual abuse in institutional contexts[10]	2017
Oversight and regulatory mechanisms aimed at protecting children from sexual abuse: Understanding current evidence of efficacy[11]	2017
Impacts of institutional child sexual abuse on victims/survivors: A rapid review of research findings[12]	2017
Feeling safe, being safe: What is important to children and young people with disability and high support needs about safety in institutional settings?[13]	2016
Evidence and frameworks for understanding perpetrators of institutional child sexual abuse[14]	2016
Risk profiles for institutional child sexual abuse: A literature review[15]	2016
The role of organisational culture in child sexual abuse in institutional contexts[16]	2016
Taking us seriously: Children and young people talk about safety and institutional responses to their safety concerns[17]	2015
Hear no evil, see no evil: Understanding failure to identify and report child sexual abuse in institutional contexts[18]	2015

Issues papers, consultation papers, and public and private roundtables allowed individuals, organisations and governments to give us considered views about institutional, including school, responses to child sexual abuse, and proposals for policy reform.

We released *Issues paper 9: Addressing the risk of child sexual abuse in primary and secondary schools* to seek the views of organisations and individuals on this topic.[19] Issues raised included school leadership, governance and culture; training on child sexual abuse for teachers, volunteers and other staff; child protection policies and procedures; and mechanisms to hold schools to account for child safety. We received 38 public submissions.

We held a private roundtable in 2015 as a forum for stakeholders to share their opinions and expertise on what makes schools child safe, and what barriers exist that prevent or impede schools from becoming child safe. Stakeholders also discussed the challenges that exist in different school contexts, including government and non-government schools, boarding schools, and rural and remote schools. A wide range of stakeholders from the schools sector attended the roundtable, including representatives from student bodies, advocacy groups, schools, service providers, religious organisations and governments, as well as school principals and academics.

Where possible, our work has built on existing government policy and programs, evaluations, research, and practitioner knowledge.

1.3.4 Community engagement

As part of our community engagement work, we conducted a series of consultations with children and young people.[20] During these consultations, we asked them to tell us about the factors and circumstances that help them to feel safe in schools. We also asked them to explain the circumstances in which they felt unsafe and if they had any solutions to improve the situation.

1.3.5 Limitations of our work

Limited research into institutional responses to child sexual abuse in schools

Research into institutional responses to child sexual abuse in schools is limited, but we were able to use the various information sources outlined above to inform our understanding of how institutions have responded to child sexual abuse in schools.

Comparatively fewer survivors of abuse in government schools came forward

Of the survivors who told us that they had been sexually abused in schools, fewer had been abused in government schools compared to non-government schools. We inquired into institutional responses to abuse in government schools by using information we received through case studies, private sessions, and responses to our issues paper and roundtable on schools.

1.4 Links with other volumes

In describing what we learned about child sexual abuse in schools, this volume builds on our findings in Volumes 2, 3 and 4, which examine the nature and cause, impacts and disclosure of child sexual abuse in all institutional contexts.

This volume should also be read together with Volumes 6, 7 and 8, which present a national approach to making, improving and supporting child safe institutions. These volumes explain how institutions can be made safer for children by better preventing, identifying, responding to and reporting institutional child sexual abuse. As protecting children is everyone's responsibility, these volumes look at the role the community, institutions, government, individuals and other actors can play to create child safe institutions, including schools.

These volumes address making institutions child safe in all institutional contexts and recommend independent but interrelated initiatives to create child safe institutions. Recommendations made in Volumes 6, 7 and 8 are of general application to schools and are supplemented by the recommendations in this volume for making schools child safe.

Our findings and recommendations in Volume 10, *Children with harmful sexual behaviours* are also relevant to this volume.

Volume 16, *Religious institutions* addresses child sexual abuse in religious institutions, including Catholic and other religiously affiliated Independent schools.

1.5 Key terms

The inappropriate use of words to describe child sexual abuse and the people who experience the abuse can have silencing, stigmatising and other harmful effects. Conversely, the appropriate use of words can empower and educate.

For these reasons, we have taken care with the words used in this report. Some key terms used in this volume are described below. A complete glossary is contained in Volume 1, *Our inquiry*.

Children with harmful sexual behaviours

We use the term 'children with harmful sexual behaviours' to refer to children under 18 years who have behaviours that fall across a spectrum of sexual behaviour problems, including those that are problematic to the child's own development, as well as those that are coercive, sexually aggressive and predatory towards others. The term 'harmful sexual behaviours' recognises the seriousness of these behaviours and the significant impact they have on victims, but is not contingent on the age or capacity of a child.

Child safe institutions/child safe organisations

'Child safe institutions' create cultures, adopt strategies and take action to prevent harm to children, including child sexual abuse. The Australian Children's Commissioners and Guardians (ACCGs) defines a child safe institution as one that consciously and systematically:

- creates conditions that reduce the likelihood of harm to children
- creates conditions that increase the likelihood of identifying and reporting harm
- responds appropriately to disclosures, allegations or suspicions of harm.

Child sexual abuse in an institutional context

The term 'child sexual abuse' refers to any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual activity with the child.

Our Terms of Reference specify that child sexual abuse occurs in an institutional context if, for example, the abuse:

- happens on a premises of an institution or where its activities occur, or in connection with its activities
- is engaged in by an institution's official in circumstances where the institution has, or its activities have, in any way contributed to the risk of abuse
- happens in any other circumstances where an institution is, or should be treated as being, responsible for adults having contact with children.

Complaint

A ‘complaint’ includes any allegation, suspicion, concern or report of a breach of the institution’s code of conduct. It also includes disclosures made to an institution that may be about or relate to child sexual abuse in an institutional context.

A complaint may be made about an adult allegedly perpetrating child sexual abuse or about a child exhibiting harmful sexual behaviours. It can be received in writing, verbally, or be the result of other observations, including behavioural indicators.

We recognise the term complaint is used differently by some institutions. For example, instead of complaint, institutions have encouraged people to ‘speak up’ about their concerns, referred to both ‘complaints or concerns’, or used the term ‘allegation’.

Disclosure

‘Disclosure’ is the process by which a child conveys or attempts to convey that they are being or have been sexually abused, or by which an adult conveys or attempts to convey that they were sexually abused as a child. This may take many forms, and might be verbal or non-verbal. Non-verbal disclosures using painting or drawing, by gesticulating or through behavioural changes are more common among young children and children with cognitive or communication impairments. Children, in particular, may also seek to disclose sexual abuse through emotional or behavioural cues, such as heightened anxiety, withdrawal or aggression.

Information sharing/information exchange

We use the terms ‘information sharing’ and ‘information exchange’ to refer to the sharing or exchange of information, including personal information, about, or related to, child sexual abuse in institutional contexts. The terms refer to the sharing of information between (and, in some cases, within) institutions, including non-government institutions, government and law enforcement agencies, and independent regulator or oversight bodies. They also refer to the sharing of information by and with professionals who operate as individuals to provide key services to or for children.

Mandatory reporter/mandatory reporting

A 'mandatory reporter' is a person who is required by either state or territory legislation to report known and suspected cases of child abuse and neglect to a nominated government department or agency (typically the child protection authority). 'Mandatory reporting' refers to where a legislative requirement is placed on an individual to report known and suspected cases of child abuse and neglect to a nominated government department or agency (typically the child protection authority).

Offender

We use the term 'offender' for a person who is found by a court to have done something that is prohibited by law.

Perpetrator

We use the term 'perpetrator' to describe an adult who has sexually abused a child.

Record

A 'record' refers to information created, received, and maintained as evidence and/or as an asset by an organisation or person, in pursuance of legal obligations or in the transaction of business or for its purposes, regardless of medium, form or format.

Report

A 'report' refers to where concerns relating to child sexual abuse are notified to an authority or agency external to the institution – for example, where a person or institution notifies the police, a child protection agency, an oversight agency or a professional or registration authority.

Reportable conduct

'Reportable conduct' refers to conduct that must be reported under legislation that obliges designated institutions to report allegations of institutional child sexual abuse to an independent statutory body.

Victim and survivor

We use the terms 'victim' and 'survivor' to refer to someone who has been sexually abused as a child in an institutional context. We use the term 'victim' when referring to a person who has experienced child sexual abuse at the time the abuse occurred. We use the term 'survivor' when referring to a person who has experienced child sexual abuse after the abuse occurred, such as when they are sharing their story or accessing support. Where the context is unclear, we have used the term 'victim'.

We recognise that some people prefer 'survivor' because of the resilience and empowerment associated with the term.

We recognise that some people who have experienced abuse do not feel that they 'survived' the abuse, and that 'victim' is more appropriate. We also recognise that some people may have taken their lives as a consequence of the abuse they experienced. We acknowledge that 'victim' is more appropriate in these circumstances. We also recognise that some people do not identify with either of these terms.

When we discuss quantitative information from private sessions in this volume, we use the term 'survivor' to refer both to survivors and victims who attended a private session and those (including deceased victims) whose experiences were described to us by family, friends, whistleblowers and others. This quantitative information is drawn from the experiences of 6,875 victims and survivors of child sexual abuse in institutions, as told to us in private sessions to 31 May 2017.

1.6 Structure of this volume

Chapter 2 describes the institutional context examined in this volume, namely government and non-government (Catholic or Independent) primary and secondary schools. It describes the different schooling sectors, the particular institutional contexts we were commonly told about, contemporary estimates of the number of children attending schools, the role of schools in children's lives, and the responsibilities of institutions and society to keep children safe in schools.

Chapter 3 details what we learned about child sexual abuse in school settings. It discusses the nature and extent of child sexual abuse in schools; the victims, perpetrators, and children with harmful sexual behaviours in schools; where in school settings children have been sexually abused; and the impacts of child sexual abuse in schools on educational outcomes.

Chapter 4 describes what we heard about institutional responses to child sexual abuse in schools. It discusses a number of contributing factors to child sexual abuse in schools. These include poor institutional leadership, governance and culture; children's disempowerment; lack of engagement with families and communities; inadequate consideration of equity and diverse needs; poor human resource management; inadequate policies and procedures; poor complaint handling processes, recordkeeping and information sharing; inadequate staff education and training; lack of continuous improvement and review; and risks in physical and online environments.

Chapter 5 outlines recommendations to improve responses to child sexual abuse in schools. The chapter discusses recommendations for improving the safety of children in schools; increasing the accountability of school leaders; improving the responses to and reporting of child sexual abuse in schools, including complaint handling; improving recordkeeping and information sharing; and supporting staff to be child safe through education, training and registration processes.

Endnotes

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2 Australian schools

2.1 Overview

This chapter provides an overview of Australian schools to provide a context for this institutional setting. This includes:

- the history of schooling in Australia
- the operation of the schooling sectors and systems, including regulation, funding and administration mechanisms
- an explanation of 'school settings'
- different types of schools
- the role that schools play in children's lives
- the responsibilities of institutions and society to keep children safe in schools, including relevant policy frameworks, legislation and regulation.

The chapter does not attempt to capture in an exhaustive way the differences between jurisdictions, government schools (sometimes referred to as 'public schools') and non-government schools ('private schools'), or primary and secondary schools.

2.2 The institutional context

Australian schools are classified as either government or non-government. Government schools are established and run by state and territory governments. Non-government schools are either Catholic or Independent.[1] Australia has a very prominent non-government school sector compared to many OECD nations.[2] An understanding of this prominence provides important context for a discussion of the differential risk of child sexual abuse in government and non-government schools.

2.2.1 History of schooling in Australia

Early colonial period

Research has documented that Aboriginal and Torres Strait Islander peoples have 'sophisticated education practices and systems based on spoken knowledge and teaching by experience and observation, which were developed well before 1788'.[3] European colonisers did not appreciate the complex systems of education in Aboriginal and Torres Strait Islander communities, and implemented policies that actively sought to prevent the transmission of cultural knowledge.[4] Despite this, aspects of Aboriginal education have endured and changed over time.[5]

British colonialists brought a Western system of education to Australia. From settlement until the mid-1800s, schooling in Australia consisted largely of denominational schools, which were set up by various Christian church groups and received colonial government funding.[6] The first colonial school for Aboriginal children, The Native Institution at Parramatta, operated from 1814 to 1820.[7] The school was designed to 'distance children from their families and communities' and was boycotted by Aboriginal families.[8]

In the 1820s there was considerable growth in small, private-venture schools, which relied on student fees for their funding.[9] For the working classes, these schools taught basic literacy and numeracy, and some allowed children to attend whenever they did not need to work to help support their families.[10] Other schools catered to wealthier classes and charged higher fees in return for an education modelled on England's prestigious grammar schools.[11] Some churches also established more exclusive schools, mainly for boys from wealthy families.[12] Families living in remote areas were often responsible for home-schooling their children. Governesses and boarding schools were also options for wealthier rural families.[13]

Attempts began around the 1830s to establish public schools (known as 'national' or 'colonial' schools) controlled by colonial governments.[14] By the mid-1800s, there was a growing emphasis on universalisation and systemisation of these schools for non-Indigenous children. Aboriginal and Torres Strait Islander students were excluded from mainstream schools in this period. From the mid-1850s, colonies began to abolish government aid to denominational schools and redirect those funds into government schools.[15] Catholic schools struggled to pay the salaries of lay teachers following the removal of government funding, and came to rely on religious orders to teach children.[16] As the government school system expanded, fewer children attended denominational and private-venture schools.[17] Many smaller private schools closed.[18]

Schooling for Aboriginal and Torres Strait Islander children was largely characterised by experiences of discrimination and exclusion, reflecting the laws and prevailing social attitudes. 'Protectionist' laws, which created racially segregated institutions specifically for Aboriginal and Torres Strait Islander people, lasted until 1969 in some states.[19] Some of the institutions were still operating up until the 1980s.[20] A small number of 'native schools' were established by colonial governments.[21] The focus of any schooling provided was on separating Aboriginal and Torres Strait Islander children from their families and communities.[22] Their schooling 'emphasised domestic science and manual training, thus preparing the children for a future as menial workers within the government or mission communities or as cheap labour in the wider community'.[23]

Schooling for children with disability was also scarce in the early colonial period. Education was only available to those with hearing or vision impairments.[24] Children with intellectual, multiple or profound disabilities were largely denied access to education.[25]

1850s to Federation

Between 1850 and 1895, colonial governments established departments of education and introduced nominally 'free, secular, and compulsory' primary school education.[26]

However, Aboriginal and Torres Strait Islander children and children with disability continued to be largely excluded from the government school sector as it expanded in the second half of the 19th century.[27] Although many Aboriginal and Torres Strait Islander children were legally allowed to attend government schools, in practice they were often denied access.[28] Small schools, often associated with missionaries, began to be established to educate Aboriginal and Torres Strait Islander children in the late 1800s.[29]

Despite the removal of government funding, some large, non-Catholic denominational schools were established in the mid to late 1800s that continue to operate today, particularly in the secondary school sector.[30] The number of Catholic schools grew, as teachers from the religious orders began to replace lay teachers and the religious orders established new schools.[31]

Federation to 1950s

The states retained responsibility for education following Federation in 1901.[32] By the mid-1920s, compulsory attendance requirements had tightened,[33] the school leaving age had been raised in most jurisdictions to 14 years[34] and the number of government secondary schools had grown.[35]

Few small private-venture schools remained by the late 1930s.[36] By contrast, the larger, prestigious private schools grew, sometimes taking over struggling smaller schools. They were mostly denominational, and catered mainly to middle- and upper-class children.[37]

Catholic schools became increasingly centralised, although local parish authorities retained varying levels of influence. The first Catholic education office opened in Victoria in 1932[38] and the replacement of lay teachers with religious staff continued.[39]

The policy of assimilation of Aboriginal and Torres Strait Islander peoples included a goal that their children should be educated to a 'white standard' of basic literacy and numeracy.[40] Educational opportunities were available mainly to those living in urban and regional centres, and many Aboriginal and Torres Strait Islander children from rural and remote communities continued to face a lack of schooling options.[41] In addition, community tensions over the attendance of Aboriginal and Torres Strait Islander children at mainstream government schools continued through the first half of the 20th century, with many Aboriginal and Torres Strait Islander children denied entry or removed at the request of a white parent.[42]

Schooling opportunities for children with disability were still extremely limited and efforts to adjust school curricula and learning supports to meet these children's needs were inadequate.[43] By the late 1940s, parents of children with intellectual and multiple disabilities began to set up their own schools after government resistance to calls for specialised education.[44]

1950s to today

The postwar baby boom led to an increased demand for places in government schools. States and territories came under pressure to increase funding to government schools in the face of teacher and resource shortages.[45]

From the 1950s, exclusion mechanisms and schooling barriers were gradually removed for Aboriginal and Torres Strait Islander children,[46] and efforts were made to provide schooling opportunities for children from remote communities.[47] In the 1950s and 1960s Aboriginal and Torres Strait Islander peoples' resistance to assimilation grew stronger and over time Australia began to face international pressure over its racially discriminatory practices.[48] There was a gradual and uneven change in government policy towards Aboriginal and Torres Strait Islander peoples from complete control and assimilation to self-determination, meaning greater control over their own lives.[49] This shift towards self-determination was to influence education policy in Australia.[50]

The federal government took a greater role in schooling from the 1960s because of school funding concerns faced by state governments.[51] For example, it introduced capital funding grants to both government and non-government schools and, in 1970, regular 'per student' grants for non-government schools.[52] By 1974 per student grants had been extended to all schools.[53] The higher level of federal funding, together with a fall in the number of young people entering religious orders, signalled a significant increase in lay teachers at Catholic schools.[54]

Federal funding across all school sectors has increased progressively since the introduction of student grants in the 1970s.[55] Many new non-government schools, reflecting a mix of cultural and religious philosophies, were established in that time.[56] In particular, smaller, low-fee Independent schools, many of which identified as Christian denominational schools, increased in number.[57] Federal funding for non-government schools increased substantially under the Howard government (1996–2007), reflecting a commitment to increasing choice and competition in Australian schooling,[58] and non-government student numbers grew rapidly.[59]

The 1970s also saw state and territory education departments begin to assume responsibility for schools established by parents of children with disability following the release of the 1973 *Schools in Australia* report of the Interim Committee for the Australian Schools Commission, chaired by PH Karmel, which contained recommendations for improving Australian schools.[60] Since the 1970s, government policy on schooling for children with disability has focused on the principles of deinstitutionalisation and mainstreaming. Educational options began to include

placement in mainstream classes with a modified curriculum or additional support provided, placement in small classes with support in mainstream schools, and specialist schools for children who needed intensive support.[61] Education departments were also influenced by the 1994 UNESCO Salamanca Statement and Framework for Action on special needs education, which supported access and quality for special needs education.[62] This continues to be the foundation document for inclusive education and for offering children with disability a range of education placements.[63]

2.2.2 Schooling sectors and systems

Australian schools are broadly government or non-government. Government schools are established and run by state and territory governments. Non-government schools are either Catholic or Independent.[64] Every government school and most Catholic schools belong to a system; most Independent schools do not.[65] Each system has its own peak body, administrative arrangements and organisational structure.[66]

In 2016, 70.5 per cent (6,634) of Australian schools were government schools. Almost one-third (2,780 or 29.5 per cent) were non-government schools, comprising Catholic schools (18.5 per cent) and Independent schools (11.1 per cent), as shown in Table 13.3.[67]

Table 13.3 – Number of government and non-government (Catholic and Independent) schools in Australia

School type	Number	Proportion (%)
Government	6,634	70.5
Non-government	2,780	29.5
Catholic	(1,738)	(18.5)
Independent	(1,042)	(11.1)
Total	**9,414**	

Source: Australian Bureau of Statistics, 4221.0 – Schools, Australia, 2016

Most students in Australia attend government schools.[68] In 2016, 65.4 per cent of students were in government schools, 20.2 per cent were in Catholic schools and 14.4 per cent attended Independent schools, as shown in Table 13.4.[69] For much of the past 40 years the proportion of students enrolled in government schools has declined, although since 2015 the number of children enrolled in government schools has increased slightly.[70]

Table 13.4 – Proportion of students attending government and non-government (Catholic and Independent) schools in Australia

School type	Proportion (%)
Government	65.4
Non-government	34.6
Catholic	(20.2)
Independent	(14.4)

Source: Australian Bureau of Statistics, 4221.0 – Schools, Australia, 2016

Government schools

Every state and territory government in Australia operates a school system administered by the corresponding department of education.[71]

Government schools are established and run by the state or territory government, and staffed by teachers and government employees and contractors. Government schools are required to guarantee a place for all students in their jurisdiction, and provide a free and secular education.[72] While principals manage the day-to-day operation of government schools, each jurisdiction's department of education has overall responsibility for policy development, staffing, planning, administration, property management and capital works.[73] In recent times there has been a push for increased autonomy for individual schools. This movement promotes devolution of responsibility to a more local level, with greater decision-making and budgetary powers allocated to principals.[74]

In some jurisdictions, individual schools must also have a school board, typically comprising the school's principal, representatives of the jurisdiction's department of education and representatives of the school's staff, student body, and parents and citizens association (see School governance bodies in Section 2.5.2). School boards tend to have responsibility for school strategic direction, performance, and reporting to the education department.[75] They also often engage with teachers, parents and students, and promote good administration.

Non-government schools

Catholic and Independent schools are registered and regulated by the relevant state or territory government. Most are affiliated with one of two peak bodies: the National Catholic Education Commission or the Independent Schools Council of Australia.[76] These advocacy bodies do not form part of any school system. They seek to promote the interests of their member schools and influence the development of education policy and curriculum. Neither body has overarching regulatory functions over their member schools.[77]

Catholic schools

Catholic schools operated and overseen by diocesan authorities are known as systemic or diocesan schools, and make up around 96 per cent of Catholic schools.[78] The remaining Catholic schools are classed as non-systemic or congregational schools.[79]

Systemic or diocesan schools: Systemic or diocesan schools are headed by local diocesan Catholic school authorities, commonly known as Catholic education offices or Catholic schools offices.[80] These authorities coordinate individual schools in each diocese, allocate government funding to them, and ensure standards of governance, viability, performance, accountability and compliance.[81] They could also be responsible for workforce management. The bishop of each diocese has overall responsibility for school governance. Individual Catholic schools retain a level of autonomy over curriculum choices, educational approaches, facilities management, finances and staffing.[82] Each state and territory has a Catholic education commission.[83] These commissions liaise with governments, distribute government funding between dioceses, advocate for and represent Catholic schools in their jurisdictions, and develop system-level policy.[84]

Non-systemic or congregational schools: Non-systemic or congregational schools are run by, or on behalf of, a religious institute,[85] and are generally governed by boards, increasingly under a formal company structure.[86] This governance structure allows for greater autonomy than systemic schools in issues such as curriculum, teaching philosophies, facilities, staffing, and the raising and deployment of resources.[87] However, non-systemic Catholic schools still need to be approved by the local bishop to operate in their diocese, and have varying levels of engagement with diocesan authorities.[88] They may be supported in their administration by the local Catholic education or schools office and are generally represented at federal and state or territory levels by a Catholic education commission.[89] In practice, these kinds of arrangements mean many non-systemic Catholic schools are, in an operational sense, part of a Catholic school system.[90]

Independent schools

Independent schools are usually established by community groups.[91] About 85 per cent are religiously affiliated, mostly with Christian denominations.[92] Some follow educational philosophies, such as the Steiner or Montessori approaches.[93] Independent schools can be systemic or non-systemic.

More than 80 per cent of Independent schools are non-systemic.[94] These schools have a significant degree of autonomy, largely functioning as stand-alone entities. Principals are responsible for their day-to-day operations, and schools are overseen by boards of governors, school councils or management committees. These boards or committees are generally the key decision-making bodies for issues such as educational programs, staffing, student management and school resources.[95] However, the roles, responsibilities and influence of principals and governing bodies vary considerably between individual schools.[96] Independent schools must meet certain educational obligations including implementing the Australian Curriculum and participating in national testing.[97]

About 18 per cent of Independent schools form small systems with other commonly affiliated schools, under approved authorities.[98] For instance, the Lutheran Schools Association oversees a system of Lutheran schools in South Australia, Western Australia and the Northern Territory.[99] In 2010, 18 school systems were recognised by the Australian Government in the Independent sector.[100] As with individual Independent schools, the degree of central influence and management varies between Independent school systems.[101]

Some relationships between groups of Independent schools do not fit neatly into the categories of 'systemic' or 'non-systemic'.[102]

2.2.3 Regulation, funding and administration

Arrangements are complex for the regulation, funding and administration of government and non-government schools. These responsibilities are shared between the Australian Government and state and territory governments.

Regulation

State and territory governments regulate and administer education, and develop education policy. They also provide for the registration of all schools – government and non-government – and teachers in their jurisdictions.[103] General principles do apply across jurisdictions, but there are notable differences between them, for instance, in the starting age for primary school and in registration criteria.[104]

Funding

Both federal and state or territory governments fund both government and non-government schools. State and territory governments are the primary funders of government schools, supplemented by federal government funding. Conversely, the federal government is the primary funder of non-government schools, with the states and territories as supplementary funders.[105] Federal funding for non-government schools is distributed by the states and territories, through approved authorities.[106] In recent years, the Australian Government has played a major role in national education policy.[107]

Administration

The *Australian Education Act 2013* (Cth) sets out the funding arrangements for Australian schools. It requires all schools to operate under an 'approved authority' (for one or a small number of associated schools) or an 'approved system authority' (for multiple schools in the

same system).[108] For government schools the role is filled by the relevant state or territory government. For non-government schools, the approved authority (or approved system authority) is a 'body corporate' approved by the relevant minister for education.[109]

These authorities receive funding under the Act. Approved authorities and approved system authorities have ongoing policy obligations, including having procedures for enhancing principal and teacher performance; implementing curricula; and ensuring that schools participate in the national assessment program, implement a school improvement framework and develop a school improvement plan.[110]

2.2.4 School settings

A school encompasses a range of settings, the most obvious being the school grounds, including school buildings and outdoor areas. Some schools have additional types of buildings on, or attached to, school grounds, such as boarding houses or places of worship.

School settings can also include locations away from school grounds. These offsite locations may be used for formal school activities, such as training at sports ovals, or as places where students are taken for camps or excursions. Other settings may be related to the school in other ways, for example, the home or car of a student or teacher, or a school bus used to transport students between their homes and the school.

The online environment can also be a school setting, for instance, communications through social media platforms between students and teachers.

Our references to 'school-based' child sexual abuse can be abuse that occurs in any of these school settings. Chapter 3 discusses the risks of child sexual abuse in various school settings.

2.3 Children in schools

Primary and secondary education is mandatory for children in Australia. Laws in each state and territory regulate the ages at which children must begin and complete their education. These ages have changed over time and vary between jurisdictions, but, in general, in 2017, children must be in primary education from five or six years of age, and cannot leave secondary education before completing Year 10.[111] Children who attend school from kindergarten (or an equivalent 'preparatory' year) to the end of Year 12 spend at least 13 years in school.

There is near universal enrolment in school for Australian children aged between six and 15 years.[112] In 2016, almost 3.8 million children were enrolled in more than 9,400 Australian primary and secondary schools.[113] A small number of Australian children are home-schooled, with one estimate putting the number between 10,000 and 20,000.[114]

Children's levels of participation in school can differ markedly. For instance, attendance rates may be lower for students who attend schools with a lower socio-economic index, who come from a socio-economically disadvantaged family background, who change schools often or whose parents have lower levels of education.[115] Socio-economically disadvantaged students are also less likely to complete Year 12 or go on to university.[116]

The disrupted educational experiences of children in out-of-home care are discussed in Volume 12, *Contemporary out-of-home care*.

2.3.1 Religious and secular schools

Australian schools can be either religiously affiliated or secular. Religious schools follow a particular religious ethos, and typically include compulsory religious studies in their curriculum.

- All government schools are secular, meaning they do not identify with or promote any religion. However, in most states and territories, government schools do enable students to attend a period of voluntary religious education each week.[117]
- Most (85 per cent) Independent schools are religious schools.[118] Most are affiliated with Christian denominations, but there are also Independent schools for other faiths including Islam and Judaism.[119] As their name indicates, all Catholic schools are religious schools.

2.3.2 Day schools and boarding schools

Most Australian schools are 'day' schools, where children receive their education during school hours and then return home. The vast majority of Australian students attend day schools.

'Boarding' students receive their education and reside at the school or at an offsite facility managed by the school. Almost all boarding schools have both day and boarding students. The non-government sector is the main provider of boarding schools. In August 2015, there were 20,121 boarding students in the non-government sector.[120] Of these, 69.8 per cent attended Independent schools and 30.2 per cent attended Catholic schools.[121] There is no reliable data on the number of government students who board.

Aboriginal and Torres Strait Islander children attend boarding schools in higher proportions than the general population. Many Aboriginal and Torres Strait Islander students living in remote communities are a long way from the nearest secondary school and must leave their communities to access education.[122] In August 2015, Aboriginal and Torres Strait Islander students represented just over 2 per cent of non-government sector students, yet made up almost 18 per cent of non-government boarding students.[123] By way of context, Aboriginal and Torres Strait Islander students form about 5.5 per cent of all school enrolments across Australia, with most students (84 per cent) attending government schools.[124]

2.3.3 Co-educational and single-sex schools

Australian students can attend co-educational or single-sex schools.

In 2015, 3.5 million students (about 92 per cent of all students in Australia) attended co-educational schools.[125] Of these, 69 per cent attended government schools, 18 per cent attended Catholic schools and 13 per cent attended Independent schools.[126]

In 2015, 290,000 students (about 8 per cent of all students in Australia) attended either a single-sex school or a single-sex campus of a co-educational school. Of these, 85 per cent attended non-government schools – 52 per cent Catholic, 32 per cent Independent.[127] Only 2 per cent of government students attended single-sex schools.[128]

Overall, 53 per cent of students who attended a single-sex school or campus in 2015 were girls. Girls made up the majority of students in both government (63 per cent) and Independent (55 per cent) single-sex schools. Only the Catholic sector had a greater percentage of boys (51 per cent) than girls attending single-sex schools.[129]

2.3.4 Attendance of government schools in remote locations

In 2016, most students in urban, regional and remote locations attended government schools.[130] In very remote locations 88 per cent of students attended government schools compared with 63 per cent of students in major cities.[131]

2.3.5 Specialised education

Under international frameworks, schools should 'accommodate all children, regardless of their physical, intellectual, social, emotional, linguistic or other conditions', including, for instance, children with disability.[132] It is estimated that 6 per cent of all children in Australia have disability, and almost all children with disability aged five to 14 years attend school (97 per cent). The vast majority are in mainstream schools (89 per cent), and some (9 per cent) attend schools with intensive specialised support for children with disability.[133] In 2016, there were 461 schools offering specialised support for children with learning, emotional, behavioural or health needs across Australia.[134] Of these schools, 71 per cent were government, 20 per cent were Independent and 9 per cent were Catholic.[135] These specialised settings can be physically separate from or co-located in mainstream school settings. When co-located, classes for children with disability may be held in a different building, and children attending these classes may interact only rarely with children from other parts of the school.[136]

2.4 The role of schools in children's lives

Schools are highly valued in Australian society and have a broader role than educating children in literacy, numeracy and other formal subjects such as science, the arts and technology. Schools promote children's health, safety and wellbeing, and impart social and life skills, cultural values and, in the case of many non-government schools, religious values.

The Melbourne Declaration on Educational Goals for Young Australians, as agreed to by the federal, state and territory education ministers in 2008, highlights the importance of contemporary schools in children's lives and to our society: 'Schools play a vital role in promoting the intellectual, physical, social, emotional, moral, spiritual and aesthetic development and wellbeing of young Australians, and in ensuring the nation's ongoing prosperity and social cohesion'.[137] Historically, schools set out to reform unruly populations, transmit cultural or religious beliefs, and produce a skilled workforce.[138] Over time, they have grown in influence to become 'highly significant' as they represent 'purposeful, organised and concentrated effort in the shaping of young people'.[139]

In the school environment, children develop skills in social interaction and absorb values such as democracy, equity and justice.[140] Children also learn important personal and social lessons about safety and wellbeing, bullying and respectful relationships.

In the Australian Curriculum, the Foundation–Year 10 Curriculum includes Health and Physical Education as a learning area.[141] An audit we commissioned found that child sexual abuse prevention was not explicitly mentioned in this learning area. However, it is implicit in other statements in the curriculum.[142]

Two types of programs related to the prevention of child sexual abuse are delivered in some Australian schools.

The first focuses on teaching age-appropriate personal safety messages and skills. This type of program focuses on preventing child sexual abuse by adults and generally targets children in the years before formal school and up to Years 5 to 7.[143] Such programs are also known as personal safety, body safety, protective behaviour, and child protection education programs.

The second type of program of relevance is respectful relationships education. This emerging body of programs targets older children and young people, generally from Years 5 to 12.[144] Their main aim is to prevent domestic and family violence, and other gender-based violence.[145] They are relevant to preventing harmful sexual behaviours by children, and can be complementary and linked to child sexual abuse prevention education.

The format and content of these programs often need to be tailored to be relevant and accessible to certain populations, such as children with disability or children from culturally and linguistically diverse backgrounds.[146] Child sexual abuse prevention education is discussed further in Chapter 5 and in Volume 6, *Making institutions child safe*.

Teachers and school leaders are of fundamental importance to achieving these educational goals. As role models for children, teachers have the capacity to transform their lives, and to inspire and nurture them.[147] They give crucial encouragement, advice and support for students outside the home, often recognising the different ways students learn, and cultivating the unique talents of students.[148] Children and young people in our commissioned research told us that after a friend or parent, they would turn to a teacher for help in a situation where they felt uncomfortable.[149] A safe environment is an essential prerequisite for effective learning in schools.[150] School leaders are responsible for creating and sustaining learning environments in which students can thrive.[151]

When schools adopt inclusive practices, they actively teach and encourage equal social participation among all children. This is particularly beneficial for children who may experience social exclusion or marginalisation in the broader community, such as children with disability.[152]

2.5 Responsibilities to keep children safe in schools

Governments, institutions and individuals have duties and obligations to protect children under common law as well as relevant child protection and other legislation.

The Australian Government has responsibilities at the domestic and international levels to uphold children's right to education and to protect children from sexual abuse in schools.

Australia has ratified a number of international human rights treaties which recognise the right of a child to education and to be protected from sexual abuse.[153] As a result, Australia is obliged to take all appropriate measures to ensure that children are protected and able to realise these rights, including in schools.

The broader responsibility to protect children is shared by all Australian governments, institutions and the community. Various policy frameworks, such as the National Framework for Protecting Australia's Children 2009–2020, make it clear that protecting children is everyone's business.

This section outlines the various policy and legal frameworks that place responsibilities on governments, institutions and individuals to keep children safe in schools.

2.5.1 Relevant policy frameworks

National Framework for Protecting Australia's Children

The National Framework for Protecting Australia's Children 2009–2020 makes it clear that federal, state and territory governments, and non-government institutions, must work together to protect Australia's children.[154] Strategy 3 of the framework's Third Action Plan 2015–2018 aims to improve the way institutions respond to children and young people to keep them safe. The national framework is discussed further in Volume 6, *Making institutions child safe*.

National Safe Schools Framework

The National Safe Schools Framework is an Australian Government initiative to provide policy guidance on how all Australian schools can be safe schools. The framework aims to:

- affirm the rights of all members of the school community to feel safe and be safe at school
- acknowledge that being safe and supported at school is essential for student wellbeing and effective learning
- provide guidance for schools to accept responsibility for developing and sustaining safe and supportive learning and teaching communities that also fulfil the school's child protection responsibilities
- encourage the active participation of all school community members in developing and maintaining a safe school community where diversity is valued
- actively support young people to develop understanding and skills to keep themselves and others safe
- commit to developing a safe school community through a whole-school and evidence-based approach.[155]

The Student Wellbeing Hub – an online resource with safe school tools and strategies for teachers, students, parents and others – supports schools in implementing the framework.[156] It has information on bullying and youth violence, and hosts Safe Schools Coalition Australia resources to reduce homophobic and transphobic behaviour in schools. At the time of writing, there were only two resources on child abuse on the Student Wellbeing Hub. One refers to the National Association for Prevention of Child Abuse and Neglect's programs that help prevent child abuse and the other refers the reader to a research paper on the impact of online grooming and sexual abuse.[157]

2.5.2 Relevant law and regulation

The Australian Government has ratified a number of international human rights treaties that place responsibilities on the Australian Government to protect children from sexual abuse in all contexts. Of particular relevance, our work on child safe institutions is underpinned by the United Nations Convention on the Rights of the Child (UNCRC), which was ratified by Australia in 1990. In particular, our work is guided by the child's right to:[158]

- have their best interests as a primary concern in all actions concerning the child
- be protected against all forms of discrimination
- have the responsibilities of parents or carers respected
- express their views in matters affecting them
- be protected from all forms of violence, including all forms of sexual exploitation and sexual abuse
- be provided with special care, for children with disability.

Consistent with Article 3 of the UNCRC, all institutions concerned with children should act with the best interests of the child as a primary consideration.[159] This foundational principle should be at the core of all child-related institutions' purpose and operation. Institutions and their leaders need to make sure it is widely understood and applied by all staff and volunteers. This is discussed further in Volume 6, *Making institutions child safe*.

Article 13 of the United Nations International Covenant on Economic, Social and Cultural Rights recognises the right of everyone to education.[160]

There is a range of laws and regulations relevant to the responsibilities of institutions and individuals to keep children safe in schools. Those directed specifically to the schools context include legal and administrative requirements for school registration and teacher registration.

In addition, there are laws applying to institutions and individuals more generally, including schools and teachers, namely:

- child safe standards (currently in Victoria, Queensland and South Australia)
- Working With Children Checks (WWCCs)
- obligatory reporting to external authorities, including mandatory reporting to child protection authorities and criminal offences for failure to report child sexual abuse
- oversight of institutional responses to complaint handling, including those under reportable conduct schemes.

Aspects of civil liability under common law are also relevant to the responsibilities of institutions and individuals to keep children safe in schools.

School registration

Schools providing primary or secondary education must be registered with a state or territory school registration authority.[161] In some jurisdictions the same authority registers both government and non-government schools; other jurisdictions have separate registration processes.[162] A school may have to meet certain requirements before it is registered. These requirements vary by jurisdiction, school sector and school type. In some jurisdictions the same registration requirements apply to government and non-government schools.[163] The registration process helps to ensure that minimum standards for curriculum and operations, including keeping children safe in schools, are met.

Government schools are established by statute and operated under the authority of the state or territory minister of education. The state or territory education department administers the management of government schools, which could include approving a school board, investigating complaints and inspecting school premises. Policies and procedures on child protection, as well as some training resources, inform government schools, principals and teachers in all states and territories. In some jurisdictions, quality assurance of government schools is performed by a school registration body that is independent from the state or territory education department.[164]

Non-government schools in all jurisdictions have to follow rules about incorporation, financial viability, proposed curriculum and staff qualifications. Except in Tasmania, registered non-government schools must have policies and procedures for student safety.[165] Not all jurisdictions have registration standards for non-government schools that are specifically related to child protection and child sexual abuse. Where they do exist, some directly address sexual abuse and provide detailed guidance (such as Queensland and Western Australia),[166] whereas others are broad and not particularly instructive.[167] For example, the Australian Capital Territory refers only to the requirement for a registered non-government school to have policies on the 'safety and welfare of its students',[168] and in the Northern Territory, a school must have 'adequate safeguards for the health, safety and wellbeing of its staff and students'.[169] Although not a requirement of registration, non-government schools in all states and territories can receive policy guidance, including on child protection, from peak bodies such as Catholic education commissions and Independent schools associations, and sometimes by a Catholic education office.

Registration requirements for boarding schools also differ across jurisdictions. Victoria, Tasmania and the Australian Capital Territory have no specific regulatory requirements for boarding schools beyond the general registration requirements for other schools. Some jurisdictions have additional conditions for the registration of schools with boarding facilities. In Queensland, an application to accredit a non-government school must include whether or not it has boarding facilities.[170] South Australia and the Northern Territory require government boarding schools to comply with the voluntary national standard AS 5725-2015 *Boarding standard for Australian schools and residences*.[171] New South Wales amended the *Education Act 1990* (NSW) in 2005 to require non-government schools that provide boarding facilities to have policies and procedures that are 'satisfactory to ensure the safety and welfare of boarders'.[172]

Western Australia has a specific standard for non-government boarding schools. The standard states that 'the accommodation arrangements enable the provision of a child-safe environment'.[173] Western Australia provides a model for assisting schools in its 2017 *Guide to the registration standards and other requirements for non-government schools*.[174] The guide stipulates that the Western Australian regulator may request a boarding facility to provide 'the policies and procedures for the welfare, safety and care of boarding students'.[175] The guide states that:

> policies and procedures should be benchmarked against contemporary best practice in protecting the safety and wellbeing of students in boarding facilities, as determined by a peak body, such as the *Boarding standard for Australian schools and residences* [AS 5725-2015], published in July 2015.[176]

The guide includes a code of conduct for students and advice on effective communication with the parents and guardians of boarders.[177] These reflect the industry boarding standard, which sets out principles to ensure the protection, safety, health and wellbeing of boarders, as well as effective communication with parents during vulnerable periods.[178]

The disparate regulation of schools across jurisdictions[179] means that the registration process affords children inconsistent protection. The level of child safety should not depend on the state or territory in which the child attends school; it should be at a consistently high level across the country.

Teacher registration

All teachers must register with the statutory registering authority in their state or territory.[180] This helps ensure the safety of children in schools. To be registered, a teacher must:

- satisfy certain requirements, for instance related to qualifications and professional learning[181]
- meet the Australian Professional Standards for Teachers, including that teachers 'maintain student safety'[182]
- pass a criminal history check[183] and in some jurisdictions, also hold a current WWCC or a Working with Vulnerable People Check[184]
- comply with relevant codes of conduct on professional and ethical standards (although these codes are largely silent on teachers' responsibilities for child protection).[185]

Teacher registration requirements vary considerably between jurisdictions. This means children in different schools receive different levels of protection against sexual abuse. Education departments provide policies, procedures and training for government teachers in all jurisdictions, and sector-specific policies apply to non-government teachers in Australia.[186] However, for the teaching profession, there is no national standardisation of training on child

sexual abuse and its prevention. Further, professional registration requirements are largely silent on the child protection training that teachers must undertake. Only South Australia expressly requires applicant teachers to have completed a training course in mandatory reporting of child abuse and neglect before being registered.[187] Similarly, although policies and guidance may be offered by teacher registration authorities, there is no ongoing requirement for teachers to undertake training related to child sexual abuse and its prevention other than in Victoria and South Australia.[188]

Registration authorities in each state and territory maintain a register of teachers and may impose sanctions or withdraw a teacher's registration where they fail to meet the required standards.[189]

Teacher registers must contain details of any suspension or cancellation, although access to this information also varies across jurisdictions. For example:

- in Victoria, the register is accessible by the public[190] and information about disciplinary decisions is also published on the Victorian Institute of Teaching website[191]
- in Queensland, the public may access certain register information, including whether a teacher's registration was cancelled on disciplinary grounds[192]
- in the Australian Capital Territory, information in the register must be made available to a teacher's (prospective) employer on request, but not the grounds for suspension or cancellation.[193]

Volume 8, *Recordkeeping and information sharing* discusses the importance of strengthening information sharing arrangements about teachers and recommends improvements that could be made to teacher registers. Volume 8 also addresses improving information sharing more generally, across a range of sectors.

School governance bodies

A school's internal governance body has a responsibility to keep children safe in the school.

There are many different internal governance models for operating schools. A common governance structure is to have a school council or board:

- The school council or board of a government school is regulated by state and territory law, and its operation is informed by its own constitution. South Australia, Western Australia, Tasmania, the Australian Capital Territory and the Northern Territory require every government school to establish a school board.[194] In other states, school councils or boards are not required but may be established, with varying degrees of influence and legal accountability.[195]

- The school council or board of a non-government school is regulated by state and territory law, or Commonwealth law if incorporated under the *Corporations Act 2001* (Cth). Councils or boards may also have other channels of accountability if they are part of a Catholic schooling system or affiliated with a religious order. The degree of influence of any auspicing bodies on the management and operation of schools differs depending on the type of arrangement in place for the school. Some non-government schools are established and governed by statute, which may include reporting annually to parliament.[196]

The role of school councils or boards is generally to establish the strategic direction of the school,[197] monitor and review school performance, and report on the school's management and operation to the relevant government education authority.[198] Another central role is to ensure effective policies and practices are in place to fulfil the council's or board's legal obligations, including protecting children at school. Boards might ensure school principals are committed to child safety, invite student representatives to board meetings, and engage with parents and the community about issues of safety, bullying and identifying child abuse.

Chapter 5 outlines recommendations for schools and their leaders on creating child safe schools through good governance arrangements.

Child safe standards

Victoria, Queensland and South Australia have implemented mandatory child safe approaches that generally apply to all organisations providing services for children, including in schools.

In Victoria, schools must comply with seven child safe standards, and three principles that draw attention to the safety of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse communities. The standards include strategies to embed an organisational culture of child safety, including through effective leadership arrangements; identify and reduce or remove risks of child abuse; and promote the participation and empowerment of children.[199]

In Queensland, as part of the Working With Children Checks (WWCC) scheme, schools must have risk management strategies in place. These include a commitment to child safety, a code of conduct, and human resource management practices.[200]

In South Australia, schools must establish codes of conduct and meet seven child safe standards. Institutions must lodge a compliance statement with the Department of Education and Child Development.[201] The child safe standards include a clear and accessible child safe policy, codes of conduct for adults and children, and appropriate reporting and response mechanisms for suspected incidents of abuse and neglect.[202]

Further discussion of child safe standards is provided in Volume 6, *Making institutions child safe*.

Working With Children Checks

Each state and territory has its own scheme for conducting background checks on people seeking to engage in child-related work.

Commonly known as WWCCs, these schemes aim to ensure that appropriate people are chosen to work or volunteer with children.[203] They aim to do this by preventing people from working or volunteering with children if records indicate that they may pose an unacceptable risk to children.

Each state and territory has its own WWCC scheme, and each of the eight schemes operates independently of the others. In our *Working With Children Checks* report (2015), we found that these schemes are inconsistent and complex, and there is unnecessary duplication across them. There is no integration of the schemes, and there is inadequate information sharing and monitoring of WWCC cardholders.[204]

These issues create a number of weaknesses. Each scheme uses a different definition for who needs a check, which means that a person engaging in the same type of work might require a WWCC in one jurisdiction but not in another.[205] In relation to schools, teachers or non-teaching school staff may require a WWCC in one jurisdiction but not in another; however, all states and territories require teachers to have passed a criminal history check as a condition of registration.[206]

Obligatory reporting to external authorities

In each state and territory, certain individuals and institutions are legally obliged to report suspicions, risks and instances of child abuse and neglect, including child sexual abuse, to the police, child protection authorities or oversight agencies. This type of reporting is known as 'obligatory reporting'. The aim of obligatory reporting is to detect, stop and prevent child abuse and neglect by requiring certain individuals and institutions to report to an external authority.[207] Exactly what reporting is required depends on the type of obligatory reporting and varies between states and territories. Obligatory reporting generally applies to a range of types of abuse and neglect of children, including child sexual abuse.

The main types of obligatory reporting relevant to the schools context are discussed below. They are:

- mandatory reporting to child protection authorities
- 'failure to report' offences
- reportable conduct schemes.

Where an institution or an individual associated with an institution does not have any legal reporting obligations, they can make a voluntary report of institutional child sexual abuse to appropriate authorities.[208] In most jurisdictions, the appropriate authorities are the police or the child protection authority. The right to make a voluntary report of child sexual abuse exists whether or not it is enshrined in legislation.

Reporting of institutional child sexual abuse to external authorities is discussed in Volume 7, *Improving institutional responding and reporting*.

Mandatory reporting to child protection authorities

Mandatory reporting laws require certain individuals to report suspected cases of child abuse and neglect, including child sexual abuse, to a nominated government department or agency. This is typically the lead department or agency responsible for child protection.[209] On receiving a mandatory report, the nominated department or agency may assess the report, investigate the risk of harm (usually in collaboration with the police if sexual offences are suspected) and take steps to protect the safety and wellbeing of any affected children.[210]

Mandatory reporting laws have common features but also differences between jurisdictions, including who must report abuse or neglect. Teachers are mandatory reporters in every state and territory.[211] This reflects the important role that teachers play in detecting and receiving disclosures of both familial and institutional child sexual abuse. Non-teaching staff may or may not be included in mandatory reporting schemes. For example, Victoria and Queensland do not include non-teaching staff, the Australian Capital Territory includes paid teachers' aides and school counsellors,[212] and New South Wales includes managers and paid employees who deliver education services, wholly or partly, to children.[213]

Although the responsibility to report under mandatory reporting laws is placed on an individual, we heard that in the schools sector, teachers often discharge their mandatory reporting obligation by making a complaint to their school principal or another senior staff member, who then reports to the child protection authority.[214] However, teachers can always report directly to the child protection authority. This is important when teachers do not feel comfortable making a complaint of child sexual abuse to their school principal or another senior staff member, for example where the subject of the complaint is the school principal.

Chapter 4 discusses failures of schools to keep children safe through mandatory reporting. Chapter 5 discusses our recommendations for mandatory reporting laws, as they apply in schools. Volume 7, *Improving institutional responding and reporting,* discusses mandatory reporting laws.

'Failure to report' offences

'Failure to report' offences impose criminal liability on third parties – that is, persons other than the perpetrator of the child sexual abuse – who know or believe that child sexual abuse has taken place but fail to report this abuse to the police. These third parties must report abuse to the police to avoid committing a 'failure to report' offence.

New South Wales and Victoria have enacted 'failure to report' offences that may apply to school personnel. In New South Wales, if a serious indictable offence has been committed, section 316(1) of the *Crimes Act 1900* (NSW) makes it an offence for an individual who knows or believes that the offence has been committed and that he or she has information that 'might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender' to fail to report that information to the police or other appropriate authority, without a reasonable excuse.[215] In Victoria, section 327(2) of the *Crimes Act 1958* (Vic) requires an adult who has information that leads them to form a reasonable belief that a sexual offence has been committed in the state against a child under the age of 16 by another adult to report that information to a police officer as soon as it is practicable to do so, unless they have a reasonable excuse for not doing so.[216]

'Failure to report' offences are discussed in our *Criminal justice* report (2017).[217] We recommend a new 'failure to report' offence targeted at child sexual abuse in an institutional context, as discussed in Chapter 5 (see Recommendation 33 in Appendix A).

Reportable conduct schemes

Reportable conduct schemes oblige heads of certain institutions, including school principals, to notify an oversight body of any reportable allegation, conduct or conviction involving any of the institution's employees. These schemes are further described below, in relation to oversight of institutional responses to complaints.

Other reporting obligations

Other reporting obligations may require a school to report child sexual abuse to a state or territory department of education or other education sector regulator, or a party to whom a school has contractual or other reporting obligations.

Oversight of institutional responses to complaints

In the context of institutional responses to child sexual abuse, oversight is where an independent body, such as an ombudsman's office or an industry regulator, monitors and scrutinises how an institution handles a complaint of child sexual abuse.

Oversight is important in addressing problems that arise in the way schools handle complaints about child sexual abuse. Oversight can help institutions better identify and manage risks to children. It can also improve institutions' competency, transparency and accountability in complaint handling, and help create a consistent standard of practice across sectors.

In Australia, the only model for independent oversight of institutional responses to complaints of child abuse and neglect across multiple sectors is known as a reportable conduct scheme. Such schemes oblige heads of certain institutions to notify an oversight body of any reportable allegation, conduct or conviction involving any of the institution's employees. The schemes also oblige the oversight body to monitor institutions' investigation and handling of allegations. Under existing reportable conduct legislation, reportable conduct includes both sexual offences and 'sexual misconduct'.[218]

The only reportable conduct scheme in full operation during the period of this inquiry was in New South Wales. In July 2017, schemes began in Victoria and the Australian Capital Territory.

These schemes cover both government and non-government schools. The New South Wales legislation covers 'the Department of Education (including a government school)', 'a non-government school within the meaning of the *Education Act 1990*'[219] and the TAFE Commission.[220] The Victorian legislation covers registered schools, organisations accredited or registered to provide senior secondary education or training, approved providers of courses for overseas students and approved student exchange programs.[221] The Australian Capital Territory legislation covers 'a government school or a non-government school'.[222]

Chapter 4 discusses issues relating to how schools have handled child sexual abuse complaints. Chapter 5 discusses the need for schools to be covered by nationally consistent oversight of institutional complaint handling. Volume 7, *Improving institutional responding and reporting,* discusses the oversight of institutional complaint handling.

Civil liability

In some circumstances, an institution may be liable for failing to keep children safe, including from sexual abuse. We discuss this in more detail in our *Redress and civil litigation* report (2015).[223]

Endnotes

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11 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp 22–3.
12 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 31.
13 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp 35, 59.
14 C Campbell, 'Public and private in Australian schooling', *Dictionary of Educational History in Australia and New Zealand*, 2014, www.dehanz.net.au/entries/public-private-australian-schooling/ (viewed 20 January 2016).
15 The first secular school system was established in South Australia in 1851, followed by Tasmania (1854), Victoria (1873), Queensland (1880) NSW (1882) and WA (1895). C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp 74, 79–80; I Wilkinson, 'State aid to non-government schools', *Dictionary of Educational History in Australia and New Zealand*, 2013, www.dehanz.net.au/entries/state-aid-non-government-schools-2/ (viewed 20 January 2016).
16 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 85; B Kerr, *The congregational school: Its history and significance in Catholic education in NSW and Australia,* Conference of Leaders of Religious Institutes in NSW, Croydon Park, 2009, pp 10–11; National Catholic Education Commission, *Report of the working party on Catholic school enrolment trends 1985-2010,* National Catholic Education Commission, Sydney, 2001, p 17.
17 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp 64–5.
18 C Campbell, 'Public and private in Australian schooling', *Dictionary of Educational History in Australia and New Zealand*, 2014, www.dehanz.net.au/entries/public-private-australian-schooling/ (viewed 20 January 2016).
19 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the national inquiry into the separation of Aboriginal and Torres Strait Islander children for their families*, Commonwealth of Australia, Sydney, 1997, pp 599–648. In 1837, a British Parliamentary Select Committee on Aboriginal Tribes presented a report to the House of Commons, which noted that Europeans had entered the lands of indigenous peoples on the assumption that they did not have the 'incontrovertible right to their own soil' and even punished indigenous populations if they displayed a desire to live on their own lands. Legislation was enacted in each jurisdiction for the placement and control of Aboriginal and Torres Strait Islander peoples. For example, the *Aborigines Protection Act 1869* (Vic) established an Aborigines Protection Board in Victoria; The *Aboriginal Protection and Restriction of the Sale of Opium Act 1897* (Qld) allowed the Chief Protector to remove local Aboriginal people onto and between reserves, and hold children in dormitories; The *Aborigines Act 1905* (WA) made the Chief Protector the legal guardian of every Aboriginal and 'half caste' child under 16 years old. The *Aborigines Protection Act 1909* (NSW) established the state's duty for the custody, maintenance and education of the children of 'aborigines' for New South Wales and was applied in the Australian Capital Territory. Subsequently in the ACT, the Minister had general supervision and care over all 'aborigines' under the *Aborigines Welfare Ordinance 1954* (Cth). The *Aboriginals Ordinance 1911* (NT) placed Aborigines in the Northern Territory under the direction of a Protector, and the *Aborigines Act 1911* (SA) similarly provided for the 'protection' of Aboriginal people, as did the *Cape Barren Island Reserve Act 1912* (Tas).
20 P Anderson, M Bamblett, D Bessarab, L Bromfield, S Chan, G Maddock, K Menzies, M O'Connell, G Pearson, R Walker & M Wright, *Aboriginal and Torres Strait Islander children and child sexual abuse in institutional contexts,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 13.
21 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp 53–6.
22 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp 53–6.
23 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the national inquiry into the separation of Aboriginal and Torres Strait Islander children for their families*, Commonwealth of Australia, Sydney, 1997, pp 170–1.
24 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 96; G Llewellyn, S Wayland & G Hindmarsh, *Disability and child sexual abuse in institutional contexts: A discussion paper,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, pp 13, 15.

25 G Llewellyn, S Wayland & G Hindmarsh, *Disability and child sexual abuse in institutional contexts: A discussion paper,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, pp 13, 15.
26 C Campbell, 'Free, compulsory and secular education acts', *Dictionary of Educational History in Australia and New Zealand*, 2014, www.dehanz.net.au/entries/free-compulsory-secular-education-acts/ (viewed 20 January 2016). In practice, fees were charged into the early 20th century in some states, and compulsory attendance was not strictly enforced. In addition, all colonies except Victoria mandated that a set period of time be set aside for religious instruction in the non-denominational 'secular' government schools; C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 80.
27 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 67.
28 A common method of exclusion involved claiming that the children did not meet legally required standards of cleanliness, appropriate clothing, and courteous behaviour. Children could also be removed from a school if a white parent complained of their presence. C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp 71–2.
29 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp 71–2.
30 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp 60, 88–9.
31 R Fogarty, *Catholic education in Australia 1806–1950*, Volume 2, Melbourne University Press, Melbourne, 1959, pp 259, 279–281, 306.
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33 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 122.
34 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 123.
35 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp 138–9.
36 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 153.
37 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp 164–5; C Campbell, 'Public and private in Australian schooling', *Dictionary of Educational History in Australia and New Zealand*, 2014, www.dehanz.net.au/entries/public-private-australian-schooling/ (viewed 20 January 2016).
38 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 165.
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40 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 163.
41 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 163.
42 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp 163–4.
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44 G Llewellyn, S Wayland & G Hindmarsh, *Disability and child sexual abuse in institutional contexts: A discussion paper,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, pp 15–16.
45 Department of the Prime Minister and Cabinet, *Reform of the Federation White Paper: Roles and responsibilities in education,* Department of the Prime Minister and Cabinet, Canberra, 2014, p 20; C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 179.
46 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 203.
47 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 203.
48 C Bourke & E Bourke, *Aboriginal Australia*, University of Queensland Press, Queensland, 1994, pp 212–36.
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50 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 241.
51 M Harrington, *Australian Government funding for schools explained,* Department of Parliamentary Services, Canberra, 2011, p 3; Department of the Prime Minister and Cabinet, *Reform of the Federation White Paper: Roles and responsibilities in education,* Department of the Prime Minister and Cabinet, Canberra, 2014, p 20.
52 Department of the Prime Minister and Cabinet, *Reform of the Federation White Paper: Roles and responsibilities in education,* Department of the Prime Minister and Cabinet, Canberra, 2014, p 20; M Harrington, *Australian Government funding for schools explained,* Department of Parliamentary Services, Canberra, 2011, p 3.
53 Department of the Prime Minister and Cabinet, *Reform of the Federation White Paper: Roles and responsibilities in education,* Department of the Prime Minister and Cabinet, Canberra, 2014, p 21.
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56 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp 214–5.
57 Department of the Prime Minister and Cabinet, *Reform of the Federation White Paper: Roles and responsibilities in education,* Department of the Prime Minister and Cabinet, Canberra, 2014, p 21; C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp 230–1.
58 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p 261; L Connors & J McMorrow, *Imperatives in schools funding: Equity, sustainability and achievement,* Australian Council for Educational Research, Melbourne, 2015, pp 25, 27.

59 L Connors & J McMorrow, *Imperatives in schools funding: Equity, sustainability and achievement,* Australian Council for Educational Research, Melbourne, 2015, p 27.

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61 G Llewellyn, S Wayland & G Hindmarsh, *Disability and child sexual abuse in institutional contexts: A discussion paper,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 23.

62 G Llewellyn, S Wayland & G Hindmarsh, *Disability and child sexual abuse in institutional contexts: A discussion paper,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, pp 23–4.

63 G Llewellyn, S Wayland & G Hindmarsh, *Disability and child sexual abuse in institutional contexts: A discussion paper,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 23.

64 D Gonski, K Boston, K Greiner, C Lawrence, B Scales & P Tannock, *Review of funding for schooling: Final report,* Department of Education, Employment and Workplace Relations, Canberra, 2011, p 3.

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67 Australian Bureau of Statistics, *4221.0 - Schools, Australia, 2016*, Australian Bureau of Statistics, Canberra, 2017.

68 Australian Bureau of Statistics, *4221.0 - Schools, Australia, 2016*, Australian Bureau of Statistics, Canberra, 2017.

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71 For more information, see: *Australian Education Act 2013* (Cth); D Gonski, K Boston, K Greiner, C Lawrence, B Scales & P Tannock, *Review of funding for schooling: Final report,* Department of Education, Employment and Workplace Relations, Canberra, 2011, p 45.

72 D Gonski, K Boston, K Greiner, C Lawrence, B Scales & P Tannock, *Review of funding for schooling: Final report,* Department of Education, Employment and Workplace Relations, Canberra, 2011, p 5; Department of the Prime Minister and Cabinet, *Reform of the Federation White Paper: Roles and responsibilities in education,* Department of the Prime Minister and Cabinet, Canberra, 2014, p 19. Note that some schools may request voluntary financial contributions, but students are not charged any formal attendance fee.

73 Department of the Prime Minister and Cabinet, *Reform of the Federation White Paper: Roles and responsibilities in education,* Department of the Prime Minister and Cabinet, Canberra, 2014, p 34.

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75 *Education Act 2004* (ACT); *Education Act 1990* (NSW); *Education Act 2016* (NT); *Education (General Provisions) Act 2006* (Qld); *Education Act 1972* (SA); *Education and Training Reform Act 2006* (Vic); *School Education Act 1999* (WA).

76 B Mathews, *Oversight and regulatory mechanisms aimed at protecting children from sexual abuse: Understanding current evidence of efficacy,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 76.

77 B Mathews, *Oversight and regulatory mechanisms aimed at protecting children from sexual abuse: Understanding current evidence of efficacy,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 76.

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79 National Catholic Education Committee, *Australian Catholic schools 2013,* National Catholic Education Commission, Sydney, 2013, p 90.

80 For more information, see: D Gonski, K Boston, K Greiner, C Lawrence, B Scales & P Tannock, *Review of funding for schooling: Final report,* Department of Education, Employment and Workplace Relations, Canberra, 2011, pp 6–7.

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83 National Catholic Education Commission, *Role and history*, 2016, www.ncec.catholic.edu.au/about-ncec/role-history (viewed on 29 August 2017); Catholic Education Commission NSW, *About CEC*, 2016, www.cecnsw.catholic.edu.au/dbpage.php?pg=about&_navlink=2 (viewed 29 August 2017).

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87 B Kerr, *The congregational school: Its history and significance in Catholic education in NSW and Australia,* Conference of Leaders of Religious Institutes in NSW, Croydon Park, 2009, pp 25–6.

88 B Kerr, *The congregational school: Its history and significance in Catholic education in NSW and Australia,* Conference of Leaders of Religious Institutes in NSW, Croydon Park, 2009, pp 6, 24.

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91 D Gonski, K Boston, K Greiner, C Lawrence, B Scales & P Tannock, *Review of funding for schooling: Final report,* Department of Education, Employment and Workplace Relations, Canberra, 2011, p 7.

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103 Department of the Prime Minister and Cabinet, *Reform of the Federation White Paper: Roles and responsibilities in education,* Department of the Prime Minister and Cabinet, Canberra, 2014, p 24.

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107 D Gonski, K Boston, K Greiner, C Lawrence, B Scales & P Tannock, *Review of funding for schooling: Final report,* Department of Education, Employment and Workplace Relations, Canberra, 2011, p 38.

108 *Australian Education Act 2013* (Cth) s 4; *Australian Education Regulation Act 2013* (Cth) s 5.

109 *Australian Education Act 2013* (Cth) s 75; *Australian Education Regulation Act 2013* (Cth) s 5.

110 *Australian Education Act 2013* (Cth) s 77.

111 *Education Act* (ACT) s 9; *Education Act* (NSW) s 21B; *Education Act* (NT) s 38; *Education (General Provisions) Act* (Qld) s 9; *Education Act* (SA) s 5; *Education Act 1994* (Tas) s 4; *Education and Training Reform Act* (Vic) s 1.1.3; *School Education Act* (WA) s 6.

112 Australian Curriculum, Assessment and Reporting Authority, *National report on schooling in Australia 2014,* Australian Curriculum Assessment and Reporting Authority, Sydney, 2016, p 83.
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114 Select Committee on Home Schooling, *Home schooling in New South Wales,* New South Wales Parliament, Sydney, 2014, p 17. The Committee heard evidence that accurate numbers are difficult to gauge as large numbers of home schooled children are not registered with their state or territory authorities.
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120 Exhibit 51-019, 'Royal Commission request for information - Schools data', Case Study 51, CTH.0024.001.0001.
121 Overall, more Aboriginal students boarded at Independent schools (2146) than at Catholic schools (1445). However, Aboriginal students only accounted for 15 per cent of boarders at Independent schools, compared to 24 per cent of boarders at Catholic schools. Exhibit 51-019, 'Royal Commission request for information - Schools data', Case Study 51, CTH.0024.001.0001.
122 Transcript of N Thompson, Case Study 45, 4 November 2016 at 22890:16–24;
Commonwealth of Australia, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 9: Addressing the risk of child sexual abuse in primary and secondary schools*, 2015, p 6;
Australian Government, Department of Prime Minister and Cabinet, *Closing the Gap – Prime Ministers report 2017*, Commonwealth of Australia, Canberra, 2017, p 43.
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124 Australian Bureau of Statistics, *4221.0 - Schools, Australia, 2016,* Australian Bureau of Statistics, Canberra, 2017. Percentages may not add to 100 due to rounding.
125 Exhibit 51-019, 'Royal Commission request for information - Schools data', Case Study 51, CTH.0024.001.0001.
126 Exhibit 51-019, 'Royal Commission request for information - Schools data', Case Study 51, CTH.0024.001.0001.
127 Exhibit 51-019, 'Royal Commission request for information - Schools data', Case Study 51, CTH.0024.001.0001.
128 Exhibit 51-019, 'Royal Commission request for information - Schools data', Case Study 51, CTH.0024.001.0001. Percentages may not sum to 100 due to rounding. Data includes students on single sex campuses of schools that may technically enroll both sexes.
129 Exhibit 51-019, 'Royal Commission request for information - Schools data', Case Study 51, CTH.0024.001.0001.
130 Australian Bureau of Statistics, *4221.0 - Schools, Australia, 2016,* Australian Bureau of Statistics, Canberra, 2017.
131 Australian Bureau of Statistics, *4221.0 - Schools, Australia, 2016,* Australian Bureau of Statistics, Canberra, 2017.
132 G Llewellyn, S Wayland & G Hindmarsh, *Disability and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 23.
133 G Llewellyn, S Wayland & G Hindmarsh, *Disability and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 9.
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135 Australian Bureau of Statistics, *4221.0 - Schools, Australia, 2016,* Australian Bureau of Statistics, Canberra, 2017.
136 Transcript of G Llewellyn, Case Study 57, 29 March 2017 at 27634:38–47, 27635:1–7.
137 Ministerial Council on Education, Training and Youth Affairs, *Melbourne declaration on educational goals for young Australians,* Ministerial Council on Education, Employment, Training and Youth Affairs, Melbourne, 2008, pp 4–5.
138 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, pp xiii–xiv.
139 C Campbell & H Proctor, *A history of Australian schooling*, Allen and Unwin, Sydney, 2014, p xiii.
140 Ministerial Council on Education, Training and Youth Affairs, *Melbourne declaration on educational goals for young Australians,* Ministerial Council on Education, Employment, Training and Youth Affairs, Melbourne, 2008, pp 4–5.
141 Australian Curriculum Assessment and Reporting Authority, *The Australian curriculum: Health and physical education (F-10)*, Australian Curriculum Assessment and Reporting Authority, Sydney, 2014; K Walsh, L Brandon & L Kruck, *Audit of primary school-based sexual abuse prevention policy and curriculum: Volumes 1 to 5,* report prepared for Royal Commission into Institutional Responses to Child Abuse, Sydney, 2017.

142 K Walsh, L Brandon & L Kruck, *Audit of primary school-based sexual abuse prevention policy and curriculum: Volumes 1 to 5,* Royal Commission into Institutional Responses to Child Abuse, Sydney, 2017, pp 841–2.

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144 Personal communication, Expert advisor, Associate Professor K Walsh, Faculty of Education, Queensland University of Technology, to the Royal Commission into Institutional Responses to Child Sexual Abuse, 24 February 2017.

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147 Ministerial Council on Education, Training and Youth Affairs, *Melbourne declaration on educational goals for young Australians,* Ministerial Council on Education, Employment, Training and Youth Affairs, Melbourne, 2008, pp 10–11.

148 Ministerial Council on Education, Training and Youth Affairs, *Melbourne declaration on educational goals for young Australians,* Ministerial Council on Education, Employment, Training and Youth Affairs, Melbourne, 2008, pp 10–11.

149 T Moore, M McArthur, J Heerde, S Roche & P O'Leary, *Our safety counts: Children and young people's perceptions of safety and institutional responses to their safety concerns*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 50.

150 Royal Commission into Institutional Responses to Child Sexual Abuse, *Schools private roundtable*, Sydney, 2015.

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180 *Teacher Quality Institute Act 2010* (ACT) and *Teacher Quality Institute Regulation 2010* (ACT); *Teacher Accreditation Act 2004* (NSW), *Teacher Accreditation Regulation 2015* (NSW), and *Board of Studies, Teaching and Educational Standards Act 2013* (NSW); *Teacher Registration (Northern Territory) Act* (NT) and *Teacher Registration (Northern Territory) Regulations* (NT); *Education (Queensland College of Teachers) Act 2005* (Qld) and *Education (Queensland College of Teachers) Regulation 2005* (Qld); *Teachers Registration and Standards Act 2004* (SA) *and Teachers Registration and Standards Regulations 2016* (SA); *Teachers Registration Act 2000* (Tas) and *Teachers Registration Regulations 2011* (Tas); *Education and Training Reform Act 2006* (Vic) and *Education and Training Reform Regulations 2007* (Vic); *Teacher Registration Act 2012* (WA) and *Teacher Registration (General) Regulations 2012* (WA).
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184 A Working With Children Check (WWCC) is expressly required for teacher registration in NSW and a Working with Vulnerable People registration is expressly required for teacher registration in the ACT and Tas. WA implicitly requires its registered teachers to hold current WWCCs, for instance, a prospective teacher cannot meet the 'fit and proper' person test if they have a negative decision under the state's WWCC system. In Queensland, preservice teachers require Blue Cards (that state's WWCC) in order to undertake practical teaching in schools but registered teachers do not require Blue Cards. In the remaining jurisdictions, criminal history checks are preferred or the only requirement. In the NT and SA, criminal history checks are conducted. In Victoria, a WWCC is not sufficient for registration and a National Police History Check must be conducted by the teacher registration authority on behalf of the prospective teacher.
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187 B Mathews, *Oversight and regulatory mechanisms aimed at protecting children from sexual abuse: Understanding current evidence of efficacy,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 73; Teachers Registration and Standards Regulations 2016 (SA) r 6(3).

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194 *Education Act 2004* (ACT) s 38; *Education Act 1972* (SA) s 83; *Education Act 2016* (Tas) s 26; *School Education Act 1999* (WA) s 125; *Education Act* (NT) s 103.

195 For example, see *Education Act 1990* (NSW) ss 36, 114; *Education Act* (NT) ss 118–119; *Education (General Provisions) Act 2006* (Qld) ss 79, 82; Victorian State Government, *School councils*, 2017, www.education.vic.gov.au/school/principals/management/Pages/schoolcouncil.aspx (viewed 19 January 2017).

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198 For example, *Education Act 2004* (ACT) s 39(b).

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206 Where a Working With Children Check (WWCC) is not a requirement of teacher registration, other laws may require teachers to have a WWCC. For example, in NSW, under *Child Protection (Working with Children) Act 2012* (NSW) s 9, schools must not employ a teacher if it knows or has reasonable cause to believe that the teacher does not hold a WWCC.

207 B Mathews, *Mandatory reporting laws for child sexual abuse in Australia: A legislative history*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, p 28.

208 Noting that in the Northern Territory, all persons are obliged to report child sexual abuse: *Care and Protection of Children Act* (NT) s 26.

209 In every state and territory, mandatory reports can be made to the relevant child protection authority. We therefore use the term 'mandatory reporting to child protection authorities' in this chapter. We note, however, that in some jurisdictions, mandatory reports can be made to other agencies. For example, in Tasmania, a mandatory report can be made to a community-based intake service. *Children, Young Persons and Their Families Act 1997* (Tas) s 14.

210 B Mathews, *Mandatory reporting laws for child sexual abuse in Australia: A legislative history*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2014, p 39. See also: Department of Child Protection Western Australia, *After a report is made*, 2008, www.mandatoryreporting.dcp.wa.gov.au/Pages/FAQ-Afterareportismade.aspx (viewed 22 June 2017); Family and Community Services (NSW), *Reporting suspected abuse or neglect*, www.community.nsw.gov.au/preventing-child-abuse-and-neglect/reporting-suspected-abuse-or-neglect (viewed 22 June 2017); Department of Human Services (Vic), *Child Protection*, 16 September 2016, http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection (viewed 22 June 2017).
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217 Royal Commission into Institutional Responses to Child Sexual Abuse, *Criminal justice report,* Sydney, 2017.
218 *Ombudsman Act 1974* (NSW) s 25A; *Child Wellbeing and Safety Act 2005* (Vic) s 3(1); *Ombudsman Act 1989* (ACT) s 17E.
219 *Ombudsman Act 1974* (NSW) s 25A(1).
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3 Child sexual abuse in schools

3.1 Overview

This chapter describes what we learned about the sexual abuse of children in Australian schools. Building on the discussions in Volume 2, *Nature and cause* and Volume 3, *Impacts,* the chapter assesses the frequency and distribution of child sexual abuse in schools based on the information we gathered in private and public sessions as well as from research. It discusses:

- the nature and extent of child sexual abuse in schools
- who we heard about – the victims, adult perpetrators and children with harmful sexual behaviours
- places in schools where children have been abused
- the impacts of school-based sexual abuse on the lives of children.

3.2 Nature and extent of child sexual abuse in schools

This chapter primarily presents information we gathered about the experiences of 2,186 survivors of child sexual abuse in schools. These survivors either attended a private session or were represented at a private session by family members or friends. Information about perpetrators has been drawn from details provided to us by survivors or their representatives at these private sessions. We also draw on information from our public hearings as part of case studies. Research that we commissioned, along with research from other available sources, provides further context.

The nature of child sexual abuse in all institutional contexts is discussed in Volume 2, *Nature and cause*.

3.2.1 Extent of child sexual abuse

Between May 2013 and May 2017, 6,875 survivors and/or their family and friends attended private sessions to share their experiences of child sexual abuse in Australian institutions. Almost one in three of all survivors we heard about in private sessions (2,186 or 31.8 per cent) told us they were sexually abused in a school as a child. Of these:

- three-quarters (75.9 per cent) said they were abused in non-government schools, of which:
    - 73.8 per cent identified a Catholic school
    - 26.4 per cent identified an Independent school

- one-quarter (24.9 per cent) said they were abused in government schools
- almost three-quarters (71.8 per cent) said they were abused in a religious school, while 4.1 per cent said they were abused in a secular non-government school
- almost one in three (30.4 per cent) said they were abused in a boarding school setting, of which:
    - 96.8 per cent told us it was a non-government boarding school. Of these, 57.0 per cent identified a Catholic school and 43.2 per cent identified an Independent school
    - 3.2 per cent said they were abused in a government boarding school.

It should be noted that these proportions do not add up to 100 per cent as some survivors told us about abuse that occurred in more than one school.

Many more survivors from non-government schools than government schools came forward to the Royal Commission. These numbers differ from police data from New South Wales and South Australia. The police data shows that most reports made between 2008 and 2013 of child sexual abuse that occurred in school settings was alleged to have occurred in a government school.[1] It is possible that this reflects higher rates of reporting of sexual abuse that occurs in government schools. For a more detailed discussion, see Volume 2, *Nature and cause*.

In private sessions, survivors disclosed abuse that occurred in 1,069 different schools, of which more than half (55.8 per cent) were non-government schools, while the remainder (44.2 per cent) were government schools.

Child sexual abuse in non-government schools

We heard of many instances of abuse 'clusters' in non-government schools, where a perpetrator or perpetrators would abuse multiple students over a period of time. These 'clusters' and the disproportionately high number of survivors we heard from led us to focus many of our case studies on non-government schools.

For example, in *Case Study 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school (The Hutchins School)* we heard of multiple alleged perpetrators of child sexual abuse at The Hutchins School between 1963 and 1970. These alleged perpetrators included the then headmaster of the school and three teachers whom he had appointed. All three teachers either were dismissed or left the school during this period in response to allegations of child sexual abuse against students.[2]

The Hutchins School

Mr David Lawrence, while headmaster of The Hutchins School, allegedly groomed and sexually abused a student, 'AOA', while providing private one-on-one tutoring sessions.[3] Similarly, Mr Lyndon Alfred Hickman, a teacher appointed by Mr Lawrence in 1963, allegedly groomed his students before sexually abusing them.[4] We were told that Mr Hickman had previously worked at the school during the 1940s and 1950s, but had been dismissed at that time for misconduct and 'paedophilia'.[5] We heard that in 1964 a second teacher, Mr Spencer George, had been dismissed for 'paedophilia' and had been found 'committing an act of buggery' on a student.[6] In 1965, after a third teacher, 'AOC', left the school, rumours circulated among the staff about the reason that AOC had been dismissed. Another teacher, Mr Ayling, who was not a perpetrator, was asked to take over both Mr George's and AOC's classes.[7] Mr Ayling told us that when he first took over AOC's science class, a student read aloud the last notes that AOC had given them. These notes were specifically oriented towards male genitalia and their function, and included graphic details about sexual intercourse and masturbation. These subjects were not part of the syllabus.[8]

We also observed particular institutional factors in non-government schools, especially in boarding schools and boys' schools, that could increase the risk of child sexual abuse, and prevent disclosure and appropriate responses. Cultural factors include concern for a school's reputation and financial interests, hyper-masculine and hierarchical cultures, a sense of being part of a superior and privileged institution, the unquestioning selection of ex-students for employment, and long-serving principals in governance structures with little or no accountability in the area of student wellbeing and safety. These issues are discussed further in Chapter 4.

Non-government schools are also more likely than government schools to be boarding schools. Almost one-third (30.4 per cent) of the survivors who told us about child sexual abuse in a school said that the abuse occurred in a boarding school, despite less than 1 per cent of Australian school students being boarders.[9] Readers should exercise caution when considering these numbers as much of the abuse that we heard about at the Royal Commission occurred in historical institutions (before 1990), while the school population estimate is contemporary. However, this still represents a disproportionately large number of accounts of abuse in boarding schools compared to day schools.

Research we commissioned into degrees of risk of child sexual abuse in different institutions assessed the combined risks of child sexual abuse occurring in boys' boarding schools and boarding houses as being very high.[10] This related to a combination of 'vulnerability risks', which come from the characteristics of the children being cared for, and 'situational risks', which come from the opportunities for abuse that the environment offers.[11]

Residential institutions including boarding schools allow repeated opportunities for adults to be alone with children and develop close personal relationships. Additional situational risk is associated with adults involved in children's personal care, for example bathing or dressing, where professional boundaries can be crossed.[12] The situational risk of abuse involving children with harmful sexual behaviours was also assessed as being particularly high in boarding school environments.[13] Children of different ages spend substantial time together, often with the opportunity to be alone with another child or children unsupervised, and with limited access to parents for protection.[14]

The commissioned research suggests that these risks appear to be further elevated in those boarding schools where staff and children are co-resident, where there is a strong hierarchy of authority and a strong sense of allegiance to the good name of the school, and where child protection policies are opaque.[15]

Non-government schools are more likely than government schools to be boys' schools. Our research found that compared to other types of schools, boys' schools have a greater 'propensity risk'. This refers to the risk arising from an above-average clustering of those with a propensity to abuse children and young people.[16] These schools tend to employ higher numbers of male staff than other schools. Perpetrators who target boys outside a family context often have more victims than perpetrators who target girls.[17] As discussed in Section 3.3.3, we heard about more boys with harmful sexual behaviours than girls.

Our research found that these risks combine to create high risk situations in boys' boarding schools with poor institutional cultures such as strong hierarchies and allegience to the institution.[18] We also heard of many instances of abuse in religious schools or by people in religious ministry in a school setting. A discussion of child sexual abuse in religious schools can be found in Volume 16, *Religious institutions*.

Other information

Catholic Church claims data collected by the Royal Commission[19] shows that more claims about child sexual abuse were alleged to have occurred in a school than in any other institution type. These claims accounted for 46 per cent of all the claims of child sexual abuse received by Catholic Church authorities in Australia between 1 January 1980 and 28 February 2015.[20] The alleged incident dates identified in these claims span from the 1920s to the 2010s.[21] Data collected from Anglican Church authorities reveals that 22 per cent of all complaints of child sexual abuse received by Anglican dioceses during a similar period involved abuse alleged to have occurred in a school.[22] However, not all Anglican dioceses require that associated institutions report complaints of child sexual abuse to diocesan authorities. In the Anglican Diocese of Brisbane, where the diocese does require associated institutions to report complaints of child sexual abuse to diocesan authorities, 47 per cent of all complaints involved abuse alleged to have occurred in a school,[23] similar to the rate of claims reported by Catholic Church authorities.

Our private sessions information and the data collected from Catholic Church authorities and Anglican Church dioceses together show that a great number of people have alleged that they were sexually abused as a child in a school setting. However, we are unable to estimate the prevalence or incidence of child sexual abuse in these settings. This is due to the paucity of research examining the extent of child sexual abuse in schools, the limitations of the available research (for instance, studies often focused solely on adult perpetrators, with many examining only abuse by teachers), and the differences in data collected (for instance, due to the use of different definitions of sexual abuse or misconduct, or methodologies).[24] As a result, estimates of prevalence and incidence often vary considerably (see Volume 2, *Nature and cause* for an explanation of prevalence and incidence).

A 2004 review of research conducted in the United States found that estimates of the proportion of US students subject to sexual misconduct by school staff varied considerably – from 3.7 per cent to 50.3 per cent[25] – largely according to the study methodology. The review employed a broad definition of 'sexual misconduct' that could include forms of abuse that might not be included in other studies, including grooming students, showing them sexual material, or making sexual comments to them.[26] The review concluded that the most accurate estimate available was that just under 10 per cent of students had experienced sexual misconduct by a school staff member.[27]

We are not aware of a comparable body of research into child sexual abuse in Australian schools. However, commissioned research contains some limited data on allegations of child sexual abuse reported between 2008 and 2013, drawn from police and government education departments in multiple states and territories.[28] The police data indicated that schools may account for a large proportion of the allegations of institutional child sexual abuse in each state and territory.

Table 13.5 provides an overview of the data available from some state and territory government education departments regarding allegations of child sexual abuse in government schools. South Australia and the Australian Capital Territory recorded allegations of abuse by both adult perpetrators and children with harmful sexual behaviours,[29] New South Wales and Queensland reported only abuse by adult perpetrators,[30] and Victoria reported only abuse by children with harmful sexual behaviours.[31] No data was available from government education departments in Western Australia, Tasmania or the Northern Territory,[32] and no data was available from any education department regarding allegations of child sexual abuse in non-government schools.[33]

Table 13.5 – Child sexual abuse allegations in government schools reported to state or territory education departments, 2008–13

State/ territory	Total number of allegations	Average number of allegations per year	Allegations against employee	Allegations against child
NSW	594	119	594	N/A
Vic	873	175	N/A	873
Qld	255	51	255	N/A
SA	433	87	39	394
WA	N/A	N/A	N/A	N/A
Tas	N/A	N/A	N/A	N/A
ACT	9	2	7	2
NT	N/A	N/A	N/A	N/A

Notes: N/A = data not available. Each jurisdiction used a different definition of a child sexual abuse allegation, and some jurisdictions only captured allegations against adults or against children.

Source: Data collated from L Bromfield, C Hirte, O Octoman & I Katz, *Child sexual abuse in Australian institutional contexts 2008–13: Findings from administrative data*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017.

Under the New South Wales reportable conduct scheme, 61 per cent of sexual misconduct and sexual offence allegations between July 2010 and June 2015 were notified by schools.[34] Notifications were made by 35 per cent of government schools, 34 per cent of Independent schools, and 29 per cent of Catholic systemic schools.[35] Between July 2013 and June 2015, 28 per cent of sexual misconduct or offence allegations received from the schools sector as a whole were sustained, at comparable rates across the government (28 per cent), Catholic (26.5 per cent) and Independent (28.5 per cent) sectors.[36] As at June 2015, the schools sector was responsible for just over 60 per cent of current matters involving related criminal charges of a sexual nature.[37]

These comparable rates of sexual misconduct and offence reports to the NSW Ombudsman across all schools sectors contrast with what we heard in our private sessions. In private sessions, we heard about a much larger proportion of survivors who had been abused in non-government schools than in government schools.

3.2.2 Forms of child sexual abuse

We heard about a wide range of sexually abusive behaviours in school settings, with many survivors telling us that they experienced multiple forms of child abuse at the same time. Of the 2,186 survivors of child sexual abuse in a school setting that we heard about in private sessions, 88.8 per cent provided information about the type of abuse they experienced. Of these:

- 1,492 (76.9 per cent) said they experienced non-penetrative contact abuse (for example, non-penetrative sexual touching of a child's body, making the child touch the perpetrator's body)
- 803 (41.4 per cent) told us they experienced penetrative abuse (for example, penetration of the vagina, anus or mouth with a penis, another body part or an object)
- 419 (21.6 per cent) told us they experienced violations of privacy (for example, being forced to undress or being watched in a private space, such as a bedroom or bathroom)
- 246 (12.7 per cent) told us they were exposed to sexual acts and material in a school setting, either in person or online (for example, viewing others performing sexual acts or being shown pornography)
- 34 (1.8 per cent) told us they had been sexually exploited as a child in a school setting (that is, they were manipulated or coerced into participating in a sexual activity in exchange for, or on the promise of, an incentive).

It is difficult to compare our private sessions information on the nature of child sexual abuse to the limited external research available. Studies often use different definitions of sexual abuse or misconduct and draw on different data sources, ranging from student questionnaires to police reports.

Data on forms of child sexual abuse in Australian schools is extremely limited. Victorian state education department data records that, for allegations involving child sexual abuse by another student reported between 2008 and 2013, 58 per cent were classified as 'aggressive behaviour or actions of a sexual nature', 27 per cent were classified as 'sexual assault', and a further 15 per cent as 'antisocial behaviour or actions (inappropriate material or problematic sexual behaviours by a child under 10 years old)'.[38]

'Drew'

In a private session, 'Drew' told us of his time at a public primary school he attended in the mid-1980s. 'Mr Sumner', the school principal, had a reputation among the children as being 'touchy- feely', and had taken a special interest in 'Drew' in Year 6. 'Mr Sumner' would arrange for 'Drew' to have the best part in the school play, and gave 'Drew' some leftover prizes from the school fete, telling him it was 'a bit of a secret'. 'Mr Sumner' contrived reasons to get 'Drew' alone with him in his office where he would grab 'Drew's' crotch. We heard that 'Drew' did not understand what was going on; however, he always felt uncomfortable and tried to pull away. On one occasion, when 'Drew' was in a room full of children, 'Mr Sumner' waited until the others were distracted before he grabbed 'Drew's' crotch. Following this, 'Mr Sumner' mentioned the incident to 'Drew' alone in his office, and observed that 'Drew' had not pulled away that time. 'Mr Sumner' suggested that 'Drew' had enjoyed it. The sexual abuse escalated from then on, and 'Mr Sumner' coerced 'Drew' to take off his clothes and sit on his lap, before he fondled the boy's penis. 'Drew' told us that during these sessions 'Mr Sumner' explained that this behaviour was normal, and once showed 'Drew' a passage from a book about how boys and girls should be encouraged to touch each other and experiment with sex. However, 'Mr Sumner' repeatedly told 'Drew' to keep the abuse a secret.[39]

3.2.3 Duration and frequency of abuse

Of the 2,186 survivors of school-based child sexual abuse that we heard about in private sessions, the average duration of abuse was between one and two years.

78.6 per cent of survivors told us about the duration of abuse, of which:

- almost two-thirds (65.8 per cent) told us that the abuse lasted 12 months or less
- almost one-third (31.1 per cent) told us that the abuse lasted between one and five years
- under 5 per cent told us that the abuse lasted longer than five years.

93.4 per cent of survivors told us about the frequency of abuse, of which:

- 1,674 (82.0 per cent) told us there were multiple episodes of abuse, which could involve many incidents with one perpetrator or incidents with multiple perpetrators
- 417 (20.4 per cent) told us of a single incident of abuse in a school setting.

65.8 per cent of survivors told us about the age of the perpetrator.

- Of the survivors who told us about abuse by an adult perpetrator:
  - 1,125 (88.9 per cent) said they were abused by a single perpetrator
  - 141 (11.1 per cent) said they were abused by multiple perpetrators.

- Of the survivors who told us about sexual abuse by a child with harmful sexual behaviours:
    - 158 (77.8 per cent) said they were abused by a single child with harmful sexual behaviours
    - 45 (22.2 per cent) said they were abused by multiple children with harmful sexual behaviours.

It should be noted that the figures above may exceed 100 per cent, as some survivors told Commissioners about multiple episodes of abuse and are included in more than one category.

'Bennett'

In a private session, 'Bennett' told us that he was abused by multiple housemasters while he boarded at a Uniting Church private school when he was 10 years old. 'Bennett' told us that at night in the boarding house, when it was time for lights out, the housemaster would visit each of the boys' beds and have a quiet chat. He'd ask how they were getting on, if they were making friends. 'Bennett' said that one night the master was talking with him before he put his hand on 'Bennett's' chest, and later moved it down below the waistline of his pyjamas. 'Bennett' said he reacted loudly and was suddenly dragged out of bed and given a hard slap on the bottom.

'This man, who a moment previously had been speaking to me in an intimate and caring manner, suddenly turned on me, and all I remember thinking was that I was in a massive amount of trouble and did not know what was going to happen next.'

'Bennett' said the housemaster took him out of the dormitory and berated him. He also said that wearing underpants to bed was against the rules and that the master made 'Bennett' take his off. Then, as the master tucked the boy's pyjama top into the bottoms, he grabbed 'Bennett's' genitals and groped his buttocks for an extended period. 'Bennett' was then sent back to bed.

A few years later 'Bennett' had another housemaster, a younger man who was very popular with the students. On weekends, this master would invite his favourite boarders into his room to watch videos. 'Bennett' told us 'because he was the cool teacher, this made the boys who were selected feel good about themselves'. After watching some 'R' rated horror movies, the housemaster started showing the boys pornography, talking about sex and quizzing them about their experiences. 'Bennett' said the master would also strongly hint that he was gay. 'Bennett' said, 'This was not sex education, it was more of a disguised proposition'.

'Bennett' said that the following year he was again sexually abused by another teacher who took him into a small darkroom to see some photographs. As the man looked for the photos, he pressed up against 'Bennett's' groin several times.[40]

The information we gained in private sessions on the duration of abuse is broadly consistent with the limited research available.

In data published by the Royal Commission regarding complaints received by Anglican Church dioceses between 1980 and 2015, the average duration of abuse was 1.1 years for complaints that involved alleged abuse in a non-residential Anglican school, and 1.2 years for complaints that involved alleged abuse in a residential one.[41] For claims received by Catholic Church authorities during a similar period, the average duration of alleged abuse occurring in a school was 1.7 years.[42]

Both the Anglican Church complaints data and the Catholic Church claims data identified alleged incidents from the 1920s to the 2010s.[43]

3.2.4 Additional forms of child abuse

Of the 2,186 survivors of school-based child sexual abuse we heard about in private sessions, 1,060 (48.5 per cent) told us they experienced other forms of abuse and neglect. Of these:

- 834 (78.7 per cent) told us they had experienced emotional maltreatment
- 550 (51.9 per cent) told us they had been subjected to physical abuse
- 154 (14.5 per cent) told us they had witnessed the abuse of others in school settings
- 16 (1.5 per cent) told us they had been neglected
- 5 (0.5 per cent) told us they had been subjected to child labour.

We heard that when children experienced other forms of abuse and neglect, their capacity to disclose sexual abuse was reduced.[44]

Emotional maltreatment, such as psychological abuse, bullying, harassment, intimidation, social isolation, and ridicule by adults and other children, commonly occurred alongside child sexual abuse in schools. This type of maltreatment featured in relation to both historical abuse (pre-1990) and contemporary abuse (from 1990 onwards). For further discussion see Volume 2, *Nature and cause*.

Physical abuse by adults and other children was another strong feature of child sexual abuse in schools (see Chapter 4). Physical abuse in schools appears to have been more common in historical periods, and we heard this was often linked to corporal punishment.[45] In Catholic Church claims data released by the Royal Commission, 20 per cent of the claims relating to child sexual abuse in schools also identified physical abuse.[46] Corporal punishment was administered not only by teachers and other adult authority figures but also by older children such as prefects, who were sometimes empowered to discipline younger children.[47] These types of unhealthy school cultures are discussed in Chapter 4.

Psychological, physical and emotional violence by older students towards younger students was a particular feature we heard about in prestigious all-boys' schools, where the hierarchical nature of the schools empowered older students to be violent and emotionally abusive towards

younger students, sometimes through hazing or harmful initiation practices intended to degrade and humiliate new students (see Chapter 4). Volume 10, *Children with harmful sexual behaviours* discusses hierarchical cultures and cultures that support physical and emotional abuse and neglect as two types of 'institutional risk factors' for children exhibiting harmful sexual behaviours.

Bullying, violence and child sexual abuse

Case Study 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students (Geelong Grammar School) considered how the school's 'authoritarian, disciplined' culture that was 'devoid of pastoral care' meant survivors were reluctant to report sexual abuse for fear they would be ostracised or bullied.[48] Dr Robert Llewellyn-Jones gave evidence that as a 15-year-old boarding student he was sexually abused by the school chaplain, Reverend John Davison.[49] Dr Llewellyn-Jones did not disclose the abuse while he was a student at Geelong Grammar. He said that he did not think he would be believed, that there was a 'code of silence' in the school's culture, and that he felt strongly discouraged from reporting the abuse.[50]

Dr Llewellyn-Jones gave evidence that on numerous occasions he witnessed several of his peers being indecently assaulted by another student. He described being 'traumatised by the sexual abuse that [he] had witnessed and by repeated physical and psychological abuse'.[51]

Dr Llewellyn-Jones told us about the 'subculture of brutality'[52] at Geelong Grammar:

> My experience of institutional sexual abuse can only be understood by taking into account the abusive subculture in which I lived. During my time at [Geelong Grammar School] I was subjected to persistent verbal abuse by some of my peers. This was euphemistically called 'mocking' by the masters – our teachers. Such 'mocking' in my case included being repeatedly called 'retarded', 'dickhead', 'cunt-face', 'fuck-face', 'dog shit', 'poofter', 'chicken head', 'spastic' and 'cretin' by a gang of peers who used me as their 'whipping boy'. I was shunned for long periods by some of my peers. My homework was stolen (so that I would be punished for 'not completing' it). The contents of my personal diary were distributed among my fellow students and ridiculed. Several of my peers ... expressed a deep hatred of me. This included repeatedly slapping me in the face, pushing me to the ground and twisting my arms painfully.[53]

3.2.5 Grooming

As in other institutional contexts, we were told that perpetrators in school settings have used a wide range of tactics and strategies, including grooming, to facilitate the sexual abuse of a child. Perpetrators can groom the child, other significant people in the child's life (for example, their parents or carers) or others in that setting (for example, teachers and other staff members in schools).[54] The grooming behaviours we were told about in private sessions changed little over time.

Although grooming is difficult to recognise, more than one-quarter (28.4 per cent) of survivors of child sexual abuse in school settings who provided information on the type of abuse experienced told us they had been subjected to grooming behaviours.

These accounts of grooming in schools followed many of the same patterns we heard about in relation to experiences of grooming in other institutions (see Volume 2, *Nature and cause*). For instance, many survivors of school-based child sexual abuse told us they were singled out for attention or rewards, which made them feel special. One survivor told us in a private session that two school bus drivers would give her lollies and tell her what a 'lovely little girl' she was.[55] She said she loved the 'positive attention' and because the men made her feel special, she didn't question that they were touching her on the school bus.

Many survivors of school-based child sexual abuse also said they were groomed through being shown favouritism in school. 'Phillipa Catherine' told us that when she was 11 years old the new teacher, 'Mr Thompson', made her 'feel like a favourite'. She 'quite enjoyed that', she told us, because she had never felt like a favourite before.[56] 'Mr Thompson' told 'Phillipa Catherine' he loved her and began to tell her about men and women touching each other, through their clothes and under their clothes. She said, 'Mr Thompson' told her that ejaculation 'only happens … if the man really loves the girl, and that we had to test if he really loved me'.[57]

What we were told in private sessions and public hearings is consistent with research suggesting that people who sexually abuse children in schools follow the same grooming pattern of child sexual abusers generally, but employ strategies to exploit the particular features of an educational setting.[58]

We were often told that perpetrators groomed victims and others by pretending to help a child improve performance at school. For instance, 'Anne' told us how a teacher had groomed her and her daughter, 'Charlotte'.[59] She said:

> Not long after 'Charlotte' started there, 'Eric Reid' rang me and asked me to go into the school to see him about 'Charlotte' … He said he wanted permission for 'Charlotte' to stay back after lessons because he wanted her to be the best maths student.[60]

At the time 'Anne' was thrilled that the teacher was taking such a keen interest in her daughter. She said, 'I got sucked right in'.[61]

Research we commissioned identifies two situational factors that can contribute to an elevated risk of abuse by adults in institutional settings:[62]

- the opportunity for an adult to be alone with a child, unobserved
- the opportunity to form 'relationships' that could involve physical contact and/or emotional closeness.

The former makes it much easier to groom a child, facilitates the move from innocent, relational behaviour to unlawful sexual acts, and is particularly relevant to behaviour that is predatory. The latter may lead to the crossing of acceptable professional boundaries or to abusive behaviours, including behaviour that is opportunistic, rather than premeditated.[63]

These two areas of risk are inter-related:

> Situations in which an adult is alone with the child may offer a limited opportunity for abuse if there is no opportunity to build a relationship that facilitates the child's engagement with, or acquiescence in, acts of a sexual nature … Conversely, the opportunity to form relationships that could involve physical contact or emotional closeness may not lead to abuse if there is no opportunity for the abuse to occur undetected, even if such a context creates an increased risk of temptation to engage in sexual activity.[64]

These two elements often coincide in the relationship between students and teachers. We were told about many perpetrators who groomed victims and others by exploiting the teacher–student dynamic, which is often a pivotal and emotionally significant relationship for the child and the child's family.[65] This is consistent with a Canadian review of child sexual abuse by teachers, which concluded that 'the genuine affection a child may have for the teacher, especially one who promotes the "special relationship" and who has spent a great deal of time in the grooming phase, should not be underestimated'.[66]

In some cases, we were told about perpetrators who gave special attention to students experiencing bullying or racism, and pretended to offer them protection to get close to them. We heard from one survivor, 'Alberto', who was 11 years old when his family migrated to Australia in the late 1960s. 'Alberto' told us that at his new school in Sydney, he was bullied and called names by other students from the time he arrived, so when 'Father Lloyd' took him aside to give him extra tutoring and safeguard his welfare, it came as a welcome relief. 'Alberto' said that at first the attention was affirming, but 'Father Lloyd's' contact became more physical and intimidating, and went from touching and groping to rape.[67]

In many instances of historical child sexual abuse in schools, we heard about perpetrators exploiting sanctioned forms of corporal punishment, such as the cane, in their grooming of students in school settings. For example, 'Isaac' told us about being groomed by his teacher, 'Brother Felix', when he was 11 years old. He explained that 'Brother Felix' would:

> call you out to the front of the classroom when the class had been set work … he'd put his arm around you, and smile and talk to you in a friendly manner. It all seemed like a bit of a privilege, because the other side of the situation was that he used the cane a lot. And he also used other means of intimidating and frightening people.[68]

We were told about perpetrators in school settings who cultivated friendships with victims' parents as a grooming strategy. In *Case Study 12: The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009 (Perth*

independent school), we heard that the offending teacher had cultivated friendships with the victims' mothers, which made it more difficult for the victims to disclose the abuse.[69] US-based research suggests that perpetrators who are male primary school teachers may groom single mothers of their intended victims, through the promise of special assistance to the child.[70] This may include playing the part of a potential male role model in the child's life.[71]

Some research suggests that teachers who sexually abuse children in schools may have groomed the institution so well that they are highly regarded, earn awards or commendations, and have excellent professional reputations.[72] This level of recognition and their professional reputation can make it difficult for children to disclose when they are abused, and for parents or other members of the school community to identify that abuse.[73] It may also mean that, when abuse is disclosed or identified, the institution is reluctant to believe or act on it.[74] Some earlier research suggests this level of institutional grooming may be more common among perpetrators in primary schools than in secondary schools,[75] although we heard of similar examples involving secondary teachers.

For example, 'Abby' told us in a private session about the grooming and sexual abuse she experienced in high school by her Year 7 teacher, 'Janice Stephens':

> The abuse started very slowly. It wasn't anything that was overt, it was little things that I felt uncomfortable about but I couldn't have said there was anything sexual in it at that point, and maybe even if I could, I mean I had no experience. I was 12.[76]

At first 'Abby' welcomed the personal attention from 'Janice Stephens':

> She would play with the belt on my tunic, you know those box-pleat ones, she would touch my face. When we were on camp she'd say, 'Do you want to share my pillow?' She'd brush up against me. Each step that she took, she'd take and then back off and then do it again and then back off. And I guess she would tell me that it was okay because she loved me and 'people wouldn't understand, and if they found out you'd probably get sent away', and those sorts of things.[77]

'Abby' said that within a short time the abuse escalated to oral and vaginal sex. 'She had access to me every day', 'Abby' said. 'She would sexually abuse me every day. If I wasn't at school she'd come to my house, because she knew my parents both worked.'

'Abby' told us that 'Janice Stephens' was highly regarded in the school:

> This will sound like an absolute contradiction but she was actually a very good teacher because she had that ability to draw you in and inspire you. So it makes no sense on one hand that she had those skills or she used them for such a terrible thing. I guess being a woman probably made it more difficult in some ways. I don't know if it was a man if I would have picked up on it quicker or my parents would have. My Mum said, 'I never imagined you were in danger from a female teacher'.[78]

3.2.6 'Relationships'

We heard of instances where children were groomed so extensively that they believed they were in a 'relationship' with the perpetrator. We mainly heard about this form of grooming in relation to situations where victims were older high school students and close to the age of consent, and perpetrators were in the role of teachers (discussed further in Section 3.3). The perpetrator sometimes groomed the school environment so successfully that other teachers and even the child's parents did not identify the conduct as abuse. Survivors who had been groomed in this way told us that the abuse was perceived by themselves and those around them as less serious, and sometimes viewed as a consensual relationship.

In a private session 'Patsy' told us of abuse by a teacher, 'Gavin Cartwright', at a Canberra high school in the 1980s when she was 16.[79] 'Gavin Cartwright' was in his twenties at the time, and 'Patsy' had a 'schoolgirl crush' on him. We heard that after a school sports event he gave her a ride home and suggested they go out for a drink. 'Patsy' told us that, as a naive 16-year-old, she had thought, 'Wow, this is amazing!' She said that the night she met 'Gavin Cartwright' for a drink was also the first time they had sex. She said that as the 'relationship' continued, 'Gavin Cartwright' advised her to go on the pill, which her mother organised for her. 'Patsy' believes her mother knew what was going on although years later her mother denied it. A couple of her friends knew she was seeing 'Gavin Cartwright' – 'They were like, "Oh, wow, you're so lucky"'. 'Patsy' told us the abuse affected her self-esteem and self-worth, making her think that she didn't deserve to be truly loved. She told us she still has trust issues, lacks self-esteem and suffers from an eating disorder, anxiety and depression.

In some instances, victims of child sexual abuse remained with the abusers into their early adulthood. In a private session, we heard that 'Caitlin' first met 'William Andrews' in the late 1990s, when she was 14 and he had arrived as a relief teacher at her private girls' school in Melbourne.[80] She told us that she had immediately felt a connection to him because he was 'a bit quirky'. 'Caitlin' told us that when she was in Year 10, 'William Andrews' was offered a permanent position and became her English teacher. He also started tutoring 'Caitlin' privately at home, and she told us that this is when their 'friendship' became closer, despite her mother being present in the house. 'Caitlin' told us that at the end of Year 11, she went to his house for the first time and the 'relationship' became physical. There was an age gap between them of more than two decades. When she finished Year 12, 'Caitlin' and 'William Andrews' celebrated their relationship publicly. She was 17. The relationship continued into her time at university before she ended it. 'Caitlin' told us that it took a long time for her to realise that what had happened was child sexual abuse. She said that her parents still don't see it that way, believing instead that she was in a consensual relationship. 'They still don't understand that that was illegal. They really don't kind of get it.' [81]

When a child is over the age of consent but under 18, most jurisdictions prohibit sexual acts if the perpetrator is responsible for their care or in a position of authority over them, such as a teacher, carer, guardian, medical practitioner or person in religious ministry.[82]

Volume 2, *Nature and cause*, further discusses the nature of grooming. Volume 3, *Impacts* describes the particular impacts of this form of abuse, and Volume 4, *Identifying and disclosing child sexual abuse* examines how grooming acts as a barrier to disclosure.

3.3 Who we heard about in schools

The large number of people who came forward to tell us about the sexual abuse of children in schools enabled us to understand more about victims of school-based abuse. They also allowed us to understand more about adult perpetrators and children with harmful sexual behaviours in schools, and the various school settings in which they operated.

3.3.1 Victims of school-based child sexual abuse

Of the 2,186 survivors in private sessions who told us about child sexual abuse that occurred in a school setting:

- almost three-quarters (74.5 per cent) were male
- most (85.6 per cent) told us about abuse that occurred before 1990
- 99 (4.5 per cent) were Aboriginal and Torres Strait Islander children[83]
- 95 (4.4 per cent) were living with disability at the time of the abuse.

Gender of survivors

In our private sessions almost three-quarters (74.5 per cent) of the survivors of school-based child sexual abuse identified as male and more than one-quarter (25.3 per cent) identified as female.[84] This is consistent with Anglican Church complaints data, which shows that 75 per cent of complainants who alleged child sexual abuse occurred at an Anglican school were male.[85] This was somewhat lower than Catholic Church claims data that shows that of all claims that identified child sexual abuse occurring in a school, 85 per cent involved male claimants.[86] A number of factors might affect these figures, including the large number of historical cases of abuse, the types of schools where abuse occurred and the involvement of religious institutions in these schools.

Government education department reports of alleged child sexual abuse in government schools between 2008 and 2013 show that most allegations involved a female victim. Proportions of allegations involving female victims of adult staff members ranged from 59 per cent in New South Wales[87] to 67 per cent in Queensland.[88] The proportion of allegations involving female victims of children with harmful sexual behaviours ranged from 51 per cent in South Australia[89] to 74 per cent in Victoria.[90] Similarly, between 2013 and 2015, 62 per cent of notifications under the New South Wales reportable conduct scheme for sexual misconduct or offences by school employees towards students in both government and non-government schools involved female alleged victims.[91]

Data provided by the NSW Ombudsman shows there were notable differences between government and non-government school notifications. Government school figures show a greater proportion of female victims, comprising 68.5 per cent of cases. In contrast, 56 per cent of Catholic school notifications and 41 per cent of Independent school notifications involved female victims.[92] It is not known how many of these allegations involved children with disability. We note that governments have supported the development of a standardised disability flag for use in mainstream service settings such as education, to better support the needs of people with disability.[93]

As with the NSW Ombudsman data, the difference in gender proportions of those survivors we heard about in private sessions depended on the type of school where the abuse occurred. In government schools, we heard from almost equal numbers of male and female survivors. However, in non-government schools, 81.2 per cent of survivors we heard from were male.

Rates of abuse also varied across genders depending on whether it occurred at a day or boarding school. Just over two-thirds (67.9 per cent) of survivors who told us they were abused in a day school were male whereas 90.7 per cent of those abused in boarding schools were male. This was somewhat higher than the proportion of male complainants in Anglican Church complaints data who alleged child sexual abuse in a residential (boarding) school (83 per cent).[94] Anglican Church complaints data indicated that a higher proportion of complainants who alleged child sexual abuse in a non-residential (day) school were male (88 per cent), in contrast to our private sessions information.[95]

The high proportion of male survivors in boarding schools may reflect the fact that many boarding schools are single-sex schools, with a staffing profile that reflects the gender make-up of students. As most perpetrators of child sexual abuse are male, boys attending single-sex boarding schools may face increased risk of child sexual abuse.[96]

The ratio of male to female survivors we heard about in private sessions varied according to the period in which the abuse occurred (as shown in Figure 13.1). More than three-quarters (76.3 per cent) of the survivors of child sexual abuse who told us about abuse that occurred in schools *before* 1990 were male, in comparison to three-fifths (60.7 per cent) in the period *since* 1990.

As discussed in Volume 4, *Identifying and disclosing child sexual abuse*, delayed disclosure might affect the gender proportions of more recent reports of child sexual abuse in schools.

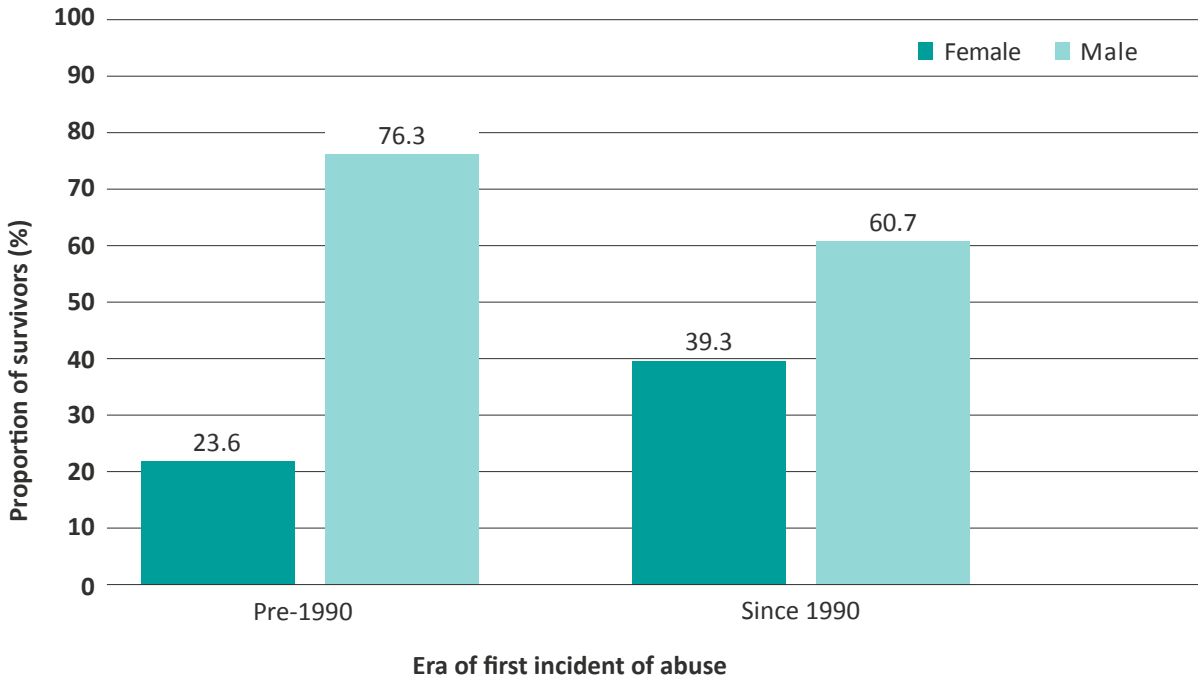


Figure 13.1 – Era of first incident of school-based child sexual abuse by survivor gender, information from private sessions, May 2013 – May 2017

Note: Proportions do not total 100 per cent as the graph does not display a small number of gender-diverse survivors and survivors with unknown gender.

Age of victim when first abused

The majority of survivors who told us they were abused in a school setting also provided information about their age when first abused (see Table 13.6). Of this group, we heard that more than three in five (61.8 per cent) were aged between 10 and 14 years at the time of the first abuse.

Only a small number of survivors (1.2 per cent) were aged four and under, which is consistent with the fact that schooling in Australia generally begins at five years of age.[97] Commissioned research suggests there are fewer reports of children aged four and under being sexually abused in institutional and other contexts than in other age groups.[98]

Table 13.6 – Age at first abuse of survivors who told us they were abused in a school setting, information from private sessions, May 2013 – May 2017

	All schools survivors		Male survivors		Female survivors	
Age	Number	%	Number	%	Number	%
0–4	24	1.2	11	0.8	13	2.6
5–9	488	25.3	300	20.9	188	38.2
10–14	1,191	61.8	966	67.3	224	45.5
15–17	225	11.7	158	11.0	67	13.6

Note: Table includes only survivors who provided information about the age of first abuse.

Figure 13.2 shows that both male (67.3 per cent) and female (45.5 per cent) survivors most commonly told us the abuse first took place between 10 and 14. It can also be seen that a larger proportion of female survivors told us that they were first sexually abused in a school setting before the age of 10.

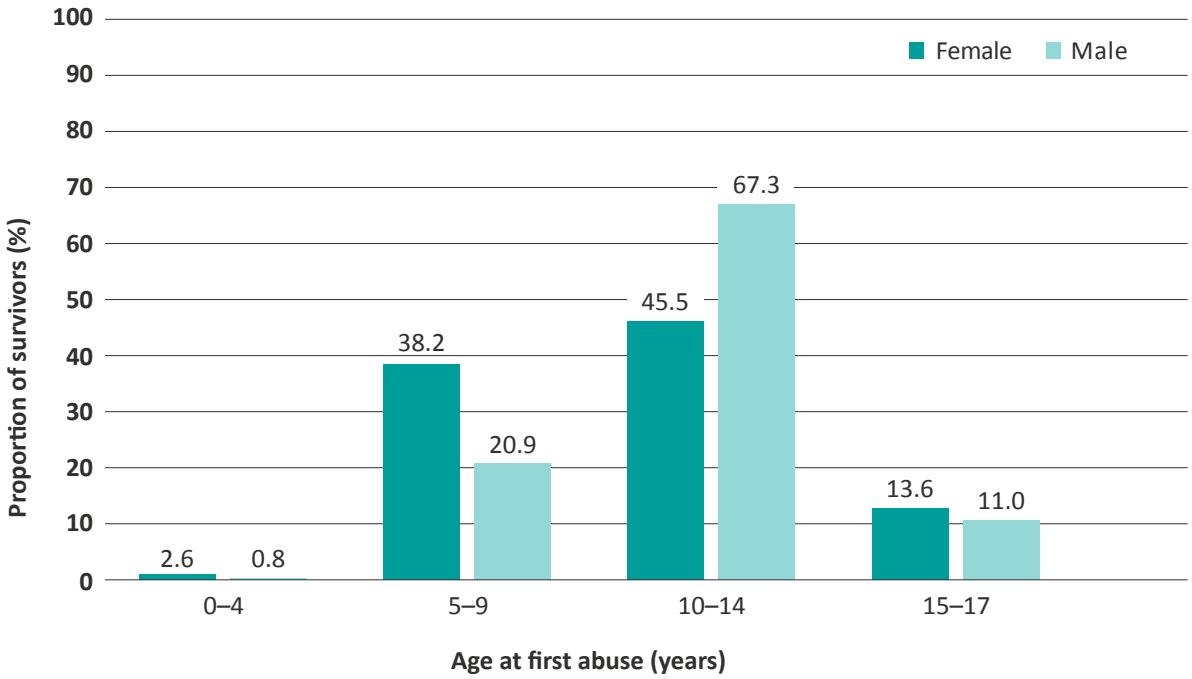


Figure 13.2 – Gender and age of survivors when first sexually abused in a school setting, information from private sessions, May 2013 – May 2017

The information we gathered in private sessions is broadly consistent with Catholic Church claims data and Anglican Church complaints data. For claimants in Catholic Church claims data who alleged abuse to have occurred in a school, the average age at the time of the first alleged incident of child sexual abuse was 12 years for males and 11 years for females.[99] For claimants in Anglican Church complaints data who alleged child sexual abuse to have occurred in a school, the average age at the time of the first alleged incident of child sexual abuse was 13 years for males and 12 years for females in non-residential schools, and 13 years for both males and females in residential schools.[100] Further, a review of the limited research into child sexual abuse in schools suggests that children aged between 10 and 12 are most at risk, followed by those aged between six and seven.[101]

Students with disability

Victims who were living with disability at the time of abuse that occurred in a school setting comprised 4.4 per cent of all the survivors we heard about in private sessions who were abused in schools. Many had a cognitive or intellectual impairment, but we also heard about survivors with a physical, sensory or psychosocial disability. Almost three-quarters (71.6 per cent) of those survivors were male and more than one-quarter (28.4 per cent) were female.

This data is not comprehensive. There are difficulties associated with accurately identifying how many victims were living with disability at the time of the abuse. As discussed in Volume 4, *Identifying and disclosing child sexual abuse*, we know that children with disability face a range of additional and particular barriers to disclosing the abuse across institutional contexts. This should be taken into account when considering information provided to us by survivors with disability through private sessions.

Detailed information about the nature and extent of sexual abuse among children with disability in Australian schools is not available. However, estimates consistently suggest that children with disability experience heightened vulnerability to abuse and face an increased risk of child sexual abuse in institutional contexts, including in educational settings.[102] Research into the sexual abuse of children in school settings in the United States, for example, suggests that children with disability are up to four times more likely to be victimised in school settings, compared to students without disability.[103]

We discuss vulnerability and heightened risk among children with disability in more detail in Volume 2, *Nature and cause*. In the schools context, this discussion is continued in Chapter 4.

3.3.2 Adult perpetrators

Around two-thirds of survivors of child sexual abuse in schools we heard about in private sessions provided information about the age of the person who abused them. Of those who did, 88.0 per cent said they were sexually abused by an adult. This is consistent with what we were told in private sessions in all institutional contexts. A smaller proportion of survivors (14.1 per cent) said they were abused by a child with harmful sexual behaviours (see Section 3.3.3).

There is no typical profile of an adult who sexually abuses a child in a school setting. In private sessions, certain characteristics of perpetrators were more commonly described than others in relation to child sexual abuse in schools. Of those survivors abused by adult perpetrators in schools who provided this information, we heard that:

- most (96.2 per cent) were abused by a male perpetrator
- more than half (58.4 per cent) were abused by teachers
- more than one-third (39.9 per cent) were abused by people in religious ministry.

Some perpetrators held joint roles as teachers and people in religious ministry.

We also heard that many perpetrators appeared charismatic to observers; were perceived as people who went 'above and beyond' to engage students in activities that seemed to benefit their education; and often targeted students they perceived as vulnerable.

In a private session, 'Lee Symon' told us he was sexually abused by his headmaster in the 1980s:

> Just before this happened at school, my mum and dad had split up so that's how I was targeted. The headmaster at the primary school said, "Lee needs a male figure in his life" … Mum was about to go through a divorce … and she was a bit upset and she let me go to his house on weekends. He said it was for extra tuition for school.

'Lee Symon' told us that this grooming of him and his mother occurred when he was 11 years old and in Grade 5 at a Tasmanian government school. The headmaster had never shown an interest in him before this point. 'Lee Symon' said the sexual abuse often occurred in a number of different places, primarily on overnight trips. He told us that the headmaster would make 'Lee Symon' participate in a strip game, and would tongue kiss him. He said the abuse continued for about a year.[104]

Additionally, we heard about perpetrators who continued to be held in high regard by leaders despite allegations of abuse. This included receiving promotions, pay rises, praise and public recognition for their work in schools. For example, in our *Case Study 28: Catholic Church authorities in Ballarat* we heard that in 1988 the Christian Brothers Provincial, Brother Chappell, appointed Brother Dowlan as principal of St Vincent's Special School at South Melbourne. At the time Brother Chappell and other members of the Provincial Council suspected or knew of allegations of Dowlan's sexual behaviour towards children. Dowlan was the only adult living in a unit at St Vincent's with a group of boys, and was in charge of their night-time care for two years.[105]

Many survivors of school-based child sexual abuse described perpetrators as being 'cool' and having a rapport with the students. For instance, 'Mae' told us that the man who sexually abused her at school had a rapport with the older girls, and had 'always been a pretty matey kind of teacher … he let us muck around with the [music] instruments at lunchtime'.[106]

'Jem' told us that from the time he was in Year 8 at a New South Wales high school he was befriended and then abused by a teacher who was seen as cool and popular with the students.[107] 'Mr Hopkins' used the classrooms on weekends to get the kids involved in music and film projects. 'Jem' said: 'He used to give us dope and we used to smoke dope and some happened in the school and some happened out of the school. He used to get you stoned and make himself come onto you, I suppose'.

We were told that perpetrators commonly targeted vulnerable or isolated children in school settings, often using grooming techniques. 'Rhys Allan' told us in a private session about abuse at his Marist Brothers school.[108] He said that in the early 1990s, when he was 12 years old, he became the target of bullies:

> I found myself distanced from the pupils at school and found myself aimlessly walking around the school yard and playground by myself for months on end. During this time I found solace in a teacher and principal 'Brother Myers'.
>
> He chatted to me a few times on the playground over a few weeks and I thought nothing of it other than comfort in a time of need.

'Rhys Allan' said that shortly after these discussions, he was called to the principal's office, where he was abused. He told us that with 'Rhys Allan' sitting on his lap, 'Brother Myers' would chat to him during the abuse. He said this abuse happened about five times over the next few months.[109]

In a private session, 'Amelia Lee' told us that in the mid-1970s, when she was 11 years old, she was enrolled in a state primary school. While she had to repeat Grade 4, she was chosen as a 'special student'. The deputy principal, 'Mr Brown', chose 'Amelia Lee' and four other girls to meet with him after class. 'Amelia Lee' said 'Mr Brown' wanted the girls to read aloud or show him the work they had done during the day. She told us:

> He said that if we were very good and extra special we would win a reward. The reward was that we would become prefects in Grade 6. I was puzzled, but very excited … I wanted to be a prefect more than anything.

'Amelia Lee' told us that that afternoon, she and the other girls went to 'Mr Brown's' classroom. She stood in front of 'Mr Brown's' desk, and she read to 'Mr Brown'. However, he stood up and walked over to her. He put his hand under her skirt and commanded her to open her legs. He fondled her while she read aloud. 'Amelia Lee' told us that because she noticed that 'Mr Brown' was wearing a crucifix necklace, she believed that he was good and did as she was told. 'Amelia Lee' and the other girls were abused once a week for one year. At times, 'Amelia Lee' would wear several layers of clothing to prevent the abuse; however, she told us that this only angered 'Mr Brown', who then hit her with the cane.[110]

Gender of adult perpetrators

Ninety-six per cent of the survivors of child sexual abuse who were abused by adult perpetrators in schools told us that the abuser was male. This accords with the limited research into institutional child sexual abuse, which has consistently found that most adult perpetrators are male.[111] For example, a 2000 study of 20,000 child protection files from England and Wales recorded that 96 per cent of perpetrators in institutional contexts were male and 4 per cent female. Similarly, a 1994 US study which conducted 225 telephone interviews with superintendents found that 4 per cent of the teachers investigated for educator sexual misconduct were female.[112]

This is also consistent with the limited available data on child sexual abuse in Australian schools. Of reports received by the Queensland education department between 2008 and 2013, 80 per cent of alleged perpetrators were male.[113] Of reports received by the New South Wales education department over the same period, three-quarters of alleged perpetrators were male.[114] Similarly, of sexual misconduct and offence allegations reported to the NSW Ombudsman between 2013 and 2015, 82 per cent involved alleged male perpetrators. These figures were consistent across the government and non-government sectors.[115]

Information provided by the NSW Ombudsman suggests that the proportion of female perpetrators may vary according to the gender of the victim. Overall, for reportable conduct notifications closed between 2013 and 2015, when the alleged victim was male, the alleged perpetrator was male in 68 per cent of cases. However, when the alleged victim was female, the alleged perpetrator was male in 88 per cent of cases. The only category of victim where the majority of alleged perpetrators were female was for male victims aged between 16 and 18 at the time of abuse. Of these cases, 63 per cent involved a female alleged perpetrator and 37 per cent involved a male alleged perpetrator.[116]

A 2004 review of research into educator sexual misconduct suggested that schools might have a greater proportion of female perpetrators than other institutions.[117] It may be that rates of sexual misconduct by female teachers with high school students are higher than the available statistics suggest.[118] The proportion of female perpetrators varied widely between the studies cited in the 2004 review, from 4 per cent[119] to 43 per cent.[120] The available research identifies a number of reasons why the proportions varied so widely between studies, including those in relation to schools:

- The design and methodology of research studies might affect their findings about perpetrator gender. For example, we could be more likely to hear about female perpetrators in schools when studies use broader definitions of offending, such as 'sexual misconduct', rather than narrower definitions of 'sexual abuse'.[121] Broader definitions could allow for the inclusion of grooming and an organisational culture that may facilitate child sexual abuse.[122]
- Studies asking current students about their experiences of child sexual abuse in schools could elicit more reports of female perpetration than studies asking adults to recall abuse that occurred when they were students.[123]
- Some research found that the age range of victims in any particular study on child sexual abuse in schools could affect the gender ratio found for perpetrators. For instance, one study found that male perpetrators who were teachers might be more likely to target children under the age of 12, while female teachers might be more likely to target those over the age of 13.[124] Given these differences, studies that only investigated abuse against children of certain ages would not be comparable regarding gender proportions of perpetrators.
- Self-reports of sexual relationships between high school students and female teachers collected in studies might be much higher than reported incidents in child protection statistics, as some students do not identify the sexual relationship as constituting sexual abuse by the female teacher.[125]

Table 13.7 – Number and proportion of survivors by age at first abuse who told us they were abused in a school setting by a male perpetrator or by a female perpetrator, information from private sessions, May 2013 – May 2017

	Survivors who told us they were abused by a male perpetrator		Survivors who told us they were abused by a female perpetrator	
Age at first abuse	Number	(%)	Number	(%)
0–4	11	1.0	0	0.0
5–9	213	19.9	26	49.1
10–14	704	65.7	18	34.0
15–17	143	13.4	9	17.0
Total	1071	100.0	53	100.0

Note: Table includes only survivors who provided information about the age of first abuse and the gender of an adult perpetrator.

Male perpetrators

As shown in Table 13.7, of the survivors who told us about abuse by an adult male in a school setting and told us their age at first abuse, 65.7 per cent were aged 10 to 14, 19.9 per cent were aged five to nine, 13.4 per cent were aged 15 to 17 and 1.0 per cent were aged four and younger.

Many of the male adult perpetrators we heard about in public hearings abused multiple victims. For example, in *Case Study 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse* (*Brisbane Grammar School and St Paul's School*), we heard about the abuse allegedly perpetrated by Mr Kevin Lynch, a teacher and later a counsellor at both Brisbane Grammar and St Paul's schools. We heard that Mr Lynch allegedly sexually abused at least eight male students multiple times while at Brisbane Grammar between 1973 and 1988,[126] and at least four male students while at St Paul's between 1989 and 1997.[127] Ms Goddard, the former head of St Paul's, said that on reviewing Mr Lynch's annual diaries, which recorded the counselling appointments with students, she estimated that there were well over a thousand names in each annual diary. Mr Lynch had many 'counselling' sessions each day, and it was rare for the diary to record a blank day.[128]

Female perpetrators

A minority of survivors (4.5 per cent) who told us in private sessions that they were sexually abused by adult perpetrators in schools said the perpetrator was female. As shown in Table 13.7, of these survivors who also provided information about their age at the time of first abuse, 49.1 per cent were aged five to nine at the time of the first abuse, 34.0 per cent were aged 10 to 14, and 17.0 per cent were aged 15 to 17.

External research suggests that female offenders in primary school settings may be relatively rare and that women tend to abuse victims closer to their own age.[129] However, while we heard about some instances where older students were abused by female perpetrators, as discussed in Section 3.2, victims abused by female perpetrators in school settings that we heard about tended to be aged nine or younger at the time of first abuse.

In a private session, 'Colby' told us he had attended a Catholic primary school in Sydney's inner suburbs in the early 1980s, where 'Miss Tupper' was a relief teacher. Sometimes 'Miss Tupper' would take 'Colby' out of class and lead him to another room, where she would pull his pants down and fondle him. This abuse would last about 10 minutes, and 'Colby' remembers it happening at least three times. On one of these occasions, we heard that 'Miss Tupper' was accompanied by a man who touched 'Colby' in the same way.[130]

As in other institutional contexts, school-based child sexual abuse by female perpetrators may be under-reported, especially by male survivors (see Volume 2, *Nature and cause*). Male victims may be less likely to disclose abuse by a woman because they feel that they would not be believed.[131] One survivor told us that he did not disclose the abuse because he believed that many people would not see sex between a male student and a female teacher as 'abuse'.[132]

We heard that the minimisation of abuse by female perpetrators could also apply when the victim was female. In a private session, 'Abby' told us that the woman who abused her expressed no remorse when the matter went to court, telling the judge, 'I'm not a paedophile, I just fell in love with a younger woman'. 'Abby' believes the judge was more open to this type of reasoning because the abuser was female, and that this was reflected in a relatively light jail sentence.[133]

Role of adult perpetrators within schools

The power imbalance between victims and perpetrators can make children more vulnerable to sexual abuse, and create a barrier to victims disclosing the abuse.[134] The role of authority figures, and their inherent power over children, can influence a child's capability to identify and resist abuse and the likelihood of disclosure.[135] Schools are typically hierarchical, requiring children to obey teachers and other staff.

Table 13.8 shows the number and proportion of survivors who provided information in our private sessions about the specific role held by perpetrators where abuse occurred in a school setting. Of these survivors, almost all provided information on the role of the perpetrator in the institution (96.9 per cent). In some instances, more than one role was recorded as some perpetrators held multiple positions of leadership or authority. For example, there were perpetrators who were both teachers and boarding housemasters.

Table 13.8 – Number and proportion of survivors who told us they were abused in a school setting by perpetrator role, information from private sessions, May 2013 – May 2017[a]

Role	Number	Proportion (%)
Teacher	1,237	58.4
Person in religious ministry	845	39.9
Dormitory/housemaster	112	5.3
Institution's ancillary staff	93	4.4
Sporting coach	51	2.4
Volunteer at institution	26	1.2
Medical practitioner/nurse	23	1.1
Residential care worker	18	0.9
Stranger	5	0.2
Adult attending institution	4	0.2
Family member	4	0.2
After-school carer	4	0.2
Foster carer	4	0.2
Youth group leader	3	0.2
Police officer	2	0.1
Church lay leader	2	0.1
Caseworker	1	0.1
Custodial staff	1	0.1
Long day care carer	0	0
Other	366	17.3

[a] This information does not include the 3.1 per cent of survivors of abuse in a school setting who did not provide information about the role of the perpetrator or did not know the role of the person who harmed them.

Note: the category 'other' records information where the role of the perpetrator was known, but was not included in the list of roles we used to collect this information, for example, school principals and school counsellors. We also heard from many survivors who told us of abuse by children with harmful sexual behaviours, who are also included under the category 'other'. In doing so, we acknowledge that children with harmful sexual behaviours are distinct from adult perpetrators.

Abuse by teachers

In our private sessions, of the survivors of child sexual abuse by adults in schools who provided information on the role of the perpetrator in the institution (96.9 per cent), almost two-thirds (58.4 per cent) told us that they were abused by a teacher. The trust and respect afforded to teachers, and the authority that teachers have over children, may enable teachers to groom and abuse children, and to avoid detection.[136]

The proportion of abusers who we were told were in the role of teachers is slightly lower than the proportion suggested by data obtained from state education departments. In both New South Wales and South Australia, 67 per cent of allegations received between 2008 and 2013 regarding employees abusing students involved teachers as the alleged perpetrator.[137] Similarly, for reports of sexual misconduct or offences in schools received by the NSW Ombudsman between 2013 and 2015, 68 per cent involved teachers as the alleged perpetrators.[138]

There were differences across schooling sectors in the position held by perpetrators reported to the NSW Ombudsman. Allegations related to government and Independent schools involved teachers as perpetrators in 70 per cent and 71 per cent of cases respectively, whereas teachers were indicated in only 56 per cent of cases for Catholic sector schools.[139] Notifications related to 'clergy and/or religious' employees were the second-highest category for Catholic schools, at 19.5 per cent.[140] In comparison, notifications for this category were only 9.1 per cent for Independent schools and nil per cent for government schools.[141]

Abuse by people in religious ministry

Of the 96.9 per cent of survivors of child sexual abuse by adults in schools who provided information in private sessions on the role of the perpetrator in the institution, 39.9 per cent said they were abused by a person in religious ministry such as priests, pastors, nuns or religious brothers. People in religious ministry have spiritual authority conferred on them as religious figures, and therefore can exercise significant power and authority over children. Many perpetrators of school-based child sexual abuse who were people in religious ministry may have also been teachers. Volume 16, *Religious institutions* examines child sexual abuse in religious institutions.

Data on Catholic Church claims indicates that of all claims that alleged abuse occurring in a school, almost three-quarters involved a non-ordained religious brother or priest as an alleged perpetrator: 53 per cent involved a religious brother and 21 per cent involved a priest.[142] Twenty five per cent of claims alleging child sexual abuse occurred at a Catholic school involved a lay person as an alleged perpetrator.[143] Catholic Church claims data includes all claims of child sexual abuse received between 1 January 1980 and 28 February 2015 by Catholic Church authorities in Australia. These claims related to the period from the 1920s to the 2010s.[144] Teachers and other members of staff in these schools were either lay people or people in religious ministry. In many cases, particularly in historical institutions, teachers were people in religious ministry.

Our private sessions information on child sexual abuse in all types of schools showed differences over time in the institutional roles most commonly held by perpetrators. For victims abused by an adult in a school setting before 1990 who provided information on the role of the perpetrator, we heard that 62.9 per cent of perpetrators were teachers and 42.3 per cent were people in religious ministry. For abuse that has occurred since 1990, 75.7 per cent of survivors who provided information on the perpetrator's role told us they were abused by teachers and 11.2 per cent told us they were abused by people in religious ministry.

This decrease in the proportion of people in religious ministry we heard about from survivors abused in school settings from 1990 is correlated with the declining number of people in religious ministry teaching in religious schools in general. For example, in 1965, 69 per cent of teachers in NSW Catholic schools came from Catholic orders. By 2005, this number had dropped to 0.9 per cent.[145] Catholic Church claims data shows that the 1970s was the decade in which the highest number of first-alleged incidents of child sexual abuse occurred in Catholic schools.[146] As noted previously, at this time a high number of priests and non-ordained religious brothers and sisters were teaching in Catholic schools. The over-representation of people in religious ministry in reports of abuse is discussed in Volume 16, *Religious institutions*.

Boarding school housemasters

In our private sessions, the third most common adult perpetrator role we heard about was housemasters or dormitory supervisors in boarding schools. Of those survivors of child sexual abuse in a school setting who provided information on perpetrator role in the institution, 5.3 per cent told us about abuse by a dormitory master or housemaster. These boarding house staff members can have close relationships with students, and spend significant amounts of time with them in less formal settings. They are likely to have insight into which children are the most vulnerable.

In our *Geelong Grammar School* case study a survivor gave evidence about a resident master who was subsequently convicted of several counts of child sexual abuse:

> His roles included waking you up in the morning and putting you to bed at night. I recall that he would watch the boys shower. All the Masters would have to do that as part of their job. I could never get away from him really, he was always there …[147]

Staff with such intimate contact with students could exploit their special positions of trust to groom children and enable abuse to take place. In *Case Study 23: The response of Knox Grammar School and the Uniting Church in Australia to allegations of child sexual abuse at Knox Grammar School in Wahroonga, New South Wales (Knox Grammar School)* we heard evidence that a housemaster took a student back to his room and showed him pornographic videos.[148] In *Case Study 4: The experiences of four survivors with the Towards Healing process*, DK told us that when he was 11 years old, his dormitory master, Brother Leonidas, watched DK and other male students while they showered. DK was abused by Brother Leonidas and by another dormitory master, Brother Murrin, in Brother Murrin's dormitory.[149]

Characteristics of roles held by adult perpetrators in schools

We were told about a number of characteristics specific to certain roles held by adult perpetrators in schools that might have increased the risk of child sexual abuse occurring or going undetected.

The role involved unsupervised, one-on-one access to a child

In *Case Study 9: The responses of the Catholic Archdiocese of Adelaide, and the South Australian Police, to allegations of child sexual abuse at St Ann's Special School* (*St Ann's Special School*), we heard that bus driver Brian Perkins had unsupervised access to children in his employment as the school bus driver and in his volunteer work around the school. In particular, at times he was alone with children in the woodwork shed during lunchtimes, even though St Ann's policy was that a registered teacher was required to supervise volunteers at the school at all times.[150]

In a private session 'Trina Beth' told us that she was abused from the age of 10, when she began music lessons at her Anglican primary school. She said the music teacher was held in high regard in the Melbourne school community. 'She was the teacher that all the parents would try and get their kid in with because they thought she was really good … I really liked her at the start. She was really nice.' The teacher ran the one-on-one music classes in soundproofed rooms, isolated from other teaching areas in the school. 'Sometimes the classes were in different spots but the majority of the time it was in, like, the most unsafe place it could have been.'[151]

The role provided intimate care to a child or involved expectation of a level of physical contact

We heard about staff roles in schools or specialised education units which involved intimate care of a child or expectations of a certain level of expected physical contact. For example, this included staff with medical responsibilities, staff responsible for children with disability, or staff who coached sport.

In a private session, 'Liam' told us of abuse he suffered at a Catholic primary school in Melbourne, at the hands of the priest in charge of the sick bay:

> He would then take you over to the toilet just in case you became ill, pull your pants down just in case one had wet oneself, at that point play with your genitalia. And putting it together later in life I realised he was masturbating over my backside and back whilst this was going on, and would sort of wipe one down and off you'd go.[152]

The role held a high level of trust and credibility in the community or school

In a private session 'Vanessa' told us about being sexually abused by her school principal in the 1960s when she was 10 years old and living in a small Western Australian town. She told us that her principal drove her back from the school excursion in his ute, while the remainder of the class was taken on a bus. The principal told 'Vanessa' that she could put her head on his knee and sleep if she was tired, which she did. When she woke up, it was dark, and the principal had pulled off the highway onto a side road. 'Vanessa' told us that the principal kissed and touched her, and forced her to touch him. She said the incident ended abruptly when a passing car shone its headlights through the windscreen and startled the principal, who then released 'Vanessa' and drove on.[153]

In our *Brisbane Grammar School and St Paul's School* case study public hearing, we heard that alleged perpetrator Mr Kevin Lynch had unsupervised access to students during his time as school counsellor at both schools. Mr Lynch would see students individually for counselling appointments, in a room that had a 'traffic light' system to indicate when the room was occupied or free to enter.[154] Several witnesses told us that Mr Lynch used a form of hypnosis or a relaxation tape and massage during his counselling sessions with students before he would sexually abuse them.[155]

One student, BQK, told us he assumed that the hypnosis was a normal treatment method,[156] while another, BQG, said Mr Lynch had told him to keep the sessions confidential and tried to normalise the abuse.[157] Several survivors told us that Mr Lynch had established a level of trust with them and saw Mr Lynch as a mentor and father figure.[158] One 'considered Mr Lynch as a friend and felt deep sorrow after learning of his death'.[159] Another was invited to sit with Mr Lynch's family at the funeral and carried his coffin.[160]

The role afforded opportunities to form a close relationship with a child and/or their families

In this case study, we also heard that Mr Lynch had befriended the parents of a student, BRN, and was invited for dinner at the family home, and had attended BRN's and BQK's 21st birthday parties, giving a speech at the latter.[161]

We were told in the *Knox Grammar School* public hearing that a teacher, Roger James, befriended a student, ARY, as well as his father, and took them out to dinner. James organised a canoeing trip for ARY and other boys as part of cadet activities and on one night during that trip, James stayed in ARY's parents' house, where he sexually abused ARY.[162]

3.3.3 Children with harmful sexual behaviours

Of the survivors who told us in private sessions about abuse that occurred in school settings, most also provided information on the age of the person who abused them. Of this group, 203 (14.1 per cent) told us about sexual abuse by children with harmful sexual behaviours. As shown in Figure 13.4, there were differences in the proportion of survivors who told us they were abused by children with harmful sexual behaviours before 1990 and since 1990. For abuse that we heard occurred before 1990, 10.6 per cent of survivors said they were abused by another child. In contrast, for abuse that we heard occurred since 1990, 38.2 per cent of survivors told us that they had been abused by another child.

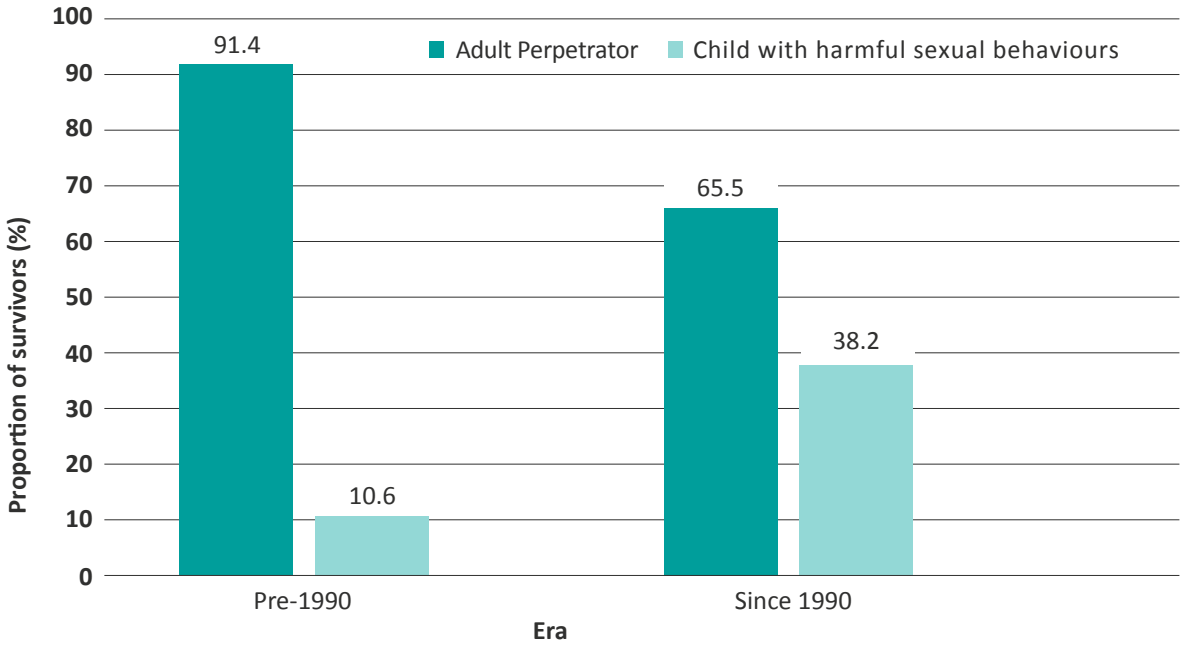


Figure 13.4 – Proportion of survivors of child sexual abuse in school settings by age of the person who abused them and by era of abuse, information from private sessions, May 2013 – May 2017

Note: Figure only includes survivors who provided information about the age of the person who abused them.

Of the survivors who we heard about who were sexually abused in schools by children with harmful sexual behaviours:

- the vast majority (93.1 per cent) told us they were abused by a boy
- more than one-third (36.0 per cent) told us they were abused in a boarding school
- more than half (59.1 per cent) told us they were abused in a non-government school.

Many accounts involved abuse by children who were attending the same school. The child with harmful sexual behaviours was often in a position of power or seniority over the victim, for instance due to age, strength or elevated status, such as being a prefect.

We heard that the abuse by a child with harmful behaviours was often not recognised by school staff as child sexual abuse, and that victims of such abuse and their families were often not supported by schools. We were told that:

- teachers and other school staff had little understanding of the nature and extent of harmful sexual behaviours exhibited by children[163]
- there was little awareness in schools of the difference between healthy and harmful sexual behaviours by children[164]
- unhealthy school cultures (see Chapter 4) could conceal and perpetuate harmful sexual behaviours by children; for instance, we heard about a number of prestigious non-government boys' schools where the behaviour was accepted and normalised as 'boys will be boys'[165]
- abuse by children with harmful sexual behaviours in schools often occurred in a context of bullying and harassment, especially of a violent nature, and by an older child with a higher status in the school.[166]

We heard many instances of abuse by children with harmful sexual behaviours that occurred in boarding schools. *Case Study 45: Problematic and harmful sexual behaviours of children in schools (Harmful sexual behaviours of children in schools)* examined instances of harmful sexual behaviours at prestigious boys' boarding schools in metropolitan areas and a co-educational regional boarding school. During this case study, CLC, who experienced abuse while a student at The King's School, Parramatta, told us about an incident during a cadet camp in early 2013. At the camp, another student ejaculated onto CLC's sleeping bag while he was sleeping in it, and the story spread to all students. CLC was regularly bullied about the incident, and subjected to taunts that he was a 'cum rag' and a 'cum dumpster'. Some students renamed the school wi-fi network to 'CLC's a cum rag'. Following these episodes of bullying, CLC's parents withdrew him from the school.[167]

We also heard about instances where schools did not understand or respond to the additional needs and circumstances of children with disability who displayed harmful sexual behaviours. During our consultations with school stakeholders, we were told that when a child had a communication or cognitive impairment, their harmful sexual behaviours were sometimes dismissed because of their disability.[168] However, in other cases, quite innocuous behaviours displayed by a child with disability were misinterpreted as harmful sexual behaviours.[169]

In a private session we heard from ‘Nadine’ about her daughter, ‘Lara’, a 13-year-old girl living with Down syndrome. 'Nadine' told us that ‘Lara’ was sexually abused at her specialised school by a slightly older boy, ‘James’, who had an intellectual disability. We heard that one day after school, ‘Lara’ told her mother about how ‘James’ had come up to her and had lain on top of her when she was trying to rest on a beanbag in the library ‘quiet zone’ during lunchtime. After lying on ‘Lara’, ‘James’ put his hands down the back and front of her dress and into her underpants. The room had been unsupervised until a teacher arrived and made ‘James’ leave the room. ‘Lara’ was very distressed after the incident. We heard that when ‘Nadine’ went to the school to complain, the principal promised to keep an eye on ‘James’ and ‘Lara’. However, days later the welfare officer at the school called ‘Nadine’ and informed her that ‘Lara’ and ‘James’ had been discovered in the library together after lunch, and the teachers believed they had spent the whole time in there unsupervised. The welfare officer tried to diminish the significance of the incident, telling ‘Nadine’ the relationship between them was consensual, and that although teachers did not approve, they did not think it was ‘much of a big deal’.[170]

Gender of children with harmful sexual behaviours

Boys with harmful sexual behaviours

Of the 203 survivors who told us about school-based sexual abuse by children, the majority (93.1 per cent) said they were sexually abused by boys. This is consistent with data obtained between 2008 and 2013 from the two Australian state education departments who recorded the gender of the child with harmful sexual behaviours for reports of child sexual abuse by one student against another. For reports to the Victorian education department, 93 per cent of cases involved abuse by a boy and 7 per cent by a girl.[171] For reports to the South Australian education department, 83 per cent involved abuse by a boy and 18 per cent by a girl; gender was not recorded for a further 6 per cent.[172]

Physical violence and abuse of power were key issues related to children being sexually harmed by boys. In the *Harmful sexual behaviours of children in schools* case study, EAL gave evidence concerning the sexual assault of her daughter, CLF. CLF told EAL she was sexually abused at Shalom Christian College by four boys while a number of other boys acted as look-outs. EAL gave evidence that CLF told her she saw her cousin during the sexual abuse and CLF had initially felt hopeful he would stop the assault. Instead, he told CLF to ‘hurry up and suck my boy’s dick’.[173] According to school records, CLF had been sexually assaulted by a boy from the school on a previous occasion.[174]

We heard that physical abuse often accompanied sexual abuse committed by boys in schools (see Chapter 4). Commissioned research notes that the child protection literature recognises that psychological, physical and sexual abuse can often co-occur. This may be because psychological and physical abuse can set perpetrators ‘on a process of progressive and incremental boundary violations … making sexual abuse more likely’.[175]

'Logan Reece' told us of his experience of sexual abuse accompanied by physical abuse. 'Logan Reece' said he was 15 years old when he was sexually abused by two boys in his year at the boarding school he attended in the late 2000s. The sexual abuse lasted for a year and was preceded by relentless physical abuse, including being locked inside cupboards, tied up and left outside for long periods, kicked in the testicles and stamped on.[176]

Another common element of incidents of boys exhibiting harmful sexual behaviours in schools was the abuse of a position of power bestowed by the school, or seniority, particularly among boarders. In the *Harmful sexual behaviours of children in schools* case study, we heard that during the 1970s, older boys at Australia's oldest Independent school, The King's School, had power over younger boys, instilled by virtue of their seniority in the school. The Year 12 boys were called 'Sir' by the younger children, and the Year 12 students would punish younger children if they did not comply with their orders.[177] CLG, a former student of The King's School, gave evidence that 'the internal discipline and the *esprit de corps* was driven entirely by the senior boys … I don't believe that any boy was ever suspended or expelled for bullying in my time at [The] King's [School]'.[178] CLG gave evidence that he was forced to watch an older boy masturbate, and afterwards made to make the older boy's bed, as well as clean other senior boys' shoes, brass instruments, vacuum their rooms and run their errands.[179]

We also heard from many survivors who had been sexually abused by boys with sexually harmful behaviours at day schools. In one private session, 'Riley Michael' told us about his experience at a Marist Brothers boys' high school in Sydney in 1977. He was a quiet child, softly spoken, and kept to himself. 'Riley Michael' told us that from his first day at school, he was bullied and physically abused by other students. He said that he was also routinely sexually abused by some of the other school students who lived in a local boys' home. 'I'd get hands on me in classrooms, shoving hands down my pants [and] do stuff … obviously the teachers had a lot of issues themselves … I would do anything I could to get kicked out of the classes.'

'Riley Michael' also said, 'They got me one lunchtime … walked into the classroom, half a dozen people come in behind me … and there's people in there waiting for me …. They [sexually] assaulted me'. He became very anxious about his safety. 'Every day I was scared to go to school … To this day I'm scared. I can't do anything.'[180]

Girls with harmful sexual behaviours

Of the 203 survivors who told us about school-based sexual abuse by children, 9.4 per cent told us of abuse by girls.

Research we commissioned notes there are limited studies into girls with harmful sexual behaviours. Studies into patterns of offending and developmental experiences of girls with harmful sexual behaviours suggest many had experienced childhood trauma, including neglect, physical abuse, sexual abuse and/or had witnessed domestic violence, among other traumas.[181]

In a private session, 'Angelina' told us about her six-year-old daughter, 'Cara'. 'Cara' cried out in pain one day while she was playing after school. When 'Angelina' asked her what was wrong, 'Cara' pulled her underwear back and her mother saw blood on them and noticed that her private parts were red and swollen. She asked her daughter what had happened. 'Cara' told her that two older girls, big 'Louisa' and little 'Helen', had come into the school toilets after her and assaulted her by rubbing soap and rocks in her vagina.

'Angelina' rang the police immediately and then took 'Cara' to hospital. 'Angelina' told the emergency department that her daughter had been sexually assaulted. They told them to take a seat. After three hours 'Cara' needed to go to the toilet, but when she did, she was in so much pain they 'heard her screaming from the outside toilet … Then they still made us wait for two hours'. There were cuts from the rocks. 'Cara' disclosed some of the abuse to the doctor – one girl had held her down while the other one inserted the rocks – but she would not say who did what. 'Angelina' and 'Cara' were not referred to the sexual assault clinic, nor to a social worker.[182]

In another private session we heard from 'Nicole Jane' about her daughter, 'Amy', who has autism and attention deficit hyperactivity disorder, as well as learning difficulties including dyslexia. Her mother told us that in the mid-2000s, when 'Amy' was a Year 6 student at a Queensland government primary school, she was sexually assaulted by another student.

When 'Nicole Jane' examined 'Amy', she found her vaginal area to be red and scratched, with scars from what appeared to be old scratches. She asked 'Amy' how it had happened and 'Amy' lowered her head so 'Nicole Jane' could not see her face. 'Nicole Jane' told us, 'Amy doesn't cry. She doesn't know how to cry. But her whole body language said to me there was a guilt'. When she asked 'Amy' if she had scratched herself, 'Amy' told her that it was another girl, 'Natalie', who'd done it. ''Amy' still says today, "'Natalie' gave me sex"', 'Nicole Jane' said.

'Natalie' was a year older than 'Amy', and had developmental delay issues. She was 'Amy's' only friend at school. Eventually 'Amy' revealed that 'Natalie' had been taking her into the school toilets and locking the door. 'Nicole Jane' said, 'She would take her own clothes off, take 'Amy's' clothes off, and perform sexual acts, [including] rubbing and penetration'.

'Nicole Jane' told us that 'Natalie' was physically much bigger than 'Amy', and she had a strong personality. 'Amy' was very naive. 'If you suggested that she go to a room to do something, she would feel awkward about it but still go under your power to do it.' Her willingness to be compliant remained an issue that years later was still being worked through with education and training. 'She's getting stronger but she's not there yet', 'Nicole Jane' said.[183]

These issues are discussed further in Volume 10, *Children with harmful sexual behaviours.*

3.4 Places in schools where children have been sexually abused

Consistent with research,[184] we were told that children were sexually abused in many different school settings. The locations included on school grounds, at school activities and in other school-related settings such as the home of a teacher.

Professor Stephen Smallbone, an expert on child safety, gave evidence on the range of school settings in which child sexual abuse can occur in the public hearing for the *Perth independent school* case study:

> Sexual abuse is most likely to occur in places with which the abuser is familiar, and where the risk of detection is low. However, an actual abuse incident can occur quickly (commonly five to 15 minutes), so does not always require a remote, out-of-the-way place. School-related abuse can happen away from the main school setting itself – eg at camps, in a vehicle, or in the offender's or victim's home.[185]

The risk of abuse occurring in certain locations does not exist in isolation, but is influenced by factors such as the level of adult supervision, whether interactions with children are observable by others, and whether children are separated from their parents and caregivers overnight.[186]

3.4.1 School grounds

The school grounds comprise the school's buildings such as classrooms, toilets, change rooms, principals' and teachers' officers, libraries and administration buildings, as well as outdoor areas including the playground and sports ovals.

Private spaces on school grounds

Private spaces on school grounds – classrooms without windows or with lockable doors, private offices, toilets, change rooms and storage facilities – are areas with little supervision. Outdoor locations can also provide opportunities for privacy, such as behind sheds or trees, or on the playground while other children are in class.

We were told that private spaces allow perpetrators to be alone with children without raising suspicion, and with limited likelihood of interruption. In a private session, 'Miles' described how his teacher, 'Norman', would abuse him in a secluded classroom: 'The room could be locked from the inside, and 'Norman' took advantage of this. He would lock the door to the room when assaulting me'.[187] Another survivor, 'Walt Henry', told us that he was abused in the school music room, a secluded spot with frosted windows and a door that could be locked from the inside.[188]

In our *Brisbane Grammar School and St Paul's School* case study, BKQ, a former student, gave evidence that at Brisbane Grammar, Mr Kevin Lynch's office had two entrances – one through the careers room and one leading into the corridor. This meant that a student waiting to see Mr Lynch could not see who was coming out of the room.[189] BQG gave evidence that both doors were fitted with locks and intercoms:

> The intercom at one door was fitted with a lighting system which had a red light and a green light … if the red light was on then a student knew not to enter the office. The student had to wait in the careers room until the green light came on.[190]

In *Case Study 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton (Marist Brothers),* we heard that in the early years of Kostka Chute's tenure, his office had access to a windowless storeroom. Survivors who were abused by Chute said that the abuse occurred in his office or the storeroom to his office.[191]

Onsite private residences for staff provided a further setting for abuse to occur without being observed. In some cases, we heard that perpetrators would groom victims over a period of time before inviting them to their residence. In other instances, survivors told us that it was considered normal or permissible for students to be in staff members' residences.[192]

Public spaces on school grounds

Abuse can also occur in public spaces on school grounds, sometimes in front of other children or adults. We heard that on some occasions a child was sexually abused in front of a classroom of children.

In *Case Study 6: The response of a primary school and the Toowoomba Catholic Education Office to the conduct of Gerard Byrnes*, we heard that primary school teacher Gerard Byrnes would abuse children while the rest of the class was present. With the exception of two counts of indecent treatment, all other offences – including digital rape offences – occurred during class time while the girls were either beside Byrnes's desk or on his lap behind his desk.[193]

In a private session, 'Leo James' told us that 'Brother Andrew' would regularly summon boys to the back of his classroom and molest them. 'You knew that when Brother Andrew said "I need to talk to you", and you headed down towards the back of the room, you knew just what you were in for. And it was sort of – all right, well, let's get it over and done with, and see who's next.'[194]

Survivors told us that perpetrators sometimes tried to disguise abuse in a public space as part of another action. In a private session, 'Zayn' told us of his experience at a prestigious Sydney boys' school. When 'Zayn' was six years old, he came into contact with 'Lesley Cooper', who was the head of the performing arts department. 'Zayn' said he was subjected to 'Cooper's'

habit of tucking boys' shirts into their pants. 'Cooper' would also put his hands down 'Zayn's' pants and fondle his genitals. He recalls this being done in front of his classmates and seeing 'Cooper' doing the same thing to several other boys. This occurred regularly for three years.[195]

Boarding facilities on school grounds

Some schools offer boarding facilities on school grounds. Boarding facilities may take different forms, such as large dormitories with many students, or private rooms for older students. The members of staff assigned to supervise boarders, known as housemasters or boarding masters, often have their own private quarters on school grounds or in the boarding house.

Survivors told us about many instances of abuse in boarding houses or dormitories. In our *Geelong Grammar School* case study, we heard of several instances where a teacher, BIM, would enter the boys' dormitory and sexually abuse them. BKV told us that as a boarder at the senior school at the school's Corio campus, he was placed in Fraser house and supervised by BIM. We heard evidence that in 1971, on one occasion in the early morning, BIM entered BKV's dormitory and directed BKV to follow him. BIM climbed into a bed and directed BKV to get into bed with him. BKV gave evidence that, when he got into bed, BIM lay down behind him and sexually abused him.[196] In a separate instance, BIM came into the dormitory and took BKQ, another student, into his room, having told him that 'I'm going to teach you about sex', before sexually abusing him.[197]

We also learned during our public hearings and private sessions about sexual abuse in boarding houses by students with harmful sexual behaviours. In a private session, 'Felix Evan' told us he was bullied and sexually abused by other students while he was a boarder at a Victorian school in the 1980s. 'Felix Evan' described the bullying, which included boys removing his clothes and towel from the bathroom so he would have to walk back to the dormitory naked. 'Felix Evan' told us the bullying escalated when he was attempting to return to his dormitory and five boys attacked him. Four of the boys held him down while another boy anally raped him.[198]

As discussed in Section 3.2.1, the risk of child sexual abuse occurring in boys' boarding schools and boarding houses was assessed as being very high in research we commissioned.[199] This was due in part to high levels of situational risk identified in these residential settings, such as those risks associated with:

- adults involved in children's personal care, where professional boundaries can be crossed[200]
- children of different ages spending substantial time together, often with the opportunity to be alone with another child or children unsupervised, and with limited access to parents for protection.[201]

3.4.2 Offsite locations

Offsite boarding facilities

Sometimes boarding facilities may be located in 'standalone' residential facilities, away from school grounds and affiliated with, but not operated by, the school. These may include boarding houses affiliated with a particular school or schools, boarding facilities for students from remote locations, or hostels for secondary students. Such facilities pose risks similar to those of boarding houses on school premises. However, the level of risk could be higher in offsite boarding facilities.[202]

School activities in offsite locations

The school setting extends to offsite premises where school activities take place, such as sports training, meetings of clubs, and religious services. The school setting can also include locations for less frequent activities such as school camps and excursions, eisteddfods, musicals and theatrical performances.

In our *Marist Brothers* case study, we heard that Brother Kostka Chute had a student, AAJ, dress up as a woman on the basis that he would be in a school play. Chute required AAJ to kiss him during rehearsals, ostensibly as part of the play, which ultimately was not performed.[203] In 2008, Chute was convicted of an act of indecency on another student, ACK, during a 'Friday film night' at Marist College Canberra in 1986. According to the agreed facts read at Chute's sentencing hearing, ACK was sitting on the stairs outside the theatrette during one movie night, and Chute came to sit beside him before sexually abusing ACK. When ACK went inside to watch the movie, Chute sat beside him and continued to touch ACK in the same way. When ACK attempted to move to another seat in the theatrette, Chute moved with him.[204]

We heard from many survivors that they were abused on school camps and day excursions. In our *St Ann's Special School* case study, we heard that among other locations such as the school bus and school toilet, Brian Perkins had also abused LD, a student of St Ann's, on school excursions and at other events organised by Perkins such as the Pedal Prix event.[205]

School camps involving overnight stays represent a site of particular risk for child sexual abuse. They introduce many of the elements of risk discussed earlier in relation to boarding facilities, providing perpetrators with increased access to children, as well as increasing the isolation of children from their parents or caregivers.

'Phoebe' told us in a private session that when she was in Year 9 in the early 1990s, she was raped by a male teacher while on a three-week school trip. She said that teacher 'Charles Kramer' began spending a lot of time with her, sitting beside her on the bus and finding other opportunities to talk to her and touch her. He then told her he'd fallen in love with her. The first night that the group slept under the stars, 'Charles Kramer' fondled and touched 'Phoebe'.

On the second and successive nights he 'went all the way', 'Phoebe' said. 'Phoebe' felt powerless to do anything about what was happening. She was far from home. She didn't know the other teachers. 'I just felt really alone … There was nothing I could do.'[206]

We heard that it may also be difficult for staff to maintain proper supervision of children throughout overnight camps. The 24-hour nature of the activity makes it difficult for staff to always be present. In addition, students may be spread out over large areas during sleeping or showering times, and may be in multiple small dormitories or cabins.

'Gaby' told us in a private session that her son 'Toby' was abused while on school camp at the age of nine. 'Gaby' told us that 'Toby' had been placed in a cabin as a 'buffer' between 'Jason' and 'Alan', two other children who she said were known for their violent behaviours. The camp rules required that children stay in their cabins for shower time between 4.30 pm and 5.30 pm, and children were told that if they left their cabin they would be sent home. 'Gaby' told us that 'Toby' was sexually abused during this time. She said that 'Alan' and 'Jason' took 'Toby' into the bathroom and locked the door. The other boys tried to intervene but couldn't break down the door. 'Toby' later told his mother that 'Alan' and 'Jason' had taken his clothes off and that the abuse had involved 'putting penises in his bottom'.[207]

3.4.3 Other school-related settings

There are a number of settings that are linked to schools due to their association with a person or persons connected with the school. School-related settings we heard about included school buses and the homes and cars of teachers, staff and students.

School buses

We heard accounts of children who were sexually abused on school buses by adults and children with harmful sexual behaviours.[208] School buses present a risk of abuse because the bus driver is commonly the only adult on board, enabling unsupervised interaction with a group of children. In addition, some students can be left alone with the bus driver for considerable periods of time. Bus routes that are long or have unpredictable drop-off and pick-up times might increase the level of risk given the decreased opportunities for oversight by others.

We found in the *St Ann's Special School* case study that the bus driver, Brian Perkins, was not supervised when he took children with intellectual and communication disabilities to and from school each day. We found that the principal of the school did not comply with the pre-employment procedures set out in the *Catholic schools handbook*, and did not conduct a police check on Perkins. A police check would likely have revealed that Perkins had three prior convictions for sexual offences. Parents told us that they had complained that the bus was late bringing their child home, and the school secretary had given them excuses such as that the children were disruptive, the route had changed, another child had to be dropped off first, the bus had broken down or the bus had mechanical problems.[209]

We were told that children with disability could be particularly at risk of abuse on school buses. In a private session, 'Samantha' told us that her son 'Jordan' was abused by his school bus driver. With two younger children, 'Samantha' and her husband depended on the bus to take 'Jordan', who had an intellectual disability, to the special needs class at his mainstream school. 'Jordan' was the youngest on the bus, and the first on and last off. 'Samantha' told us 'Jordan' disclosed to his teacher that he was abused by the bus driver. 'Samantha' believes that in the two terms he drove the school bus, the driver sexually abused six of eight children in 'Jordan's' class, as well as a boy from another class.[210]

School buses may also pose a risk of sexual abuse by children with harmful sexual behaviours. 'Cory' told us in a private session of being abused every day on the bus to the local school. When he got on the bus, a bigger boy, 'Douglas', would grab 'Cory' by the arm and force him to the back. As other bigger boys watched, 'Douglas' pulled down 'Cory's' trousers and anally raped him. 'Cory' told us that it happened on the way to school and on the way home. 'I would just have to sit there and take the pain. I couldn't say anything, couldn't do anything.'[211]

Perpetrators' homes and cars

School-related settings included the cars and homes of school staff and students. These settings provided an extra level of privacy, away from the school premises or a school-related activity where other members of staff or students might be present. We heard that perpetrators sometimes groomed children while they were at school and then abused them in locations away from the school grounds, such as their homes or cars.

In our *St Ann's Special School* case study, we heard how Brian Perkins sexually abused several victims at his home. LH, who was aged between 11 and 15 years old, was sexually abused at Perkins's home where he would sometimes visit or stay overnight. Perkins encouraged LH to sexually touch other former students of St Ann's who were also present at his home. Perkins showed LH pornography and was present when another convicted sex offender, Robert Hawkes, took photographs of LH while he was naked. On one occasion, Perkins took LH to another man's home where they undressed LH and sexually abused him.[212] In other instances another student, LB, who had Down syndrome, would sleep over at Perkins's home; Perkins pleaded guilty to a sexual offence involving LB in 2003.[213] Another former student of St Ann's, LD, who was born with an intellectual disability, gradually told his parents that among other places, he was sexually abused at Perkins's home, at another house, and at a house in Seacliff in South Australia during a school outing.[214]

In several of our case studies, we heard about instances where victims were allegedly sexually abused in the perpetrator's car. In our *Marist Brothers* case study, we heard that Brother Gregory Sutton was convicted in 1996 for offences against four students at a Marist Brothers' primary school. Brother Callaghan told Carrington Investigations Pty Ltd in 1997 that while Sutton did not exhibit any tendencies that would be a cause for concern, 'I did observe that Brother [Sutton] took some of the boys in his class out for drives in his motor car.

With hindsight I would now regard such behaviour as something to be regarded with concern, something that should be investigated, something that the Brother should be warned against'.[215]

In 1996 Sutton was convicted on seven counts of sexual intercourse with a child under 16. The offences involved ACU, a primary school student, and occurred at a number of different locations, including in a car after he had driven ACU home from a school camp.[216] On another occasion, Sutton had taken ACU to the monastery to see his train set before sexually abusing her. He then stopped in the bush while driving ACU home and sexually abused her again.[217]

3.4.4 Online environments

The online environment is another school-related setting where child sexual abuse can occur.

Most accounts of child sexual abuse to the Royal Commission relate to experiences that occurred before access to the internet and mobile devices was available. However, abuse that is facilitated through digital technologies and online platforms is now an emerging theme in more contemporary cases of child sexual abuse in institutions, including incidents relating to children with harmful sexual behaviours (see Volume 6, *Making institutions child safe*).

The nature of the online environment and the evolving ways it is used create specific risks that need to be considered and minimised to better protect children from harm. These include:[218]

- the use of online communications for grooming purposes by adult perpetrators
- the production or distribution of online child sexual exploitation material, including images, video and live-streaming of sexual abuse of children
- image-based abuse, which involves non-consensual sharing or publishing of sexual or intimate images for the purposes of humiliation, blackmail, payback or trafficking, and includes 'sextortion', where threats are made to expose a sexual image
- children engaging in online practices such as 'sexting' that may expose themselves or their peers to harm or potentially illegal activity
- children's unrestricted exposure to online pornography that may prove harmful to themselves or others.

These risks can arise beyond an institution's physical environment and immediate oversight.[219] Effective institutional approaches to prevention and response therefore need to straddle the boundaries between the online and offline environments, and institutional and non-institutional contexts.[220] This is an area of growing relevance for schools, as staff or volunteer communications with children are increasingly facilitated through mobile devices and digital platforms, and as the use of technologies evolves.

For children, the boundaries between online and offline interactions are becoming increasingly arbitrary and invisible. In our consultations, most young people told us that digital technology is not the 'problem' and is a reality of modern life – most also told us they felt safe online.[221] However, many young people told us they had experienced, witnessed or knew those involved in some form of online sexual abuse. Many of the examples they gave related to online interactions between peers in the school setting; some incidents had required responses from the school and law enforcement.[222]

These issues are discussed in further detail in Chapter 5 of Volume 6, *Making institutions child safe*.

3.5 Impacts of school-based child sexual abuse

As described in Volume 3, *Impacts*, the impacts of child sexual abuse in institutional contexts can be devastating. These impacts, we were told, are different for each victim. Some survivors experience deep, complex trauma, which pervades all aspects of their lives. Others do not perceive themselves to be profoundly harmed by the experience. Some impacts are immediate and temporary, while others can last into adulthood. Some manifest in response to triggers or events. Others emerge at different life stages or accumulate over time.

While each experience that survivors described to us was unique, there were some common impacts. Most often identified in private sessions was the effect on their mental health. This was followed by difficulties in survivors' interpersonal relationships and impacts on their education, employment and overall economic security. Survivors also commonly described to us the impacts on their physical health, social wellbeing, culture, spirituality, sexual behaviour, sexuality and gender identity. Although some survivors told us of one or two of these effects, others described a complex, interconnected web of effects. Part of the explanation for this combination of effects lies in the detrimental impact that interpersonal trauma can have on the biological, social and psychological development of the child (see Volume 3, *Impacts*).

While the impacts of child sexual abuse in institutional contexts are similar to those of child sexual abuse in other settings, we learned that there are often particular effects when a child is sexually abused in an institution. These include impacts on spirituality and religious involvement, such as a loss of faith or a loss of trust in a religious institution, for those victims sexually abused in such settings. We also heard that distrust and fear of institutions and authority are particular features of the effects of child sexual abuse in an institutional context. How institutions respond to child sexual abuse can have a profound effect on victims and can have the potential to either significantly compound or help alleviate the impacts of the abuse.

The effects of child sexual abuse, and institutional responses to that abuse, can extend beyond victims: their parents, siblings, partners, carers and children can be significantly affected, as can other children and staff in institutions where abuse occurred. The effects can be intergenerational and can impact entire communities.

In this section, we discuss what we heard from survivors about the educational impacts of school-based sexual abuse and/or the poor or non-existent response of the relevant institutions to that abuse. We acknowledge that many survivors who were sexually abused in schools as children experienced a range of other impacts, as outlined above and detailed in Volume 3, *Impacts*.

3.5.1 Impacts of school-based child sexual abuse on educational outcomes

Survivors told us about a number of common impacts on their educational experience and outcomes:

- experiencing academic difficulties, an inability to concentrate and behavioural problems
- leaving school early, sometimes due to suspension or expulsion
- being unhappy at school
- avoiding school
- being reluctant to engage with education later in life.

There are long-term consequences of these educational impacts. Some of the limited research in this area suggests that, compared to people with no history of abuse, survivors of child sexual abuse report poorer academic achievement.[223] Studies have found a lack of educational engagement and resulting low school completion rates among victims of abuse.[224] A longitudinal study conducted in New Zealand suggests that survivors of child sexual abuse which involved sexual penetration are more than twice as likely to leave school without qualifications and almost three times more likely to have experienced welfare dependence between the ages of 25 and 30 than those with no history of abuse.[225] Research suggests that survivors of maltreatment are more likely to have very low incomes compared with groups who have no history of maltreatment.[226]

We commonly heard about survivors of child sexual abuse in schools who felt the abuse had prevented them from achieving their full potential in life. For example, 'Alesha', who wrote to tell us that her teacher, 'Slater', sexually abused her and that this resulted in severe bullying from other students at her school in the 1970s. 'Alesha' wrote that it became evident to her classmates that 'Slater' had taken a 'special interest' in her and as a result she was severely bullied. 'Alesha' described how she became very aware not to draw attention to herself or her body, and began withdrawing from such things as sporting activities. 'Alesha' told us she was sexually assaulted on the school bus when she was held down by two or three boys who digitally penetrated her while calling her a 'slut'. Following this abuse, 'Alesha' attempted suicide, took a year off school and developed an eating disorder. However, through the love and support of her parents she gained back some emotional stability. 'Alesha' wrote that at the end of the year, at the age of 15, she took a job as a doctor's receptionist. 'Alesha' told us: 'I am still saddened and angered that I couldn't finish my education. I've always wondered what opportunities or where my life could have taken me, if my right to be educated had not been taken away'.[227]

Academic difficulties and a decline in academic performance

Of the 2,186 survivors who had experienced school-based child sexual abuse that we heard from in private sessions, 92.4 per cent told us about the impact of the abuse. Of these, about one-quarter (24.3 per cent) said they experienced academic difficulties at school following the abuse. A greater proportion of male survivors (25.2 per cent) than female survivors (21.6 per cent) mentioned experiencing such difficulties.

Survivors told us they were unable to concentrate or apply themselves to schoolwork because they were suffering the effects of the abuse, including fear, anxiety, distrust and anger. For many, these difficulties led to a decline in academic performance. In a private session, 'Hugo Sam' told us he was sexually abused at a Marist Brothers' high school by a teacher in the 1980s. He said:

> It's definitely obviously affected my schooling, there is no doubt … that is where I'm most angry, that I missed out on a good education. Because [the abuse] was taking your mind off what you should have been doing.[228]

In *Case Study 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions* survivor Mr Manny Waks told us that as a result of being abused by a teacher he 'lost focus on his studies and became dependent upon alcohol'.[229]

We heard from survivors who had been high achievers in school until their academic performance was affected by child sexual abuse. BKM was a prefect at Geelong Grammar School in the 1980s but we heard that after he was abused by a housemaster, he found it difficult to concentrate in class and failed his final exams.[230] BKM gave evidence in the *Geelong Grammar School* public hearing that he believed the abuse limited his opportunities in many ways.[231]

Research has identified a range of negative effects of child sexual abuse on victims' cognition, concentration, learning ability, self-esteem, self-direction, educational performance, behaviour at school, school attendance and educational performance as adults.[232] Australian research suggests children who experienced sexual abuse can show reduced academic achievement and cognitive function,[233] as well as reduced IQ scores.[234]

Leaving school early

Of the survivors in private sessions who told us about the impact of abuse in a school setting (92.4 per cent), 455 (22.6 per cent) told us they left school early due to the abuse. More male survivors (23.7 per cent) than female survivors (19.2 per cent) said they left school early.

In a private session, 'Ingrid' told us how her experience of sexual abuse by another student at a government high school led her to be fearful and unhappy at school. Ultimately, it led her to drop out in Year 12, even though she 'worked really hard all the way to Year 12'.[235] Living in a small regional town, there was no other school she could attend. 'Ingrid' told us she was sad she didn't complete Year 12 because she wanted to 'do all the girly stuff' you get to do with a school formal – get dressed up, go in the car, have photos taken.

AOD told us in *The Hutchins School* public hearing that he left in Year 10 in 1973 after being sexually abused by two teachers.[236] In a private session, 'Josh' told us he was abused by his school counsellor in the 1990s. He said the impact of abuse set in during his final year of school. 'Josh' did not sit his exams, smoked a lot of marijuana and left home. He told us that things really went off the rails after that.[237]

Unhappiness at school

Of the survivors who told us about the impact of abuse in a school setting (92.4 per cent), 305 (15.1 per cent) spoke about being unhappy at school after being sexually abused there. More male survivors (16.2 per cent) than female survivors (12.0 per cent) told us they were unhappy at school.

'Randall' told us he was sexually abused by the housemaster and a teacher at his Anglican boarding school. He was often bullied and this, together with his fears of further sexual abuse, led him to become extremely unhappy at school. He begged his parents to let him come home, but never disclosed what was happening to him because 'they'd just think I was bullshitting to get out of the school'.[238]

In the *Toowoomba Catholic school and Catholic Education Office* case study we were told that survivor KE experienced 'bad dreams' and became withdrawn as a result of the abuse by her primary school teacher.[239] In *St Ann's Special School*, we heard that as a result of sexual abuse by the school bus driver, survivor LC changed from a 'happy, outgoing child to an angry, aggressive and violent person'.[240]

In a private session, 'Beau James' told us he was physically abused by boys at school and was also sexually abused by a classmate. He said he: 'felt depressed a lot of the time … My life was a horrible existence, both at school and at home. I was very unhappy'.[241]

'Stew' told us that during six years at a prestigious Anglican boys' school in Sydney, he was 'constantly and continually assaulted and abused by older boys … right under the nose of masters and teachers'. His schoolwork suffered and he failed academically, for which he said he was vilified by his teachers and his unsympathetic family. His parents refused to let him leave the school. 'Stew' said he felt too ashamed to tell them what his life there was really like. 'Stew' took up photography so that he could lock himself in the dark room for hours to escape the torment. 'It was my only place. There was no safe place for me at school.'[242]

Avoiding school

About 4.4 per cent of the survivors in private sessions who provided information about the impact of the abuse in a school setting said they avoided school after being sexually abused.

'Roddy' said that he was sexually abused during one of his weekends alone in his boarding school, and then started avoiding school because 'it wasn't a place where you felt safe'.[243] In another private session, 'Geoffrey' told us he missed three months of school after being abused by the school bus driver because he didn't want to get on the bus with the perpetrator.[244]

Reluctance to engage with education later in life

Survivors told the Royal Commission that, as a result of child sexual abuse in school settings, they were reluctant or unable to engage with other educational institutions later in life. 'Leon' told us that he abandoned his plans to become a teacher because he found he couldn't bear to be in schools after being sexually abused by his Marist Brothers school headmaster. 'Leon' said the abuse began when he was 15 years old and continued for two years in the headmaster's office.[245] In *Case Study 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse*, survivor Emma Fretton described how a classroom setting still triggered flashbacks for her, leaving her unable to complete her TAFE courses.[246]

A lack of engagement with educational institutions can affect employment prospects, future income, interpersonal relationships and personal fulfilment. For instance, in our *Brisbane Grammar School and St Paul's School* case study public hearing, we heard that a student, BQG, was sexually abused by Mr Lynch three times a week, or more, for many years. BQG told us that Mr Lynch had become a father figure to him, and felt that Mr Lynch remained an important figure in his life until the time of Mr Lynch's death.[247] BQG did not complete high school and, as a result, was not able to pursue studies in law. BQG told us he feels inadequate for not having a degree, despite having been quite successful commercially.[248] Similarly, BRN, another witness in this public hearing, said that the abuse by his school counsellor at St Paul's left him with low self-esteem and an inability to complete educational courses, affecting his ability to earn an income.[249]

In some cases the impact of a victim's reluctance to engage with educational institutions may even extend to their children. In private sessions one survivor told us that as a result of his own abuse he does not want his children to attend school and often keeps them at home, which has caused conflict with his wife and the education department.

Endnotes

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2 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school*, Sydney, 2015.
3 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school*, Sydney, 2015, p 26.
4 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school*, Sydney, 2015, pp 56, 72.
5 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school*, Sydney, 2015, p 20.
6 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school*, Sydney, 2015, p 20.
7 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school*, Sydney, 2015, p 20.
8 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school*, Sydney, 2015, p 21.
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11 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 7.
12 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 25.
13 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 92.
14 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 27.
15 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 93.
16 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 7.
17 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, pp 47–8.
18 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 93.
19 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia,* Sydney, 2017.
20 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia,* Sydney, 2017, p 72. Each Catholic Church authority in Australia completed a claims survey detailing each claim of child sexual abuse made against Catholic Church personnel received between 1 January 1980 and 28 February 2015.
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22 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia,* Sydney, 2017, p 55. Each Anglican diocese in Australia completed a survey detailing each complaint of child sexual abuse received by a diocese between 1 January 1980 and 31 December 2015.
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30 L Bromfield, C Hirte, O Octoman & I Katz, *Child sexual abuse in Australian institutional contexts 2008–13: Findings from administrative data,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, pp 75, 115.
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32 L Bromfield, C Hirte, O Octoman & I Katz, *Child sexual abuse in Australian institutional contexts 2008–13: Findings from administrative data,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 49–50.
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34 NSW Ombudsman, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 9: Risk of child sexual abuse in schools*, 2015, p 8.
35 NSW Ombudsman, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 9: Risk of child sexual abuse in schools*, 2015, p 8. Note that the NSW Ombudsman separates data on Catholic systemic schools from that on Catholic Independent schools; Catholic Independent schools data is analysed together with other Independent schools data. In contrast, data analyses by the Australian Bureau of Statistics and the Royal Commission combine Catholic systemic schools and Catholic Independent schools.
36 NSW Ombudsman, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 9: Risk of child sexual abuse in schools*, 2015, p 8. A sustained finding is a finding that the conduct occurred. NSW Ombudsman, 'Making a finding of reportable conduct', *Factsheet*, NSW Ombudsman, New South Wales, May 2017, https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0011/41033/FS13-CP-Making-a-Finding-of-Reportable-Conduct-170523.pdf (viewed 21 September 2017).
37 NSW Ombudsman, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 9: Risk of child sexual abuse in schools*, 2015, p 9.
38 L Bromfield, C Hirte, O Octoman & I Katz, *Child sexual abuse in Australian institutional contexts 2008–13: Findings from administrative data,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 182. It was not clear from the data whether these were Education Department-derived categories.
39 Name changed, private session, 'Drew'.
40 Name changed, private session, 'Bennett'.
41 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia,* Sydney, 2017, p 59.
42 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia,* Sydney, 2017, p 76.
43 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia,* Sydney, 2017, pp 73–4; Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia,* Sydney, 2017, p 26.
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45 For example: Name changed, private session, 'Willem'.
46 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia,* Sydney, 2017, p 77.
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48 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students*, Sydney, 2015, p 9.
49 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students*, Sydney, 2016, p 28.
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51 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students*, Sydney, 2016, p 29.
52 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001_R at 0020_R.
53 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001_R at 0019_R.
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56 Name changed, private session, 'Phillipa Catherine'.
57 Name changed, private session, 'Phillipa Catherine'.
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60 Names changed, private session, 'Anne and Charlotte'.
61 Names changed, private session, 'Anne and Charlotte'.
62 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 23.

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66 S Robins, *Protecting our students – Executive summary and recommendations,* 2015, www.attorneygeneral.jus.gov.on.ca/english/about/pubs/robins/ch3.php (viewed 29 August 2017).
67 Name changed, private session, 'Alberto'.
68 Name changed, private session, 'Isaac'.
69 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 12: The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009*, Sydney, 2015, pp 19, 43.
70 K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, pp 42, 59.
71 K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, pp 42, 59.
72 C Shakeshaft & A Cohan, 'Sexual abuse of students by school personnel', *Phi Delta Kappan*, vol 76, no 7, 1995, p 4; C Shakeshaft, 'Educator sexual abuse', *Hofstra Horizons*, 2003, p 11.
73 C Shakeshaft, 'Educator sexual abuse', *Hofstra Horizons*, 2003, p 11.
74 C Shakeshaft, 'Educator sexual abuse', *Hofstra Horizons*, 2003, p 11.
75 K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 37; C Shakeshaft, 'Educator sexual abuse', *Hofstra Horizons*, 2003, p 11.
76 Name changed, private session, 'Abby'.
77 Name changed, private session, 'Abby'.
78 Name changed, private session, 'Abby'.
79 Name changed, private session, 'Patsy'.
80 Name changed, private session, 'Caitlin'.
81 Name changed, private session, 'Caitlin'.
82 Queensland, Tasmania and the Commonwealth are the exceptions. Every other Australian jurisdiction has legislation in place prohibiting sexual acts involving a child who, at the time of the offence, was over the age of consent and a person who at the time of the offence (or generally) was responsible for their care or supervision or was in a position of authority relative to them: H Boxall, *Brief review of contemporary sexual offence and child sexual abuse legislation in Australia: 1788–2013,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2014, p 15.
83 Note that Aboriginal and Torres Strait Islander status was unknown for 33.4 per cent of survivors.
84 Gender was unknown or other for 0.2 per cent of survivors of child sexual abuse in schools.
85 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia,* Sydney, 2017, p 13.
86 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia,* Sydney, 2017, p 74.
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88 L Bromfield, C Hirte, O Octoman & I Katz, *Child sexual abuse in Australian institutional contexts 2008–13: Findings from administrative data,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 130.
89 L Bromfield, C Hirte, O Octoman & I Katz, *Child sexual abuse in Australian institutional contexts 2008–13: Findings from administrative data,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 148.
90 L Bromfield, C Hirte, O Octoman & I Katz, *Child sexual abuse in Australian institutional contexts 2008–13: Findings from administrative data,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 182.
91 NSW Ombudsman, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 9: Risk of child sexual abuse in schools*, 2015, p 10.
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94 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia,* Sydney, 2017, p 55.
95 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia,* Sydney, 2017, p 55.
96 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 45.

97 Note that some of the victims recorded in this group were not formally attending the school in question; the abuse was connected to the school setting in some other way. For example, a child not yet old enough to be enrolled at the school may have been abused by their older sibling's teacher.
98 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 35.
99 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia,* Sydney, 2017, p 76.
100 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia,* Sydney, 2017, p 58.
101 K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016.
102 G Llewellyn, S Wayland & G Hindmarsh, *Disability and child sexual abuse in institutional contexts: A discussion paper,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 49.
103 C Shakeshaft, *Educator sexual misconduct: A synthesis of existing literature,* US Department of Education, Washington, 2004, cited in K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 59.
104 Name changed, private session, 'Lee Symon'.
105 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 28: The response of Catholic Church authorities in Ballarat,* Sydney, 2017, pp 77–9.
106 Name changed, private session, 'Mae'.
107 Name changed, private session, 'Jem'.
108 Name changed, private session, 'Rhys Allan'.
109 Name changed, private session, 'Rhys Allan'.
110 Name changed, private session, 'Amelia Lee'.
111 K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 39.
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120 C Shakeshaft, *Educator sexual misconduct: A synthesis of existing literature,* US Department of Education, Washington, 2004, pp 23–4.
121 K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 38.
122 K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 37.
123 C Shakeshaft, *Educator sexual misconduct: A synthesis of existing literature,* US Department of Education, Washington 2004, p 24.
124 L Ratliff & J Watson, 'A descriptive analysis of public school educators arrested for sex offenses', *Journal of Child Sexual Abuse*, vol 23, no 2, 2014, p 224.
125 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 47.
126 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, Sydney, 2016, pp 8, 16–24.
127 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, Sydney, 2016, pp 8, 35–8.
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129 K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, pp 39–40; L Ratliff & J Watson, 'A descriptive analysis of public school educators arrested for sex offenses', *Journal of Child Sexual Abuse*, vol 23, no 2, 2014, p 224.

130 Name changed, private session, 'Colby'.
131 K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review,* report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 39; G Priebe & CG Svedin, 'Child sexual abuse is largely hidden from the adult society: An epidemiological study of adolescents' disclosures', *Child Abuse & Neglect*, vol 32, no 12, 2008.
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139 NSW Ombudsman, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 9: Risk of child sexual abuse in schools*, 2015, p 12.
140 NSW Ombudsman, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 9: Risk of child sexual abuse in schools*, 2015, p 12.
141 NSW Ombudsman, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 9: Risk of child sexual abuse in schools*, 2015, p 12.
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144 Royal Commission into Institutional Responses to Child Sexual Abuse*, Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, 2017, pp 73–4.
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146 Royal Commission into Institutional Responses to Child Sexual Abuse*, Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, 2017, pp 73–4.
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150 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 9: The responses of the Catholic Archdiocese of Adelaide, and the South Australian Police, to allegations of child sexual abuse at St Ann's Special School,* Sydney, 2015, pp 15–16.
151 Name changed, private session, 'Trina Beth'.
152 Name changed, private session, 'Liam'.
153 Name changed, private session, 'Vanessa'.
154 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, Sydney, 2016, pp 34–5.
155 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, Sydney, 2016, pp 17–19, 21, 23, 37–8.
156 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, Sydney, 2016, p 18.
157 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, Sydney, 2016, p 19.
158 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, Sydney, 2016, pp 18–19, 22, 36–7.
159 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, Sydney, 2016, p 36.

160 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, Sydney, 2016, p 19.
161 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, Sydney, 2016, pp 18, 36.
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4 Institutional responses to child sexual abuse in schools

4.1 Overview

This chapter outlines what we heard about institutional responses to child sexual abuse in schools. It describes what we were told in our case studies, private sessions and policy consultations, along with what we found through commissioned and external research, about how children were not sufficiently protected from sexual abuse in schools, how they were deterred from disclosing abuse and how schools responded inadequately.

Given the foundational role of schools in the lives of almost every child, they have a unique responsibility to keep children safe. This is not only to fulfil their child protection responsibilities, but also because being safe and supported at school is essential for effective learning.[1]

In numerous ways, schools have not kept children safe or have failed to adequately respond to child sexual abuse. Many of these issues are common to other types of institutions and are examined in Volume 6, *Making institutions child safe*, Volume 7, *Improving institutional responding and reporting* and Volume 8, *Recordkeeping and information sharing*. However, certain features and risks of school environments have influenced the occurrence and identification of child sexual abuse in schools and magnified the impact of inadequate or failed responses.

4.2 School responses to child sexual abuse

Failure to act on complaints of institutional child sexual abuse can allow victims to be further abused and other children to be placed at risk of harm. Perpetrators are also not held to account for their behaviour.

Information gathered through our inquiry shows that many schools did not respond adequately to reports of child sexual abuse. In particular, we heard about poor leadership and governance, and cultures that lacked accountability and prioritised protecting the reputation and financial interests of the school over the safety of children. Inadequate complaints processes, investigations and disciplinary action contributed to school leaders and staff failing to act on complaints or to meet reporting obligations to external authorities. Inadequate recordkeeping and sharing of information continued to place children at risk of sexual abuse in schools.

In many schools we examined, poor school leadership, culture and governance contributed to ineffective responses to, and external reporting of, child sexual abuse. Complaints of child sexual abuse were discouraged, ignored or kept secret.

Certain organisations, such as prestigious non-government schools, can become 'institutionalised'[2] to such an extent that ensuring the continuation of the school is seen as more important than their original educational goals.The members of such organisations come to perceive 'threats to the organisation's image' as 'issues to be managed to minimise their negative effect'.[3] We heard about schools – and their boards and school leaders – that prioritised the reputation or financial interests of the school above the welfare of students. We heard of allegations of abuse being dismissed[4] and the use of confidentiality clauses in financial settlements.[5] Some long-serving principals ran their schools with little scrutiny, even from school governing bodies. We identified many instances where boards were effectively sidelined from being involved in responding to allegations of child sexual abuse.

We were told that deciding whether to report known or suspected child sexual abuse can be difficult for teachers and other school staff. Barriers to reporting included fear of falsely accusing a colleague[6] or otherwise making an error of judgment[7] that could potentially damage the reputation of an innocent person.[8] Some teachers and other staff members feared personal reprisals if they reported child sexual abuse concerns about a colleague,[9] for example, if the suspected perpetrator was a longstanding, highly regarded teacher in the school.

'Total institutions' are highly controlled and isolated, hierarchical and authoritarian.[10] Some may entrench their own 'alternative moral universe' in which abuse is often not reported to authorities.[11] Our commissioned research suggested that some boarding schools may represent examples of a total institution.[12] Certain day schools also exhibited elements of a total institution, exerting a high degree of control over their students' lives. Some schools had hyper-masculine cultures that normalised or minimised children's harmful sexual behaviours and were barriers to children disclosing that they had been victims of abuse.[13]

Schools are typically hierarchical, requiring children to obey teachers and other authority figures. Research we commissioned into the role of organisational culture in child sexual abuse notes that 'the more power adults possess over children and young people in institutions, the better positioned they are to sexually abuse them'.[14] Survivors of school-based abuse often told us they felt unable to speak up about sexual abuse. A fear of not being believed was common, with many survivors citing the authority and perceived high standing of the perpetrator in their school as the reason.[15]

Inadequate complaints processes, investigations and disciplinary action contributed to poor responses to incidents and disclosures of child sexual abuse in schools.

In many cases the handling of complaints was ineffective, for example, investigations were not carried out by a qualified person[16] or children were interviewed inappropriately.[17] Some schools did not have any policies and procedures on reporting and responding to abuse, or had policies that were unclear and confusing, or that staff did not follow.[18] We heard that some parents, students and other stakeholders in contemporary schools did not know where to find school complaint handling policies.[19]

We heard about schools that allowed teachers to resign when complaints of child sexual abuse were made. Some were given positive references, which enabled these teachers to go on and teach in other schools, and exposed children in those schools to the risk of abuse.[20] For example, during our *Case Study 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse (Brisbane Grammar School and St Paul's School)*, the headmaster of St Paul's School, Mr Gilbert Case, admitted that writing a positive reference for music teacher Gregory Robert Knight after dismissing him for inappropriate behaviour towards boys in the school was 'a stupid thing to do and something I should not have done'. Mr Case agreed he had acted in 'total and utter disregard for the welfare of any student at a school that Knight may have come to be employed'.[21]

In some cases schools did not tell parents that their child had made a complaint of sexual abuse, or did not keep parents informed about the school's response to their child's complaint. This prevented parents from supporting their distressed children, and from scrutinising how the school responded to the abuse. Schools need to balance transparency with privacy, particularly where incidents involve children with harmful sexual behaviours.[22] We heard about survivors and their families receiving little or no support from the school in which the abuse occurred.

Recordkeeping, information sharing and review following a complaint are all needed to prevent further harm to children.

Poor recordkeeping and information sharing can prevent appropriate responses to child sexual abuse and allow further abuse to occur. We heard about schools that did not record complaints of child sexual abuse,[23] kept incomplete or inaccurate records,[24] or had deficient systems to record complaints about inappropriate behaviour.[25] We heard about a lack of information sharing between schools about staff who perpetrated abuse[26] or behaved inappropriately.[27] In addition to sharing information about teachers and other staff, we were told that schools need to share information about students transferring to a new school, so that the new school can accommodate the child, whether as a victim or as a child who has exhibited harmful sexual behaviours. We were told that a lack of information sharing affects the quality of care that schools can give their students.[28]

In addition to recordkeeping and information sharing, we heard that it is important for schools to review their policies, procedures and practices following a complaint, in order to learn from past failures.[29] Schools should consider systemic improvements to the institution's policies and processes to better protect children in the future.

4.3 Contributing risk factors to child sexual abuse in schools

The factors we heard about that contribute to the risk of child sexual abuse in schools include:

- poor school leadership, flawed governance practices and harmful school cultures
- children's disempowerment in schools
- lack of engagement with families and communities in responses to abuse
- inadequate consideration of equity and diverse needs
- inadequate human resource management, including recruitment processes
- ineffective or non-existent policies and procedures for responding to child sexual abuse
- poor complaints processes
- inadequate recordkeeping and information sharing practices
- inadequate staff education and training
- lack of continuous improvement and review of policies and procedures
- failure to address risks in physical and online environments.

This section discusses how each of these factors contributes to child sexual abuse in schools and/or inappropriate or non-existent responses to such abuse when it occurs.

4.3.1 School leadership, governance and culture

Poor leadership, flawed governance and unhealthy school cultures, particularly in non-government schools, emerged as a strong theme throughout our case studies, private sessions and research. We heard that school leadership, governance and culture had a strong influence on the way child sexual abuse was prevented, identified and responded to.

We heard about school leaders who prioritised the reputation and financial interests of the school above the safety and wellbeing of children. We investigated poor governance practices that hampered responses to abuse. We were also told about characteristics of school cultures that contributed to the occurrence of child sexual abuse, and to failures to identify and respond to abuse. While institutional leadership, culture and governance can change over time, we observed many of these contributing factors in both historical (pre-1990) and contemporary (from 1990 onwards) cases of child sexual abuse in schools. These factors were particularly evident in the non-government schools we examined.

Protecting the school's reputation

We were told about ineffective leadership, particularly in some non-government schools, that prioritised protection of the school's reputation. School leaders with such priorities contribute to unhealthy school cultures that make it difficult to detect abuse, challenging for children to disclose abuse, and unlikely that concerns will be reported. School leaders sometimes acted to protect the reputation of the religious institution associated with the school where the identities of the two institutions were closely linked (see Volume 16, *Religious institutions*).

Commissioned research into the role of organisational culture in child sexual abuse in institutions considered why stakeholders might prioritise protection of the institution over other considerations.[30] The research found that certain organisations, such as prestigious private grammar schools, can become institutionalised to such an extent that they are seen as ends in themselves independent of the goals they were established to pursue.[31] The members of these organisations perceive 'threats to the organisation's image' as 'issues to be managed to minimise their negative effect'.[32] One reason why stakeholders put the interests of the organisation ahead of its members is because the identities of people in the institution 'become fused with the identity of their organisation'.[33] Our research found that leaders tend to act to minimise scandal and adverse legal action following the disclosure of abuse, often leading to a poor response to the abuse.[34] This is supported by what survivors told us.

Our case studies examined child sexual abuse under several long-serving principals who acted to protect the institution. For example, Dr Ian Paterson was headmaster of Knox Grammar School for nearly 30 years from 1969 until 1998.[35] Survivor ARY gave evidence in *Case Study 23: The response of Knox Grammar School and the Uniting Church in Australia to allegations of child sexual abuse at Knox Grammar School in Wahroonga, New South Wales (Knox Grammar School)* of Dr Paterson's attitude to child sexual abuse:

> I see Paterson [Dr Ian Paterson, Headmaster] as a bully and a coward whose primary consideration was to maintain the reputation of the school at the expense of its students. Looking back, I can see that the welfare of the students was not a priority of the school at the time of the offences perpetrated against me (and other students).[36]

We found that Dr Paterson minimised and treated dismissively complaints against two teachers at the school, and we were satisfied that Dr Paterson's attitude and the culture he fostered at the school were dismissive of allegations of child sexual abuse.[37] We also found that Dr Paterson deliberately withheld information from the Knox Grammar School Council, gave misleading references for staff and had poor recordkeeping. We found that through these actions, Dr Paterson failed to prioritise the welfare of the boys at Knox over the reputation of the school.[38]

Survivors and their families said that by prioritising the school's reputation, leaders failed to respond appropriately to instances or complaints of child sexual abuse. In the public hearing of *Case Study 45: Problematic and harmful sexual behaviours of children in schools (Harmful sexual behaviours of children in schools*), EAA, the father of CLA, a survivor of contemporary abuse, described Trinity Grammar School's response to his son being abused: 'It felt like the school leadership was only interested in protecting the school'.[39]

During our consultations with stakeholders, the Commission for Children and Young People, Victoria noted the influence that a desire to avoid reputational damage can have on some private schools' responses to child sexual abuse:

> Some private schools, in an attempt to avoid damage to their reputation and the consequential financial impacts that may have on the school, favour a risk management approach that seeks to provide expedient financial settlements with minimal involvement of external agencies or media exposure, rather than a clear and unambiguous focus on the wellbeing and safety of students.[40]

Gregory Robert Knight

Our *Brisbane Grammar School and St Paul's School* case study provided an example of the contrasting responses by principals of government and non-government schools to allegations of sexual abuse made against music teacher Gregory Robert Knight.

Knight taught at Willunga High School in South Australia, moved to Brisbane Boys' College and then to St Paul's School in Queensland, before teaching at Dripstone High in the Northern Territory.[41]

The principal of Willunga High School informed the South Australian Education Department of allegations against Knight in 1977.[42] An investigation found that a number of allegations were established and it recommended Knight be dismissed.[43] However, the departmental process was undermined by ministerial intervention in Knight's favour and Knight was permitted to resign.[44]

Knight then moved to Queensland and taught at Brisbane Boys' College in 1980. It was again alleged that he was behaving improperly towards students.[45] Knight did not deny the allegations when they were put to him. He was summarily dismissed by the headmaster and instructed to leave the school within 24 hours.[46]

He was then employed by St Paul's in 1981. A number of allegations of improper sexualised behaviour were subsequently made against him and in 1984 the headmaster, Mr Gilbert Case, gave Knight the option of being sacked or resigning; Knight resigned.[47] Mr Case took no further action.

Knight moved on to Dripstone High where allegations of child sexual abuse were raised again in 1993. The response of Dripstone High and the Northern Territory Department of Education was 'swift'.[48] Knight admitted to the allegations and again tried to resign; however, the principal refused to allow that.[49] Instead, the matter was referred to police and Knight was ultimately convicted of a number of counts of child sexual abuse.[50] The school arranged for counselling for the children.[51]

We concluded that the actions and inactions of St Paul's and Mr Case towards Knight stand in stark contrast to the response of Dripstone High in 1993.[52]

Some government schools were also concerned with their reputation. In a private session, 'Chantelle' told us she had received a call from the principal of the government-run school for children with disability about her 10-year-old daughter, 'Daisy', who had been found naked in the toilets with a 13-year-old boy standing over her. 'Chantelle' had pressed the principal for details of what had happened. However, the principal wanted to dismiss the 'incident', and throughout the following week continued to tell 'Chantelle' that she was busy and did not have time to talk.[53] 'Chantelle' told us:

> She said not to take the incident of what happened to our daughter to the staff or the parents of the school because of the reputation of the school. If she had said something like the welfare of the other kids I would have understood. The way I looked at it she wasn't taking the welfare and the safety of the children [into account]. She was more worried about her reputation. It wasn't just a casual saying. She raised her voice and I felt like it was a threatening thing.[54]

Prioritising financial interests over children's safety

Commissioned research found that institutional leaders may be motivated by financial performance imperatives and a concern to act in the interests of alumni and other stakeholders.[55] Organisational leaders could therefore prioritise protecting the organisation's reputation, even at the expense of protecting the interests of clients, such as students.[56]

The Commission for Children and Young People, Victoria, suggested that the financial impact of reputational damage can lead some private schools to favour risk management approaches which minimise external attention rather than focusing on student wellbeing.[57] This is supported by our case studies and private sessions, where survivors told us that financial considerations influenced how schools responded to allegations or instances of child sexual abuse. In the *Harmful sexual behaviours of children in schools* case study, Mr John Williams, an 'old boy' of The King's School, told us that when he turned 50 he went back to the school to disclose the abuse he had experienced as a boarder in the 1960s.[58] He described his meeting with the headmaster, Dr Timothy Hawkes:

> At that meeting the principal, Tim Hawkes, told me that he understood what had happened when I was at the school. However, he was very concerned about the school's image and said that if my story went public it would have a negative impact on the school. He also talked about the school not having enough money to help me.[59]

We were told of instances where survivors of sexual abuse in non-government schools were offered financial settlements that included confidentiality clauses. In *Case Study 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse (Australian Christian Churches)*, we heard evidence about how a non-government school negotiated settlements with students who had been abused by the same primary school teacher, Kenneth Sandilands. Survivor Ms Emma Fretton and five other former students began civil proceedings against the church in 2000. Ms Fretton received a settlement of $225,000 which included a confidentiality clause prohibiting the parties from disclosing the terms of the settlement. Ms Fretton said she felt like the money was meant 'just to keep me quiet again'.[60]

We learned that non-government schools engaged lawyers to help them respond to complaints of abuse, and protect the school's financial and other interests. *Case Study 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school (The Hutchins School)* examined the sexual abuse of a student, AOA, by the principal, Mr David Lawrence, in the 1960s. In the 1990s AOA informed The Hutchins School of the abuse he had experienced, and continued to seek an apology over the next decade. The school requested legal advice on how to respond to AOA, and on one occasion the board decided on the advice of its solicitors not to respond to a letter from AOA.[61] We found that 'the board took an approach in defence of the school's narrow self-interest' and that its decision not to respond to that letter from AOA 'lacked compassion and was hurtful and damaging to AOA'.[62]

A number of survivors told us that given the financial focus of leaders in non-government schools, they believed that a financial penalty was the only way to hold their old schools accountable for the abuse that had occurred there. The *Harmful sexual behaviours of children in schools* case study heard evidence from EAA, the father of CLA, who was abused in the boarding house of Trinity Grammar School in 2000. EAA said:

> We sued the school because we were outraged. It was the only way we could get some sort of recognition for what happened to [CLA]. We wanted Trinity to be accountable, and it seemed that the only way to get the school to talk was with money.[63]

Governance processes

Poor governance processes are another contributing factor that creates a risk of child sexual abuse, particularly in non-government schools. Clear governance processes are crucial for ensuring that every school and its leaders understand their obligations to keep children safe, and are held accountable for not protecting children from child sexual abuse.

Complex governance arrangements that lack transparency can obscure pathways of responsibility for responding to allegations of child sexual abuse and can prevent school leaders and school boards from being held to account. Such governance arrangements can result in poor risk management by school boards and church auspicing bodies.

Our case studies showed that at times, school leaders were themselves unclear of their child protection responsibilities. We heard in *The Hutchins School* case study that the Anglican Bishop of Tasmania was appointed by legislation as Visitor to the school.[64] As the Visitor, the bishop has power to appoint three board members, approve regulations and require the chair of the board to call a board meeting for the purpose of a conference with the Visitor.[65] The diocese disputed that the Visitor had 'a significant power' and argued that the bishop in his capacity as Visitor only had a 'limited' power of influence.[66] However, we were satisfied that the bishop at the time had significant influence on the school in its dealings with victims of child sexual abuse and in developing a policy on responding to adult survivors.[67]

Governance arrangements are particularly unclear and lack transparency in schools that do not have formal governance structures, as seen in the *Knox Grammar School* case study. We learned that despite Knox Grammar being opened in 1924, the school's governance processes were not formalised until 1998, when the Knox constitution was approved by the Uniting Church Synod of New South Wales and the Australian Capital Territory.[68] Knox provided no clear evidence on the formal governance structure of the school before this.[69] The school was overseen by the Knox Grammar School Council, which reports to the Uniting Church Synod of New South Wales and the Australian Capital Territory.[70] We heard that before the formal constitution was in place, headmaster Dr Paterson would make decisions about important matters without consulting the School Council. He stated it was his practice to inform the council about very serious matters, such as teacher misconduct.[71] He told us he rarely reported boarding house matters to the council, but was not sure why as similar matters which concerned the day school were reported to the council.[72] On numerous occasions, Dr Paterson failed to take steps to investigate allegations of child sexual abuse, failed to inform the council of complaints, and deliberately withheld information from the council on complaints against teachers and resident masters.[73]

Internal reporting of child sexual abuse to school boards

We identified many instances where school boards were not informed about allegations of child sexual abuse, and therefore could not be involved in responding to allegations. This seemed to be more likely where there were unclear and complex governance structures in schools, compounded by secretive cultures that tightly restricted access to information about allegations of sexual abuse.

Our *Knox Grammar School* public hearing considered instances where the headmaster Dr Paterson 'deliberately withheld information from the Knox Council'.[74] For example, Dr Paterson did not inform the council of the true reason for the departure of teacher Damian Vance, who resigned following a meeting with Dr Paterson in which Vance admitted sexually abusing a 15-year-old student. Instead Dr Paterson reported to the council that Vance had left Knox 'for Melbourne and home'.[75] We found that:

> Dr Paterson's failure to inform the Knox Council about those allegations of child sexual abuse reflected no proper governance structure at Knox. It resulted in both the Knox Council and the Synod being uninformed of these matters and unable to respond appropriately.[76]

The *Australian Christian Churches* case study considered the response of Australian Christian Churches and two affiliated churches to allegations of child sexual abuse, including at Northside Christian College. The College was established as a ministry of Northside Christian Centre (now Encompass Church), and we heard that Reverend Denis Smith, former Senior Pastor of Northside Christian Centre, effectively 'controlled everything in the College' even though the governance arrangements provided for a division of responsibilities between the church board, the college council and the college principal.[77] We found that Reverend Smith 'deliberately did not disclose the complaints to the Board and thus kept his inadequate handling of them from the scrutiny of the Board, which he chaired'.[78]

Dr Maxwell Howell and Mr Gilbert Case

The *Brisbane Grammar School and St Paul's School* case study examined numerous complaints by former students that they had been sexually abused by Kevin Lynch, who worked as a counsellor at both schools, and Gregory Robert Knight, who worked as a music teacher at St Paul's. Former students and parents gave evidence that they had complained to the headmasters of the respective schools, but their complaints had not been acted on.

The Royal Commission considered evidence from former Brisbane Grammar students and parents that they had told the headmaster, Dr Maxwell Howell, that they had been sexually abused by Mr Lynch. Dr Howell denied many of these accusations in statements prepared before his death.[79] In relation to one of the alleged complaints, we noted:

> BQH told Dr Howell in mid-1981 that Mr Lynch had sexually abused his son, BQJ. We reject Dr Howell's denial of BQH's version of events as set out in his 2002 affidavit.
>
> There was no evidence that Dr Howell took any action after that disclosure. Accordingly, we also find that Dr Howell did not investigate the allegations and did not report the matter to the police or the board of trustees. In not doing so, he failed in his obligations to protect the safety and wellbeing of the students at Brisbane Grammar.[80]

The Royal Commission heard evidence that the headmaster of St Paul's School, Mr Gilbert Case, did not investigate allegations against music teacher Gregory Robert Knight. In one instance, we concluded:

> Accordingly, we find that BSG told Mr Case in 1984 that Knight deserved his derision because of the things Knight had done to him and that, in response, Mr Case accused BSG of lying.
>
> We find that Mr Case did not investigate the matters that BSG raised or report them to the police or to the school council. In not doing these things, Mr Case did not take proper steps to protect the safety and wellbeing of BSG and other students at the school.[81]

It appeared that some long-serving principals ran their schools with little scrutiny, even from school governing bodies. The powerful role of school leaders was evident in our *Knox Grammar School* case study, when Dr Paterson, the headmaster of Knox Grammar School for nearly 30 years from 1969 until 1998, was questioned on how the culture of the school contributed to the failure to inform police about allegations of child sexual abuse made by a former student against a current teacher. This exchange occurred between Dr Paterson (who referred to himself as 'Paterson') and Counsel Assisting the Royal Commission:

> Q: What does it say to you, Dr Paterson, about the culture of Knox at the time of the notice being received about ATJ's allegation that not a single person in that group which I have identified to you … said that it was appropriate for the school to tell the police about an allegation of sexual molestation by a teacher then employed?
>
> A: It says about the culture of the school at the time that Paterson had made a decision and that was it.[82]

School culture

Secrecy and isolation

'Total' institutions are highly controlled and isolated institutions, often within a physically confined space, and closed to the outside world.[83] They tend to be hierarchical and authoritarian. Some closed or total institutions have their own processes for dealing with issues. They can entrench their own 'alternative moral universe',[84] which often does not include reporting abuse to the police or other authorities. These cultural characteristics could provide more opportunities for abuse and make it difficult to detect abuse when it has occurred.[85]

Boarding facilities such as those described in *Case Study 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students* are examples of total institutions.[86] Boarding schools have nearly complete control over their students' lives and students spend most of their time at the school. Geelong Grammar School, like all boarding schools examined in our public hearings, combines a day school and boarding facilities[87] – there are few 'boarding-only' schools in Australia. However, we saw many examples where the culture established in boarding houses seemed to permeate the entire school, even though only a small number of students were boarders.

Even in day schools, the school can exert a high degree of control over students' lives and exhibit elements of a total institution. Students spend much of their lives within the confines of the school grounds. This can be pronounced at prestigious non-government schools where many students are involved in extracurricular activities, such as sports or music or theatre. Students might be even more institutionalised because they have often attended the school from kindergarten or in some cases preschool.

Schools for children with disability can be another example of an insular and isolated institution, as we saw in *Case Study 9: The responses of the Catholic Archdiocese of Adelaide, and the South Australian Police, to allegations of child sexual abuse at St Ann's Special School* (*St Ann's Special School)*.[88] Commissioned research suggests that the segregation of children with disability in 'closed' or separate institutions, where there can be less oversight and reduced capacity for children to share their concerns, leaves them at heightened risk of harm.[89]

Some schools we heard about expected their members to keep allegations of child sexual abuse a secret from people outside the institution, and limit the information to a small few within the institution. During the *Marist Brothers* case study, we heard that the Marist Brothers took a secretive attitude to accusations or admissions of sexual misconduct. Accusations or admissions of sexual misconduct were treated as 'highly confidential' and were 'usually held by the Provincial and perhaps one or two others'.[90] It was in this context that two perpetrators, Brothers Kostka Chute and Gregory Sutton, moved between a large number of schools in Queensland, New South Wales and the Australian Capital Territory over several decades. A total of 69 claims of child sexual abuse have been made against Chute and Sutton.[91] Moving perpetrators to other institutions was a common response to child sexual abuse in Catholic institutions, particularly where perpetrators were people in religious ministry. This is discussed further in Volume 16, *Religious institutions*.

We heard that schools could seek to silence internal discussion about rumours, suspicions or allegations of child sexual abuse. In *Case Study 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students (Geelong Grammar School)*, BIW gave evidence that he was abused during the night while a boarder at the school.[92] The assault was reported to the master and deputy master of the boarding house.[93] BIW met with both and told them that the alleged perpetrator was probably a member of staff.[94] At that meeting he was told to keep the matter to himself.[95] BIW was later asked to leave the school after he was overheard discussing the sexual assault with two other students.[96]

Normalisation of physical and emotional abuse and neglect

We observed that schools where children were sexually abused were often places where children also experienced physical and emotional abuse. This is consistent with research suggesting that sexual abuse often occurs alongside other forms of abuse and neglect.[97] A culture of physical and emotional abuse in schools can normalise all forms of abuse, creating fear of ramifications for speaking out or resisting. It thus can increase the likelihood of children being sexually abused.

Many survivors told us that violence was commonplace in their schools. During the *Brisbane Grammar School and St Paul's School* case study, we were told that Brisbane Grammar was 'run through violence and fear'[98] and 'there was a culture of fear and fear-driven respect around the headmaster'.[99] A survivor told us that the boarding master ran the boarding house 'with an iron fist' and that he was scared to approach him about anything.[100]

We heard in public hearings and private sessions with survivors how violence was used to reduce children's resistance to abuse and ensure their silence. A survivor who felt that the use of corporal punishment contributed to the sexual abuse of children in his school in the 1960s said, 'I do believe that corporal punishment was an enormously powerful, potent, coercive tool for paedophiles'.[101]

Normalisation of harmful sexual behaviours by children

In our *Harmful sexual behaviours of children in schools* case study, Dr Wendy O'Brien, a lecturer in criminology and expert on the issues of sexual violence and the wellbeing of children, gave evidence that in some schools, harmful sexual behaviours between students can be seen as 'just part of what we do here. This has been going on for generations'.[102]

We heard in public hearings and private sessions about school cultures that normalised harmful sexual behaviours between students. In the public hearing for the *Harmful sexual behaviours of children in schools* case study, the father of a survivor of contemporary abuse at Trinity Grammar School gave evidence that: 'Trinity had a culture and a tolerance of roughing up and bullying at the school, where senior students saw it as their right to bully younger, more vulnerable boys … the school held a "boys will be boys" attitude, failing to identify harmful and bullying behaviours'.[103] An incident report about DFB – a boy who indecently assaulted another boarding student – included the following:

> In the boarding house when people came into the dorm instead of giving them Boarding house punishments people (including myself) would pretend to have sex with them as a joke and some fun. But bullying has been a part of boarding house life even before I came to this school.
>
> There has been organised rumbles there is almost a verbal fight every night but that is part of being in the boarding house.
>
> It has happened to almost every person in the boarding house at one stage but mostly when they were in their younger years. It just happens when you live with sixty other boys.[104]

Schools may fail to identify or respond to harmful sexual behaviours if they are associated with hazing or initiation rituals. Dr O'Brien explained that hazing can occur 'in some educational and military institutions where new recruits are subjected to acts that are designed to degrade and humiliate'.[105] Dr O'Brien observed that 'in most cases the victimised students are new and therefore younger, and the practices are seen as a necessary initiation to the peer group'.[106] Power rather than sexual gratification may be the primary motivation for hazing and initiation rituals.[107] According to Dr O'Brien, for children with problematic or harmful sexual behaviours, 'it is incorrect to assume that these behaviours are motivated by a sexual desire'.[108]

In a private session, 'Cameron' told us he believed that the 'culture of bullying and the unsupervised power given to older boys' facilitated sexual abuse by a school prefect at a boarding school in the 1970s.[109] 'Cameron' said that one night he and seven other students were woken up and told by a prefect to line up against the wall. With the boys facing the wall, the prefect went along the line and prodded each of them with an umbrella. When 'Cameron' asked what they'd done wrong, the prefect forced the metal tip of the umbrella through his pyjamas and into his anus, causing it to bleed and continue to bleed for weeks. 'I had toilet paper, rolls of toilet paper, shoved up me bum to go to school. I had to go and change it like every couple of classes, go and change the toilet paper.'[110]

There may be an increased risk of incidents involving harmful sexual behaviours in schools with hyper-masculine cultures, where males are encouraged to see themselves as powerful, aggressive and 'sexually eager', and signs of weakness, victimisation or homosexuality are discouraged.[111] These cultures may be characterised by physically aggressive posturing, verbally aggressive communication, the use of sexualised slang and homophobic taunts.[112] Boys in hyper-masculine cultures may be more likely to exhibit sexually aggressive behaviour and this behaviour might be normalised or assumed as a healthy expression of masculinity.[113] Dr O'Brien gave evidence that one of the myths around gender and childhood is that 'a certain level of aggression (including sexual aggression) is an acceptable part of being a boy'.[114] Such views were seen in Geelong Grammar School, where:

> teachers assumed that boys' aggressive behaviour towards peers was inherent to their nature (that is, boys being boys) and had positive effects, such as being 'good for the soul' and 'toughen(ing) you up'.[115]

While hyper-masculine cultures are typically found in all-male settings or in male sub-groups in mixed gender settings, their relevance can extend to girls in mixed gender or all girl environments.[116] Research we commissioned notes a potential link between these cultures and child sexual abuse.[117] Boys in such cultures might also be less likely to disclose sexual abuse perpetrated against them as it is seen as a sign of strength and maturity to tolerate harsh treatment.[118]

Volume 10, *Children with harmful sexual behaviours* discusses institutional responses to children with harmful sexual behaviours.

Racism and cultural isolation

As discussed in Volume 2, *Nature and cause,* failures to address racism or prejudicial attitudes in an institution can create particular risks for some children – particularly Aboriginal and Torres Strait Islander children and children from culturally and linguistically diverse backgrounds.

Research we commissioned suggests that discriminatory attitudes and systems make it difficult for Aboriginal and Torres Strait Islander children to talk about experiences of abuse.[119] In private sessions we heard examples of this occurring in schools. In one session, 'Judith', who grew up in the 1970s in a small country town, told us she experienced 'racism and ridicule' at school

for being Aboriginal.[120] She was socially isolated from others at school and was in an institution that was hostile and foreign to her, and her culture. 'Judith' told us that when she was sexually abused by the superintendent at the school:

> I just thought it was the white world, and nobody was going to believe me ... I lived out away from white people, even though I'm fair, so I didn't know much about white Australia, and then when I went there [the school], that was my main contact, and it wasn't very good at all.[121]

In another private session, 'Cory' told us about being separated from his family by the missions system. He said that when he was targeted on the school bus and raped by an older boy, he had no one he could tell: 'When I think about it today, how could we sing out when we had no family there, no cousins, no brothers and sisters apart from me and my little brother?'[122]

Research suggests that past and ongoing experiences of systemic racism increase the likelihood that Aboriginal and Torres Strait Islander children will be isolated from family and culture.[123] Research also suggests that experiences of cultural isolation may mean Aboriginal and Torres Strait Islander children lose access to the protective factors that come with strong cultural identity and positive community connection,[124] and that supporting Aboriginal and Torres Strait Islander children to be strong in culture can help mitigate against some of the risks of the pervasive racism they encounter and help them to navigate dominant culture.[125]

These supports and protective factors may not always be present for Aboriginal and Torres Strait Islander students in schools. In a Victorian study, for example, only 37.4 per cent of young Aboriginal people surveyed had a group of Aboriginal friends or family at school.[126] In the same Victorian study, 33.7 per cent of Aboriginal children surveyed reported that 'none of their teachers knew they were Aboriginal at school', while 69.3 per cent said that their school either did not acknowledge or include Aboriginal culture in its curriculum and activities, or that they did not know whether they did.[127] We heard from one survivor, 'Agnes', who was concerned about 'the lack of schools … where Aboriginal children can learn culture', and what this means for the safety of Aboriginal and Torres Strait Islander students in schools.[128]

Experiences of racism and discrimination in schools may also create particular risks for children from culturally and linguistically diverse backgrounds. In a private session, 'Alberto' told us that he was targeted and groomed by a perpetrator at his school who offered him sanctuary from racist taunts and bullying.[129] Another survivor, 'Cleo', told us that her experiences of racism and social isolation at school limited who she could talk to about her experiences of being abused:

> We were the outsiders, we were unknown ... We were different, everything about us was different. The language was different, so I had to learn. So there was a demarcation point from home to school.[130]

Research suggests that children from culturally and linguistically diverse backgrounds are more likely to experience racism in schools. In a recent study in Victoria, over one-third of students surveyed reported a direct experience of racism at school and over one-fifth experienced direct racism every day.[131] In the same study, students who were born in non-English speaking countries, had parents born in non-English speaking countries or did not know where their parents were born reported more experiences of direct racism than students who were born in English-speaking countries and had parents born in English-speaking countries.[132]

Homophobic school cultures

Abusive behaviour can be dismissed or allowed to continue in schools because of homophobic cultures. As discussed above, homophobia is characteristic of hyper-masculine cultures and may manifest in schools – particularly all-boys schools – where all homosexuality is considered deviant and deserving of ridicule or punishment.[133] These homophobic attitudes may influence the identification of, and response to, child sexual abuse.[134]

In the *Brisbane Grammar School and St Paul's School* case study, a former St Paul's student, BSG, told us that he was teased by his peers and teachers for spending time with music teacher Gregory Robert Knight. However, no one at the school identified the conduct as abuse, instead responding with homophobic taunts. The case study noted that SG gave evidence that he spent a lot of time with Knight and formed a 'unique' relationship with him. BSG also gave evidence that this relationship would have been obvious to others because it included elements such as travelling to and from school in Knight's car on a regular basis. BSG also gave evidence that students and teachers singled him out for public taunts and teased him about his relationship with Knight. He was often called names such as 'poofter', 'Knight's bum chum' and 'Knight's lover'.[135]

We heard evidence that the headmaster of St Paul's, Mr Gilbert Case, was made aware of allegations that Knight was behaving inappropriately with students, but he interpreted this information as a suggestion that the teacher was homosexual. The evidence showed that Mr Case made a file note recording allegations that Knight 'had homosexual tendencies'.[136] Mr Case accepted in his evidence that the allegation of homosexuality 'was in truth an allegation of child sexual abuse'.[137]

BQA, a survivor who was abused at Brisbane Grammar, also told us that he was subject to homophobic gossip and taunts because he spent a lot of time with the school counsellor, Mr Kevin Lynch.

> when he was in Year 10 in 1982 his classmates often chanted the words "poof, poof" under their breath when he walked past them. He said that it was because it was becoming common knowledge at the school that Mr Lynch was touching students.[138]

In the *Knox Grammar School* public hearing, we heard that students also sometimes described allegations of abuse in homophobic terms. A file note records that a former student who was aware of allegations of child sexual abuse described the school as 'a hotbed of

homosexuality'.[139] He referred to an 'affair' between a student and a teacher, noting: 'Anthony Carden [a student] and ARZ [a teacher] were sleeping together in the last two years of Anthony Carden's time as a student at Knox and that everyone knew'.[140]

Homophobic school cultures can also create additional barriers to disclosure, particularly for survivors abused by perpetrators of the same gender. We heard in *Case Study 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions (Yeshiva Bondi and Yeshivah Melbourne)* that AVB, a former student of Yeshiva College Bondi, did not tell anyone of his experiences of sexual abuse. This was because he recalled homophobic jokes and innuendo made about another student, Mr Manny Waks, and did not want to experience the same if he disclosed.[141]

Hierarchy and obedience to authority

Schools are typically hierarchical, requiring children to obey teachers and other authority figures. However, the norm of obedience to authority is more pronounced in some schools than others. We heard that the level of obedience expected of a victim can be influenced by the position held by the perpetrator. Research commissioned by us into the role of organisational culture in child sexual abuse notes that 'the more power adults possess over children and young people in institutions, the better positioned they are to sexually abuse them'.[142]

The normalisation of students' obedience to the authority of school staff was demonstrated in the *Geelong Grammar School* case study, as discussed in Chapter 3.[143]

We were also told that younger students were sexually abused by older students who were further up in the school hierarchy. In the *Harmful sexual behaviours of children in schools* case study, a survivor who was abused by older boys at The King's School after starting as a boarder in 2010 told us about the school's 'frat system':

> In the boarding houses, Year 8 boys were the lowest of the low and had to do whatever they were told by someone older. Over the years, the boys worked up the hierarchy. We called this the frat system. When I was in Years 8 and 9 the school kept saying that the frat system was gone, but it wasn't really, because if you didn't do something that a Year 12 boy asked you to do, they would hit you and make you do things for them.[144]

Defending colleagues from outside attacks

An institutional culture in which adults suspect or witness child sexual abuse, and do not take action, exposes children to an ongoing risk of sexual abuse. Commissioned research suggests that members of highly cohesive social groups develop a sense of moral superiority over outsiders. Criticisms of the group by outsiders may be minimised and attributed to motivations of self-interest.[145] We have heard about teachers and other staff in schools who act to protect a colleague accused of child sexual abuse.

The Commission for Children and Young People, Victoria, observed that failure to externally report child sexual abuse may be a particular problem for non-government schools, noting, 'some private schools may lack clear lines of accountability or have a culture which discourages the reporting of allegations to those outside the school or religious group with which the school is affiliated'.[146]

When faced with concerns or complaints of child sexual abuse, teachers may feel conflicted between trusting a colleague on the one hand, and their responsibility to their students on the other. This was evident in the *Geelong Grammar School* case study. Jonathan Harvey taught at the school from 1969 to 2004 and was a housemaster for 15 years of this time.[147] He was convicted in 2007 of 10 counts of gross indecency against a former student.[148] The principal, Mr John Elliott Lewis, had a discussion with Harvey about concerns that senior school staff had raised about Harvey's relationships with some students.[149] Mr Lewis made a handwritten note of his conversation as follows:

> several housemasters … (not just from the current group) have found themselves in situations where they are torn between the trust which they would like to exhibit in a colleague and their responsibility. Their concern is over relationships with some pupils which they do not believe to be in the best interests of those pupils …[150]

During our consultations, a participant in the schools' roundtable told us that until recently, they observed a tendency for teachers to take an 'us' and 'them' attitude when a colleague was being investigated. We heard that there was a need to change the culture, so that teachers did not respond to investigations of colleagues by prioritising the protection of staff members, rather than that of the child.[151]

Some school leaders took inadequate action or no action following allegations of child sexual abuse. Perpetrators were not held to account, and continued to hold positions of trust in the school, sometimes for decades after the first allegations were made. We learned of many occasions where perpetrators were allowed to quietly resign and in some cases given positive references, allowing them to go on and teach in other schools. In the *Knox Grammar School* case study we were told about an incident in 1988, when a student asleep in the school dormitory woke to find he was being assaulted by a man who was dressed in an older style Knox tracksuit and a balaclava.[152] The boy cried out, waking the other students, who chased the 'balaclava man' out of the building. The housemaster, Dr Timothy Hawkes, immediately informed headmaster Dr Paterson of the incident.[153] Dr Hawkes, Dr Paterson and Mr Vance – a staff member who lived in the boarding house – all received information that the perpetrator was an insider.[154] Neither Dr Hawkes nor Dr Paterson reported the assault to police – even though Dr Hawkes accepted that 'a very serious crime' had been committed[155] – and neither fulfilled their mandatory reporting obligations to advise child protection authorities.[156]

On another occasion, Dr Paterson knew in 1987 that teacher and boarding housemaster Craig Treloar had shown a student a pornographic video and propositioned the student for sex.[157]

Dr Paterson did not notify the police. Treloar remained teaching at the school until he was arrested for child sexual abuse in 2009[158] and subsequently convicted of offences against four students.[159]

In 1996 Dr Paterson was interviewed by the NSW Police Force about anonymous allegations of child sexual abuse against five teachers, three of whom were still employed at the school.[160] Dr Paterson was aware of complaints or suspicions about each of the five teachers, but he 'did not reveal anything' of what he knew to the police.[161]

The *Knox Grammar School* case study canvassed the tendency of some members of the school community to unquestioningly support a long-serving teacher, despite allegations of child sexual abuse. Mr Peter Crawley, who succeeded Dr Paterson as the headmaster, appointed an investigator and informed the school council on receiving a complaint from a former boarder about teacher Adrian John Nisbett. When the council was informed of the investigation, Mr Crawley gave evidence that one council member remarked that Nisbett 'had deep connections in the school' and he 'was asked whether there were alternate approaches' he could have taken,[162] instead of instigating a formal investigation.

The influence of the alumni on a school's culture

Alumni, also known as 'old boys' or 'old girls', are another group that plays an influential role in setting and maintaining the culture of a school. Past students may identify strongly with their old schools and continue to participate in various ways such as serving on school boards, returning to teach at their old school, or sending their children to the school. Alumni may identify strongly with the school and its reputation.

We heard that alumni could reinforce unhealthy school cultures, increase the risk of child sexual abuse and impede school responses when abuse occurred. Commissioned research into the role of organisational culture in institutional child sexual abuse suggests that some institutions are viewed by their members as 'ends in themselves', independent of the goals they were established to pursue. As a result, the defence of the organisation 'takes on paramount importance in the minds of their members'.[163] This can occur 'through the sharing of "sagas" about key junctures in their development … and the lionisation of their leaders'[164] and is maintained and reinforced by the hiring of '"products" of the organisation'.[165] In our inquiry, we heard about schools where the continued involvement and hiring of alumni played a key role in influencing the culture of a school.

We heard that 'old boys' could reinforce the prevailing culture of prestigious non-government boys' schools. In a private session, 'Ewan', a survivor of abuse at a Christian boarding school in the 1960s, told us that his father, an old boy of the school, reacted negatively when he disclosed that he had been abused by a housemaster: 'My father was a very proud collegian, and he just thought "you get that behind you, you move on, you be a man. Don't worry about it"'.[166]

'Marvin' told us that at his Anglican boys' school, sexual abuse was seen as a rite of passage that was experienced from generation to generation. 'Marvin', who told us he was sexually abused

by a teacher, said that when he went back to his old school as an adult he spoke to an old teacher, a man who had been at 'Marvin's' boarding house when he was a pupil. 'Marvin' said that when he told his former teacher about the abuse, the teacher said "Marvin', it happens to all of us. It's about becoming a man'. 'Marvin' told us, 'that attitude, that collegiality that takes place in schools – it just permeates that place'.[167]

Our *Harmful sexual behaviours of children in schools* case study discussed how the hiring of alumni can influence school culture. EAA, the father of CLA, a survivor of contemporary abuse, told us that Trinity Grammar School 'has a culture of breeding its own teachers, which means there is a loyalty to the school among the staff that is beyond normal. This loyalty … promotes a culture of covering up'.[168] In the same hearing, Mr Williams, a survivor of historical abuse at The King's School recommended that to achieve cultural change at the school, old boys must stop being involved in the operation of the school and no longer be on the school board.[169]

4.3.2 Children's disempowerment

Barriers to disclosing abuse

Survivors of child sexual abuse in schools often told us they felt unable to speak up about the abuse. A common fear for survivors was not being believed, due to the authority and perceived high standing of the perpetrator in their school. In the *Knox Grammar School* case study, former student ARG said that he did not tell anyone about the sexual abuse by his art teacher when he was in Year 5, because he thought he would not be believed and would get into trouble.[170]

In a written account, 'Alfred Peter' told us he was abused by 'Brother Basil' at a Catholic boarding school in the early 1960s. 'Alfred Peter' begged his parents to take him out of school as 'Brother Basil' was 'being terrible to him'. 'Alfred Peter' said he tried to tell his parents about the abuse; however, they did not believe him, saying 'you must have the devil in you to even imagine such a thing'. His father dragged him back to the dormitory and forced him through the doorway. The abuse worsened and 'Alfred Peter' begged his mother to get him out of school, but she still did not believe him. 'Alfred Peter' said he ran away from school, travelling by train from regional Victoria to Western Australia. He was eventually returned to his family and moved to another high school. 'Alfred Peter' was blamed for causing his mother's illness and his relationship with his father 'all but disappeared'.[171]

In some cases, we heard that disclosing abuse could lead to further abuse, including other forms of abuse. In a private session, 'Stew', who was a boarder at a prestigious boys' boarding school, told us: 'I was constantly and continually assaulted by older boys'. 'Stew' tried complaining to a teacher: 'I tested whether one should talk to an adult in the school only to find out that was the fucking worst thing you could do'. No action was taken and 'Stew' said he was beaten up for informing.[172]

Another fear related to the perpetrator's ability to adversely affect the survivor's academic or other success in school. 'Laurence Peter' told us that his government school teacher took him and other boys on 'excursions'.[173] He said that if he refused to go on the excursions, the teacher would punish him by giving him D grades on all his schoolwork. 'Miles' told us that he excelled academically at his government school until he was abused by his male teacher.[174] 'Miles' said he believed his teacher controlled his future in controlling his marks. He told us, 'At the impressionable age of 14 I believed that a bad mark would have a negative impact upon my future job prospects'.[175]

Many survivors told us about their fear of the impacts of disclosure on their families and communities. Victims, both as children and as adult survivors, are often very aware of the potential impact of any disclosure on their relationships, and many choose not to disclose, or to delay disclosure, out of concern for others.[176] ARY, a former student, told the *Knox Grammar School* public hearing:

> My father's illness was another reason why I felt that I could not report the abuse to Mum. She already had her hands full as Dad's primary carer, and I couldn't add to her burden by telling her about the abuse.[177]

Institutions often hold significant meaning for families and communities, and may exert educative, religious, spiritual, cultural, reputational and moral authority.[178] Survivors of school-based abuse who were from religious families, in particular, often told us that they did not want to disclose to their parents for fear of the impact on their faith and community. BAB, who gave evidence in the public hearing for *Case Study 28: Catholic Church authorities in Ballarat* about being sexually abused by his teacher, said:

> I did not tell my parents about the abuse at the time because they were such an integral part of the Catholic community. We were a time-honoured Catholic Ballarat East family. I didn't want to shake my parents' faith and I didn't want to devastate them.[179]

Attending a prestigious school was an important family tradition that prevented some victims of school-based abuse from telling their families. Mr Williams gave evidence in the *Harmful sexual behaviours of children in schools* public hearing that he was sexually abused by an older student at The King's School, but felt he could not tell his father, a King's old boy, because he believed that 'instead of making my father proud, I felt I had hurt him and I was filled with guilt and fear. I thought that if I told my father, he would kick me out of the house'.[180]

Research conducted for the Royal Commission examined how hyper-masculine cultures can act as a barrier to disclosing abuse. The research observed that in such cultures 'the reporting of harsh treatment is de-valued, because it is assumed to be a sign of weakness'.[181] In a private session, 'Stephan', who was sexually abused at a Christian boys' school in 1986, told us that his school's violent culture prevented him from disclosing sexual abuse. Its hierarchy and tacit encouragement of older boys bullying younger ones meant no one could speak out or object to anything they didn't like.[182]

We heard that students can be reluctant to disclose abuse by their peers to those in positions of authorities due to the culture in some schools of retribution. During the *Harmful sexual behaviours of children in schools* case study, a boarding housemaster at Trinity Grammar School gave evidence that there was 'a code of silence that seemed to prevail in the boarding house which meant, really, that boys felt compelled under all circumstances never to dob on their mates'.[183] In the *Geelong Grammar School* hearing, we were also told that a 'code of silence' in the school prevented students speaking out about abuse and bullying.[184]

We heard that peer pressure and attitudes that may impede the disclosure of abuse by children are prevalent among young people in a wide range of schooling environments. In our consultations with children and young people we were told that the fear of reprisals or being labelled as a 'snitch' discouraged them from speaking out and reporting inappropriate behaviour.[185] We were also told that the fear of being blamed or judged by their peers for reporting inappropriate behaviour could make young people uncertain as to whether reporting was the right thing to do.[186]

This was supported by what we were told in consultations with stakeholders: 'I think a culture of silence shuts down everything within a school, because everyone protects everyone. Teenagers are notorious at protecting each other'.[187]

Lack of prevention education for children

As in other institutions, many survivors of abuse in schools said they did not disclose the abuse because they did not know or were uncertain it was abusive. This uncertainty, we were told, was due to a range of factors, including the 'normalisation' of child sexual abuse in schools[188] (see below) and a lack of awareness in the school community of sexual abuse by children with harmful sexual behaviours (see Volume 10, *Children with harmful sexual behaviours*). We heard that a lack of appropriate education and the active discouragement of discussions about sex and sexual abuse can contribute to the vulnerability of victims in school-based settings. The lack of training for students to raise concerns about sexual abuse for themselves or their peers can also deter disclosure and identification.

We commissioned research that sought views on safety from children and young people through a number of focus groups.[189] While the project did not attempt to assess children's knowledge about child sexual abuse specifically, participants indicated they often felt ill-informed about people, places and things that could cause them harm, and that they would feel more comfortable if they knew what to look out for and how to best deal with situations if they arose.[190] This was seen to be particularly important for older young people who may be more likely to try to deal with issues themselves rather than seeking support.[191]

We also commissioned an audit of primary school-based sexual abuse prevention policies and curriculums which sampled 32 primary school systems, including all state and territory departments of education and all Catholic diocesan education offices.[192] This report noted that school curriculum documents developed by state and territory statutory authorities do not explicitly detail what child sexual abuse prevention content is to be taught, instead adopting an implicit approach where content may be inferred as appropriate within the scope of the curriculum.[193] The report also found that although school curriculums contained overarching statements about inclusivity and diversity, there was a lack of specific strategies focused on helping teachers to tailor content for certain groups of children, including children with disability and children from culturally and linguistically diverse backgrounds.[194]

The inclusion of child sexual abuse prevention education in the school curriculum was compulsory in only four of the school systems.[195]

We have heard that education about children's rights and personal development, as well as respectful sexual relationships, can help victims to disclose abuse and other students to identify and report abuse in schools. In the *Yeshiva Bondi and Yeshivah Melbourne* case study, we were told that during the period examined, sex education was not a subject that was taught as part of the curriculum in Chabad-Lubavitch schools. However, another witness said that there may have been some incidental reference to sex education as part of the program and teaching of Jewish studies and in the health curriculum at Yeshivah College Melbourne. We found that in some instances, limited knowledge about sex and limited sex education affected perceptions of child sexual abuse among members of Chabad-Lubavitch communities and gave rise to difficulty in communicating with others on the subject and reporting events of child sexual abuse.[196] Another witness gave evidence that, outside of marriage, the word 'sex' is not uttered.[197]

Our commissioned *Audit of primary school-based sexual abuse prevention policy and curriculum* report noted that teachers in Catholic schools were required to teach the health and physical education curriculum in ways that are consistent with specific Catholic values and doctrines. There was a tendency for behaviours such as 'lust, masturbation, fornication, pornography, prostitution, rape and homosexual acts' to be expressed as offending 'against the dignity of marriage' rather than against the rights of the child to protection from sexual abuse and exploitation.[198]

Survivors in private sessions told the Royal Commission that they would like to see school programs that teach children their rights and respect for others, as well as how to report abuse.[199]

'Lynne'

In a private session, 'Lynne' told us that she did not have the language to disclose as a seven-year-old child at a Catholic boarding school in the 1940s.[200]

She said she was first abused by 'Father Butler' while she and the other schoolgirls were gardening. 'Lynne' recalled: 'He said, "Oh there's some weeding needs doing there". And I looked up and his penis hit me in the face. And I didn't know what the penis was. I didn't even know what it was called'.

A month later, 'Father Butler' again approached her and the other girls while they were playing in the yard. 'Lynne' told us:

> He said, 'Do you know you girls are little flowers? And what sort of a flower would you like to be?' God, at seven the only flowers I knew were weeds and a rose. We all looked quite dumbly at him and he said, 'Well I'll show you where the little girls' flowers are, and then I'll show you the stem'.

'Father Butler' got the girls to bend over and pull their underwear down. Then he touched one of the girls.

We heard that 'Lynne' repeatedly tried to tell the nuns what was going on. She said that at first she didn't have the language to express herself, baffling the teachers with her talk of 'flowers' and 'stems'. When she learned how to express her experiences clearly, the nuns lashed out at her, telling her that if she disclosed that she had been abused to anyone else she would go to hell.

Some survivors told us that they were unsure whether a perpetrator's behaviour was abusive because it was performed in connection with their position at school. In the *Brisbane Grammar School and St Paul's School* case study public hearing, BQK, who attended school in the 1980s, said he assumed that the sexual abuse by school counsellor Mr Lynch was normal because he had never seen a counsellor before.[201] BQK gave evidence in the hearing that he believed Mr Lynch when he told him that his 'treatment' was giving BQK an 'edge' in life.[202]

A common theme raised in our consultations with children and young people was uncertainty around boundaries. While young people were informed of rules and expectations for their behaviour, they were not informed of the rules that applied to teachers and adults, making it difficult to identify inappropriate behaviour.[203]

We also heard how mainstream education programs on respectful sexual relationships can be inaccessible to some children, making it more difficult for some children to identify and speak up about abusive behaviour.

The *Audit of primary school-based sexual abuse prevention policy and curriculum* report noted that curriculums often lack detail to assist teachers to deliver information to diverse populations including Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.[204] Other research we commissioned also suggests that many children and young people with disability have not had access to relationship and safety education[205] and that programs need to be tailored for them to be effective.[206]

This issue was illustrated in *Case Study 41: Institutional responses to allegations of the sexual abuse of children with disability (Disability service providers)*, where a mother told us that her daughter, who has an intellectual impairment, did not know what rape was until years after she had been sexually abused.[207] She first disclosed the abuse by saying the alleged perpetrator had 'hurt her bum' and by punching at her own stomach and pubic area.[208] We heard that while some tailored programs for children with disability have been developed, there is a lack of national consistency and access.[209]

We learned that many Aboriginal and Torres Strait Islander children cannot access respectful sexual relationship education because programs are often not tailored and sensitive to cultural contexts or available in different languages.[210] For children from refugee backgrounds, such programs may not have been available in their country of origin.[211] As discussed in Volume 12, *Contemporary out-of-home care,* we have also heard that children in out-of-home care who experience disruptions to their schooling may miss out on these programs.

Many adults do not recognise different forms of disclosure by children who have experienced abuse. Victims may disclose sexual abuse in various ways, as discussed in Chapter 3 and in Volume 4, *Identifying and disclosing child sexual abuse*. For example, the victim may show behavioural signs that they have been abused. Our private sessions showed that schools may not fulfil their responsibility to keep children safe by adequately identifying child sexual abuse. 'Bridget' told us in a private session that she was abused by her uncle who was a Catholic priest. She told us that teachers at school noticed her bad behaviour, but none questioned her as to why she was acting out. In Year 8 she wrote a story with graphic depictions of rape and was told that her writing was good, but that because it was a Catholic school she would have to remove the rape references. In Year 10, she wrote what was ostensibly a suicide note, and was given an 'A' by the teacher and told she 'should be a writer'.[212]

Power imbalances

Adults in schools – principals, teachers, counsellors, nurses, people in religious ministry and boarding housemasters, for instance – have considerable authority. Many are able to significantly influence the academic or other success of children in schools. They can bestow privileges, discipline them, or suspend or expel them from school. This may create an environment where abuse can occur and go undetected.

Research we commissioned into the role of organisational culture in child sexual abuse in institutions notes that in virtually all instances of child sexual abuse, perpetrators possess more power than their victims. These formal power differentials between potential perpetrators and victims can provide not only the opportunity for those with power to abuse others, but the motivation to do so. The possession and use of power can alter the way people perceive themselves and others in a way that motivates them to behave unethically towards others in general, and to behave sexually aggressively towards some specifically.[213]

Research has found that a perpetrator might use their position of trust in an institution to gain access to children, avoid detection, and circumvent an institutional response if detection or disclosure occurs.[214] Professor Anne-Marie McAlinden gave evidence in the public hearing of *Case Study 57: Nature, cause and impact of child sexual abuse in institutional contexts (Nature, cause and impact of child sexual abuse)* that grooming has 'a dual purpose':[215]

> [Grooming] is about the use of power and control, the abuse of trust, to normalise sexually harmful behaviour, and it has a dual purpose. It is basically to make the abuse possible in the first place, but also, then, to make sure that the child doesn't disclose or that someone else doesn't discover it, and the institutional environment has a number of unique features which actually make abuse and grooming even more possible. This is this term 'institutional grooming', so things like power, authority, trust … There is the secret relationship, the closed nature of institutions, the abuse of trust, the power and authority of people in the organisations, the esteem they're held in from outside. All of those factors work together to make … institutional environments more facilitating of grooming and abuse.[216]

Power imbalances can also deter victims from disclosing abuse, as disclosure may subject them to the possibility of reprisals from perpetrators and their allies.[217] Many survivors of school-based abuse told us they found disclosure difficult because the abuser made them feel complicit or responsible for the abuse. In the *Knox Grammar School* hearing, Mr Coryn Tambling gave evidence that Craig Treloar, a boarding housemaster and teacher, would often take him and other boys on special weekend outings.[218] When Mr Tambling was about 13 years old, Treloar showed him pornography featuring teenage boys performing oral and anal sex.[219] In the public hearing of *The Hutchins School* case study, AOA said he was young and not sure what was happening.[220] He said at the time he felt special and wanted, and that he needed the affection. AOA did not think it was wrong although he felt guilty.[221]

Some children felt they could not speak up about abuse by a respected teacher in the institution. In a private session, 'Christa' spoke of being abused by the principal when shewas in Year 9 or 10 in an Anglican girls' boarding school.[222] She reflected: 'When you're in a school situation and you're trying to get good grades it's very difficult. Who do you talk to about the headmaster?'[223]

In the *Brisbane Grammar School and St Paul's School* hearing, we heard that BQE, who attempted to report sexual abuse by the school counsellor, Mr Lynch, to Mr Raymond Cross, a teacher, was told that he should not make up stories and that Mr Lynch was 'a very well-respected man'.[224] Another survivor of abuse at Brisbane Grammar School, BRC, gave evidence

that he was stressed and worried about how the school's principal, Mr Gilbert Case, would respond to his disclosure. 'I have always found Case a very hard person to talk to, and he had threatened me with consequences in the past because he preferred to believe that we were lying.'[225] We found that Mr Case had accused a survivor, BSG, of lying about the music teacher, Knight, abusing him.[226] BRW, the mother of BRT, another student, gave evidence that Mr Case responded to BRT's complaints about Knight by asking him, 'Why are you lying?'[227] and telling him, 'There is nothing wrong with Knight. He is a good husband and a father of two kids and you are causing a terrible slur on him'.[228]

Many survivors of school-based abuse told us they found disclosure difficult following threats by the abuser. ADQ gave evidence in the *Marist Brothers* hearing that on more than one occasion Brother Gregory Sutton, her Year 5 teacher, threatened to kill her family if she told anyone he sexually abused her.[229]

'Kurtley' told us in a private session that he was 'terrified' of his school principal who 'drummed it' into his head not to tell anybody about the abuse.[230] He said the principal always used to say: '"If you fuckin' tell anybody what's going on, you know what I'll do to you" – and I'd just say to him, "Yes". But I didn't know. I was only 11'.[231] 'Karen' told us in a private session that while she was in primary school she was subjected to harmful sexual behaviours by boys from the local high school. She said she was threatened by 'Nathan', who said his father was a lawyer and would make her family's life a 'living hell' if she ever told anyone.[232]

The literature on this topic describes a range of threatening behaviours employed by perpetrators to prevent victims from disclosing the abuse.[233] Pressure from such threats can sometimes result in a victim retracting their disclosure or later denying the abuse.[234]

4.3.3 Limited engagement with families and communities

Particular features of the school environment may make it difficult for schools to communicate openly with parents and caregivers and other school stakeholders. During our consultations we were told about the difficulties schools face in deciding what they can tell affected parties about matters that are being investigated by the police. The Truth, Justice and Healing Council noted, 'Schools in particular have to manage distressed children and parents, and employees against whom complaints have been made, in the absence of information from police or child protection authorities about the status of their investigation'.[235]

Informing families of sexual abuse

In some cases schools did not tell parents that their child had made a complaint of sexual abuse, and did not subsequently keep parents informed about the school's response to their child's complaint. This prevented parents from supporting their distressed children, and denied parents the ability to scrutinise how the school responded to the abuse.

The *Disability service providers* case study examined the response of Mater Dei School, a Catholic school for students with disability, to complaints of sexual abuse by a residential social educator, CID.[236] In 1991, CIB, a student at the school, suffered rectal haemorrhaging and was taken to hospital by her mother, CIC. CIC told hospital staff that she was concerned that her daughter had been sexually assaulted.[237] CIC reported her suspicions that CID had abused CIB to the principal.[238] CIC did not recall being contacted by the principal or anyone else from Mater Dei about her complaint.[239] CIC told us that to her knowledge, Mater Dei never formally investigated her complaint.[240] The principal, however, did report the alleged sexual assault to police and Family and Community Services, and requested CID's immediate resignation.[241]

We were told that there may also be poor communication with victims and their families who make complaints about historical child sexual abuse. In a private session, 'Doris' told us that her son recently made a formal complaint to the education department in Western Australia about being abused by a primary school teacher in the 1970s. 'Doris' said that the department investigated her son's complaint but kept the results confidential. 'Doris' said she received a two paragraph letter from the department: 'There was no suggestion of warmth, compassion or empathy for my position as a mother who has been devastated by the damage done to her much-loved son'.[242]

Communicating with families and communities can empower them to support children who may have been victims of sexual abuse. The *St Ann's Special School* case study examined sexual abuse of students with disabilities by a bus driver and volunteer at the school, Brian Perkins. The police informed the school principal, Mr Claude Hamam, of the allegations in 1991.[243] Mr Hamam gave evidence that on police advice, he then contacted three families to inform them of the allegations.[244] Mr Hamam said that he did not inform the wider school community of the allegations because the police had advised him to keep the matter confidential so as not to compromise their investigation.[245]

While the school was made aware of allegations in 1991, many parents were not informed until 2001. This was despite the fact that Perkins had unsupervised contact with numerous children, many of whom were non-verbal or had limited capacity to make a complaint of sexual abuse.[246]

During this time, the mental health and behaviour of the children who had been abused had significantly deteriorated. LJ, a parent of LA, a former student of St Ann's, said in a statement:

> We still do not understand why the school did not contact us in 1991, or subsequently, to inform us about Mr Perkins or let us know that our son might have been at risk. Had this occurred we might have been able to get counselling for LA as early as 1991, which might have helped him and prevented the deterioration in his behaviour.[247]

We heard that education about child sexual abuse and grooming might have allowed families to better support their children. In *Case Study 12: The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009 (Perth independent school)*,

we were told the offending teacher singled out each of the victims at the start of the school year by giving them gifts and additional attention, both in the classroom and during extracurricular activities.[248] WQ, the mother of a student who was abused at the Perth school, gave evidence in the hearing that she did not suspect that her whole family could have been groomed by the offending teacher until she watched a *Four Corners* program called 'Unlocking the demons'.[249]

Engaging with families regarding children with harmful sexual behaviours

There are particular considerations around what information should be shared with the school community in the case of children with harmful sexual behaviours. Dr O'Brien gave evidence that in her experience, when an incident of problematic or harmful sexual behaviours occurs in a school, parents and caregivers of all students 'would like to know about it', whether or not their children were involved.[250] Dr O'Brien noted that this is a 'thorny issue' due to the importance of respecting the privacy of all the children involved. However, she stressed the need to change the culture around these issues to 'encourage transparency and respectful conversations when incidents occur'.[251] Volume 10, *Children with harmful sexual behaviours* includes more detail on interventions for children with harmful sexual behaviours.

In a private session, 'Erica Lynne' told us that her five-year-old daughter, 'Madeleine', had been sexually abused at a government primary school in Tasmania in the mid-2010s. 'Erica Lynne' said that 'Madeleine' was locked inside a toilet cubicle and sexually assaulted by one of three boys. 'Erica Lynne' told us that she discovered that there had been two earlier incidents with the boys. She and her husband were unsatisfied with the school's response and they then contacted the education department. However, they felt frustrated at the lack of information about how the school and the department were responding.[252]

Our *Harmful sexual behaviours of children in schools* case study considered evidence of several occasions on which schools did not inform parents that their children had been subjected to harmful sexual behaviours by other children. CLF's parents told us that their daughter was sexually assaulted by four boys at Shalom Christian College, a Townsville boarding school, in March 2006. The school's records show that CLF had made an earlier complaint in February 2006 that she was approached by a boy who sexually assaulted her after she said she didn't want to be his girlfriend. CLF's mother, EAL, gave evidence that she was not informed about the earlier incident.[253] Indeed, she was unaware it had occurred until giving evidence to the Royal Commission.[254] EAL told us:

> If I had known that incident had happened, if I'd been given one phone call, my daughter wouldn't have been there for the second one. She wouldn't have been attacked for the second one. I would have brought her home straight away.[255]

This hearing also examined sexual abuse at a New South Wales government primary school where on four different occasions a child was subjected to harmful sexual behaviours by one of his classmates. We were satisfied that the school had an obligation to inform the child's mother of the four incidents, and did not do so.[256]

Children with harmful sexual behaviours in boarding school

The *Harmful sexual behaviours of children in schools* case study examined the response of Trinity Grammar School to harmful sexual behaviours in the boarding house.

We were told that in 2000, CLA, a Year 10 boarder, was assaulted on multiple occasions by other boys in the boarding house. One of the worst assaults was a 'birthday present' for CLA. He was bound with tape, had a jumper put over his head, his pants pulled off so he had only his boxer shorts on, and he was sexually assaulted by other boys with a wooden dildo, which one of the boys had made during woodwork class.[257]

CLA's father, EAA, told us that the school did not immediately inform him that his son had been abused. CLA's mother, EAB, was first informed by a call from the child protection investigation team.[258] EAA and EAB did not become aware of the details and nature of the assaults on CLA until they read the transcript of his police interview.[259]

EAA gave evidence that:

> For a school that prided itself on its pastoral care and its open communications with parents, I think how we found out was appalling. The school should have contacted us directly, as soon as they reasonably knew that something had happened to our son, some four weeks before receiving a phone call from DOCS [Department of Community Services].[260]

EAA told us that he had to continually approach Trinity's headmaster, Mr Milton Cujes, for information about what was happening in response to the assaults. EAA said, 'We felt constantly fobbed off and did not know what was happening'.[261]

After another incident at the school, CLB, a Year 9 boarder, recorded in an incident report that boot polish had been smeared on his face and that his legs were lifted into the air while another student 'pumped' CLB's bottom with his 'front area'.[262] CLB later revealed to the school's senior psychologist that the boys in question often simulated sex with younger boys in the boarding house, that some boys had wooden dildos shoved up their bottoms while they were clothed, and that CLB himself had been subjected to such assaults 'probably 50 times'.[263]

Immediately after the incident, CLB's grandfather, his primary carer, was called to the school to discuss the incident with Mr Green, the senior master, and Mr Scott, the boarding housemaster at that time. Despite CLB's grandfather expressing concerns that CLB had been sexually interfered with at school, he was only informed about the boot polish that had been placed on CLB's face.[264] We were satisfied that Mr Green and Mr Scott did not inform CLB's grandfather about CLB's allegations that he had been sexually assaulted, and that they should have done so.[265]

Criminal proceedings were commenced against four boys in relation to the assaults. Two boys pleaded guilty to indecent assault and were given non-custodial sentences.[266]

Survivors and their families told us that schools did not communicate with them about the progress of their complaint. Some never learned whether the school took any action. Sometimes the subject of a complaint was moved from the school without any explanation. There is a clear need to communicate with parents or caregivers of the child who has caused harm as well as the family of victims of abuse.

4.3.4 Insufficient consideration of equity and diverse needs

Schools are responsible for the safety of all students, and should be alert to the increased risks faced by children resulting from particular experiences or vulnerabilities.[267]

We heard that Aboriginal and Torres Strait Islander children, children with disability and children from culturally and linguistically diverse backgrounds sometimes encountered situations that placed them at higher risk of abuse or a poor response to abuse in schools when compared to other children. This is consistent with other institutional environments, as discussed in Volume 2, *Nature and cause*. These risks are often the result of poor institutional practice or broader social attitudes and stigmas.[268]

We describe these risks and experiences throughout this chapter and in other sections of the Final Report. For example, we discuss the specific impacts of racism and cultural isolation in schools on Aboriginal and Torres Strait Islander children and children from culturally and linguistically diverse backgrounds in Section 4.3.1. In Volume 4, *Identifying and disclosing child sexual abuse*, we describe how mainstream respectful sexual relationship education programs are often inaccessible to children with disability, making it more difficult for some to identify and speak up about abuse.

Cultural safety in boarding schools

Examples of inadequate consideration of equity and diverse needs from the *Harmful sexual behaviours of children in schools* case study illustrate the experience of Aboriginal and Torres Strait Islander children in boarding schools.

Cultural safety is a concern for many Aboriginal and Torres Strait Islander children, who need to bridge at least two distinct cultures when they leave their communities to attend boarding school.[269]

As discussed in Volume 2, *Nature and cause*, connection to culture may be protective where it helps children to maintain a sense of self and positive identity in the face of racism,[270] and where it empowers them to make a disclosure.[271] Supporting children's ongoing connection to kin, community and culture can also increase the number of trusted adults who protect the child and to whom a child may feel safe to disclose.[272] Support to maintain this connection is particularly relevant to Aboriginal and Torres Strait Islander children in boarding schools, who will often travel long distances away from family and community for extended periods.

During the *Harmful sexual behaviours of children in schools* case study, we heard about different boarding schools that engaged in practices that were disempowering and disconnected students from their culture, family and communities. In some cases, these practices were explicit and actively diminished the role of family in the lives of students, or did not support full cultural expression.

In one example at Shalom Christian College (Shalom), a mother was discouraged from spending time with her daughter, CLF, as she settled into her new environment away from her community:

> We flew to Townsville in late January 2006, just before school started. [CLF] was very excited to start at Shalom. I was excited for her too but I was also nervous about her being away from us … The next morning a houseparent from Shalom came to the hotel and picked [CLF] up. I was getting ready to come along when the houseparent said, 'Oh, no, we just pick up the student and take them back'. I felt it was strange that I wasn't invited to go along to the school. I thought it must have been the school's policy and procedure so I didn't question it. Nothing was ever said to me but I made the assumption that [CLF] and I would receive an orientation of the school and I would meet the principal and the teachers.[273]

The mother later discovered that other parents were also discouraged from attending the school before their children boarded there, and that there were no inductions, orientations or open days.[274] This demarcation prevented students from maintaining a connection to culture and family. It also prevented parents from pre-empting unsafe situations and providing protective care to their children. CLF was sexually abused shortly after arriving at Shalom, and when her mother was finally able to visit the school to collect CLF she discovered that the school was in disrepair.[275] She said she would never have let CLF stay if she had been able to visit the school when CLF arrived.[276]

Responsiveness to diversity among Aboriginal and Torres Strait Islander students was also lacking at Shalom. In a written statement to the Royal Commission, Mr Christopher Shirley – a former headmaster at the school – spoke about the breadth of cultures and languages represented among students at Shalom from numerous communities across far north Queensland and the Northern Territory.[277] For some students, English was a foreign language and moving to Shalom involved leaving Country for an 'unknown community' and culture.[278]

Despite recognising this diversity, Mr Shirley said that Shalom 'expected all boarding students to learn and adhere to' a new set of norms that differed from those practised in communities.[279] These expectations did not clearly consider the primary role culture plays in the life of many students, and were instead established independently by Shalom on the basis of its 'Christian and urban environment' and relevant state regulations.[280] These types of expectations can be challenging for students who have different cultural expectations and norms in their home communities.[281] As described by one parent, 'Shalom should have been more culturally appropriate – make it look like an Indigenous school, acknowledge Aboriginal customs and teach cultural awareness. It is an Indigenous school after all!'[282]

Support for transitions to boarding school

Throughout the *Harmful sexual behaviours of children in schools* case study, we heard about the multiple social, cultural and language dislocations experienced by Aboriginal and Torres Strait Islander students who transition from community life to boarding school. These transitions differ for every student, and vary in complexity – particularly those arriving from remote and very remote communities. As described by Mr Richard Stuart, Manager, AFL Cape York House:

> We have children who are 11, turning 12, who are moving from a community often of 400, 500, 600, 700 people, into schools of 1500. Their transition is from the community itself, it's across language, it's across family, it's across size, it's across curriculum delivery, so the transition is complex.[283]

As discussed in Chapter 3, there is a high representation of Aboriginal and Torres Strait Islander students at boarding schools. In November 2016, Aboriginal and Torres Strait Islander children made up 18 per cent of boarders at non-government schools.[284]

While transition programs are important for all children, they are particularly valuable for Aboriginal and Torres Strait Islander children in boarding schools. Research suggests that the transition to boarding school causes many students to 'reflect on core aspects of their self and cultural identity'.[285] Spending time away from Country prevents Aboriginal and Torres Strait Islander young people from participating in significant law business and seasonal rites of passage.[286] It may also trigger culture shock as they encounter new attitudes, routines, customs and social norms for the first time.[287] Frictions within and between families and home communities may be carried into the school environment. For some students, English may also be their second, third or fourth language, and they may struggle with literacy and numeracy.[288]

Lack of effective transition support for Aboriginal and Torres Strait Islander boarding students was raised as an issue throughout the *Harmful sexual behaviours of children in schools* case study. During his evidence, Mr Stuart noted the lack of consistency and effectiveness among transition programs for Aboriginal and Torres Strait Islander boarding students across the country as a key concern:

> The quality of the transition varies enormously and the jurisdiction and the governance around the transition varies enormously, there is no standard, and the fact is that the most vulnerable children are those children placed into boarding environments that are generally of poorest quality … One thing we do know is that the data around the transition of children from remote communities to boarding is weak. What we also know is that there is a churn of students who go away to board, who have a significantly bad experience of boarding and who disengage.[289]

Current challenges associated with effective transition were also underscored by Ms Nicole Thompson, former Deputy Regional Manager, Aboriginal Hostels Ltd in the Northern Territory, who observed:

> We need to understand the tyranny of distance, the issues with telecommunications. I would say, largely, for a majority of students, transition is non-existent … There needs to be a lot of work done in terms of resourcing and also conditioning and routining and normalising the relationship of transition with parents, with communities, with schools and with boarding.[290]

Mr John Morgan from the Remote Indigenous Parents Association noted the lack of involvement of parents and families throughout the transition process, including a lack of clear information about how to prepare students for boarding school before leaving their community.[291] Concerns about a lack of services providing comprehensive assistance to students transitioning back to communities after boarding school were also raised by panel members.[292]

Other concerns raised by the panel related to all students transitioning to boarding schools. We heard, for example, about the need for boarding schools to provide appropriate care and support for all students who have experienced trauma and arrive with complex behavioural, mental health, emotional, physical or addiction issues and who have very specific care needs.[293] We also heard that current training around harmful sexual behaviours for staff at boarding schools is inadequate.[294]

4.3.5 Human resource management

Recruitment practices

We heard about schools that failed to undertake pre-employment checks on school staff. In our *St Ann's Special School* case study, we found that Mr Hamam did not conduct a police check on bus driver Brian Perkins before employing him, despite Mr Hamam stating he had previously performed police checks on other prospective employees.[295] A police check would have likely disclosed that Perkins had three prior convictions for sexual offences, which would have precluded him from being employed as a bus driver at St Ann's Special School with children with intellectual disabilities in his care.[296]

We found that at the time of Perkins's employment, the Catholic Education Office did not have a policy on the engagement of volunteers, and while St Ann's policy was that a registered teacher was required to supervise volunteers at the school at all times, Perkins had unsupervised access to children in areas such as the woodwork shed.[297] Additionally, we found that at the time of Perkins's employment, there were no policies or procedures at St Ann's about the supervision of staff members who were alone with children or the provision of respite care by employers or volunteers at St Ann's.[298] While the school did not authorise Perkins to provide 'respite care' to children, Mr Hamam did know that Perkins was providing this service to two students at the school, LH and MX, but considered this to be a private arrangement.[299]

In the *Knox Grammar School* case study, we learned that former Knox student Craig Treloar was employed as a resident housemaster in 1982 and that 'in keeping with the system at the time, he was not interviewed for the position and was not required to prepare a resume or provide any referees'.[300] In 1984 Treloar was added to the teaching staff of the Knox preparatory school. Treloar remained at the school until 2009. He was convicted of offences against four former students.[301]

Our work has found that Working With Children Checks (WWCCs) alone are not sufficient to ensure staff are suitable and safe to work with children.[302] In a private session, we heard from a survivor, 'Michael Peter' that, 'Leaders at institutions should not use Working With Children Checks as an excuse for complacency … There should be active and ongoing monitoring of all the staff, and leaders should be trained to spot suspicious patterns of behaviour'.[303]

Disciplinary practices and accountability

We heard about non-government schools that allowed teachers to resign when complaints of child sexual abuse were made. Some were given positive references, which enabled them to go on and teach in other schools and exposed children in those schools to the risk of abuse. During the public hearing of the *Brisbane Grammar School and St Paul's School* case study we learned that despite being aware that Gregory Robert Knight was suspected of improper sexual behaviour with students, the headmaster of St Paul's, Mr Case, wrote a reference for Knight which included the following:

> Mr Knight has an exceptional ability to organize music programs and to challenge students in their commitment to them. He has exceptional skills as an entrepreneur and under his guidance music in this school came to represent a significant area of achievement for students from a variety of backgrounds, including many for whom this was their major achievement. Mr Knight's concern and interest in educational administration and in the needs of exceptional children at both ends of the scale was an integral part of the philosophy behind the development which he undertook in his education.[304]

We found that in writing the reference Mr Case was 'in total and utter disregard for the welfare of children at any school at which Knight may come to be employed'.[305]

The hearing into *Geelong Grammar School* considered evidence that the principal, Mr Nicholas Sampson, allowed teacher Jonathan Harvey to retire in 2004, despite being aware of a complaint of child sexual abuse against him.[306] Mr Sampson responded to Harvey's letter of resignation saying:

> I understand the reasons for your decision and would like to thank you for the outstanding service you have offered Geelong Grammar since 1970; you have been a wonderful teacher, an outstanding Housemaster, a fine and thoughtful colleague and tremendous and committed schoolmaster.[307]

In the *Knox Grammar School* case study we heard that Roger James was a teacher at Knox between 1974 and 1977. In 2009, he was arrested and ultimately convicted of two counts of assaulting a male and committing an act of indecency.[308] In 1977 James notified Dr Paterson, the principal at the time, of his resignation from Knox and asked for a reference to give to a school in New Zealand where he intended to teach. Dr Paterson made positive statements about James, including his duties in relation to Camp Knox. This was despite having already formed the view that James was an inappropriate person to be involved in Camp Knox because of concerns about the nature of his relationships with boys. The reference Dr Paterson prepared was misleading in that it suggested that James was a person who was suitable to be involved in running school camps.[309]

The *Perth independent school* case study showed how children may be put at risk when complaints are not given 'sufficient and correct significance'.[310] In this case study Professor Stephen Smallbone, an expert in the nature and prevention of sexual abuse, considered the adequacy of the school's handling of complaints made between 1999 and 2005 related to grooming behaviour and inappropriate touching by the offending teacher, YJ. Considering the school's response to these complaints against a contemporary standard of best practice, Professor Smallbone identified the reliance on the offending teacher modifying his own behaviour as one of the main problems with the response of the headmaster at the time in question.[311] There was no behaviour management plan or any changes to YJ's duties that might have prevented his contact with certain children, and there was no follow-up plan to test whether YJ's conduct had been modified. Professor Smallbone considered this lack of follow-up particularly significant given YJ's history of failing to moderate his behaviour and comply with stated rules.[312] In 2010, YJ was convicted of 13 child sexual abuse offences.[313] The school accepted that, had sufficient and correct significance been attached to the reports made and concerns raised during this period about YJ's conduct, its response would have been different and would have 'mitigated the risk of … YJ sexually abusing students'.[314]

We were told about perpetrators who moved to another government school in the same jurisdiction. Several survivors told us they were sexually abused by the same alleged perpetrator who taught at different government schools across the state.[315] In a private session, 'Mervyn' told us that an alleged perpetrator was suspended for 12 months as a result of a complaint of abuse by another boy in the early 80s. The teacher was then reinstated at another school. 'Mervyn', who was aged 12 at the time he was abused, said that had the education department responded differently to the earlier complaint, a lot of kids would not have been abused.[316] 'Aaron', a teacher in a Sydney government high school for almost 40 years, told us that he saw at least three teachers moved to his school 'under a cloud of suspicion'.[317] He believed that the department of education used the school as a 'dumping ground' for teachers who needed to be 'moved on'.[318]

Northside Christian College

Part of the *Australian Christian Churches* case study examined the response to allegations of child sexual abuse made against Kenneth Sandilands, a primary schoolteacher at Northside Christian College from 1983 to 1992.[319]

In 1987 Reverend Denis Smith, Senior Pastor of Northside Christian Centre and chair of the Church Board and the College Council, was informed of an allegation that Sandilands had inappropriately touched a female student who was sitting on his knee.[320] The school conducted an investigation and imposed behavioural guidelines on Sandilands, which barred him from touching or being alone with children.[321] Pastor Smith told the Royal Commission that despite being aware of a number of breaches of these guidelines by Sandilands and other relevant factors related to his conduct, he did not seek to dismiss him, as no recommendation was made to him by the principal to do so and Pastor Smith 'normally only worked on those recommendations … given by the principal'.[322] Further, Pastor Smith said he was not concerned about the safety of children in contact with Sandilands around this time as, 'the guidelines were set and the Principal was closely supervising him'.[323]

Pastor Smith conceded that by 1991 the guidelines set for Sandilands had completely broken down and we found that he took no action to protect the children concerned, continuing to stand by the approach whereby the principal supervised the guidelines imposed on Sandilands, which Pastor Smith knew Sandilands did not follow.[324]

Former student Ms Emma Fretton gave evidence that she made multiple complaints to several members of the school staff that she was being abused by Sandilands.[325] However, she said that the school took no action to stop the abuse. Ms Fretton said that she requested she be moved to another class, but this was rejected. She was placed in Sandilands's class for Grade 3.[326]

Management of non-teaching staff

Schools need to ensure all staff who may come into contact with children are suitable and supported. This should include non-teaching staff such as administrators, contractors, gardeners, sports coaches, parent volunteers and maintenance staff. These staff can pose a high risk to children as, unlike teachers, they may not receive training in child protection, are not subject to accreditation such as teacher registration and may not fall within the scope of a WWCC. Schools should assess the risk posed by all staff and put in place appropriate human resource management measures to reduce the risk at recruitment, induction and performance review.

During the *Geelong Grammar School* case study, we heard that Philippe Trutmann was a former student who was employed as a live-in boarding house assistant between 1985 and 1996.[327] It was common for people who were appointed to the position, or other similar positions, to remain in that role for a year, even though they were not employed as a teacher at the school. The fact that Trutmann held the role for such a long time put him in a 'different category' from all the other people who had filled a similar role.[328] Trutmann had unsupervised access to students at the boarding house. We heard evidence that it did not appear that Trutmann was subject to any annual review or performance review, which appeared to be a requirement, while he was boarding house assistant.[329] There was limited evidence about pre-employment screening before the 2000s.[330]

Trutmann was convicted in 2005 after pleading guilty to 19 counts of gross indecency, 22 counts of indecent acts with a child under the age of 16 and one charge of possessing 485 images and 159 videos of pornography involving children. He was convicted of offences against 40 students at Geelong Grammar between 1985 and 1995. In 2011 Trutmann was charged with indecently assaulting BIW and he pleaded guilty.[331]

In the *Brisbane Grammar School and St Paul's School* case study, we heard that Mr Kevin Lynch was employed at Brisbane Grammar from 1973 until 1988, first as a teacher and later as a counsellor.[332] Former students, and some parents, gave evidence concerning the sexual abuse perpetrated by Mr Lynch during the school counselling sessions.[333] Mr Howard Stack, the current chairman of Brisbane Grammar's Board of Trustees, accepted that there were a number of failings by Brisbane Grammar. Specifically, the school failed to adequately record details of the students' attendance at counselling and absences from class. As a result, the school missed an opportunity to discover that Mr Lynch was perpetrating abuse against students.[334]

In 1989 Mr Lynch was employed as the school counsellor at St Paul's School and was still employed as the school counsellor when he was charged by police for child sexual abuse offences on 22 January 1997; on 23 January 1997 Mr Lynch committed suicide.[335] Several former students gave evidence at the Royal Commission that they were sexually abused by Mr Lynch during counselling sessions at St Paul's.[336] The principal at the time in question, Mr Gilbert Case, accepted that during Mr Lynch's time at St Paul's there was no system in place to monitor the frequency with which Mr Lynch was seeing boys. We heard evidence that boys took significant amounts of time out of class to see Mr Lynch in counselling sessions; that there was no system in place at the school for informing students about the nature of a counselling relationship or about what boundaries it was expected a counsellor should observe; and that there was no system in place for dealing with allegations made by students of child sexual abuse.[337]

4.3.6 School policies and procedures

Our *Audit of primary school-based sexual abuse prevention policy and curriculum* report noted that some schools reviewed did not have any policies and procedures on child protection, or policies and procedures for reporting and responding to abuse. When policies and procedures were in place, some were unclear and confusing, and staff did not follow them. The research highlighted that in contemporary schools, parents, students and other stakeholders did not know where to find school complaint handling policies.[338]

Lack of policies and procedures

We heard about schools, particularly before the 1990s, that did not have policies and procedures on preventing or responding to child sexual abuse. In the *Marist Brothers* hearing, the headmaster of Marist College Canberra gave evidence that 'at the time there was no policy or procedure for dealing with complaints of child sexual abuse and his first thought for dealing with the complaint was to confront Brother Chute',[339] the person accused of abuse. The headmaster gave evidence that while speaking with the victim's father, he did not want to prolong the meeting because 'it was an extremely unpleasant and uncomfortable situation to be in, and [he] was conscious that the father was very ill at ease … in many respects I was bereft of a strategy to deal with it'.[340]

The *St Ann's Special School* case study also demonstrates how the absence of policies and procedures can contribute to flawed responses to abuse. Allegations of child sexual abuse against bus driver Perkins were never reported to police, even though the principal notified the Catholic Education Office of the allegations. We found that at that time the Catholic Education Office 'did not have a specific policy in place that imposed any specific responsibilities on employees of the Catholic Education Office who were notified of the allegations of sexual abuse of students'.[341]

We also learned during the *Geelong Grammar School* case study that 'before 1994 the school had no formal systems, policies or procedures in place dealing specifically with child sexual abuse or designed to prevent child abuse'.[342]

Our commissioned research of more recent evaluations of school systems show that gaps remain in the implementation of policies and procedures. The *Audit of primary school-based sexual abuse prevention policy and curriculum* report revealed that 11 of the 32 school systems did not have a locatable or reasonably distinguishable child protection policy,[343] with half of the New South Wales Catholic education offices, three-quarters of the Victorian Catholic education offices, and no school system in Tasmania having a child protection policy.[344] In six of the school systems, the reviewers could find no information regarding institutional responses to child sexual abuse in any document.[345]

Limitations in school policies and procedures

Some schools had inadequate policies that created a barrier to allegations being reported to the relevant authorities. One stakeholder told us that potential reporters might be deterred from reporting concerns about child sexual abuse in schools because they were uncertain about the threshold of evidence required to make a report.[346] Another stakeholder said that a desire to have 'proof' might prevent reporters from acting on their initial instinct while they waited for greater certainty.[347]

The *Perth independent school* hearing discussed multiple complaints of inappropriate behaviour and grooming that were made against a teacher between 1999 and 2005, but not reported to the police. The school did not have a dedicated child protection policy until 2004.[348] We found that the school's policies and limited staff training contributed to its failings in not attaching sufficient significance to the reports made and concerns raised about the inappropriate conduct of the offending teacher.[349] The school was inspected in 2004 to assess its application for renewal of registration. The report stated that the school's child protection policies and procedures were of a very high standard.[350] We received evidence that while the school's child protection policies in force from 2004 until 2009 were compliant with registration standards, they did not meet best practice standards.[351]

The avoidance of responsibility for reporting in some schools was highlighted during our consultations with school stakeholders:

> this buck-passing attitude, that, 'My job is to disclose this to the next person, and I have no ownership of it, I don't follow up on it, all I know is that I take this piece of paper from here to there and I have passed it to the next person, and I am now no longer obligated to be involved'. That is how this system also fails …[352]

Inadequate policies and procedures not only fail to provide staff with sufficient guidance on how to respond to incidents, but may increase the likelihood of negative outcomes. Staff who adhere to flawed policies and procedures 'in a mindless fashion' may engage in behaviours which independent observers would consider ineffective and morally inadequate.[353] Research we commissioned noted that this appears to have been the case in a 1991 incident we considered in our *St Ann's Special School* case study:

> Mr Michael Critchley, the coordinator of resources for the Catholic Education Office (CEO), was told that a St Ann's Special School employee had sexually abused a student. Rather than notify someone at the CEO of the abuse, Mr Critchley responded unilaterally as if it was a human resources management issue. As he testified in 2014, Mr Critchley wished that he had enquired further about the problem and notified the CEO director immediately. Further, he 'could think of no real or perceived barriers that prevented him from taking those steps'… an investigation of the CEO concluded that Mr Critchley 'responded to the allegations of sexual abuse in accordance with his duties and responsibilities in accordance with accepted expectations and procedures relating to reports of child sexual abuse as they existed at the time'.[354]

Poor implementation of school policies and procedures

We were told during our consultations that teachers can be unsure of what to do when they know about or suspect child sexual abuse.[355] Many factors could be responsible for this, including confusing policies, policies not being clearly communicated to staff, staff not being adequately trained, or a culture where policies are seen as unimportant and are routinely flouted. These failings can mean staff do not follow policies and procedures, and respond poorly to child sexual abuse.

Where policies and procedures are not followed, it may make it more difficult to detect suspicious behaviour. For example, where it is commonplace for staff to breach policies around physical contact with children, albeit in an innocent manner, this may allow another staff member to engage in more predatory behaviour without raising suspicion.[356]

'Rudy' told us in a private session that his Uniting Church school did not follow its own policy in responding to his disclosure of abuse.[357] 'Rudy' was in Year 8 when he went on a two-week school excursion and was attacked by several older students. 'Rudy' asked to ring his parents but was told that it was too late. When he got home and told them about the assault, his parents were extremely upset. 'Rudy' said: 'For weeks they rang and wrote to the school but heard nothing back, and over the next six months they were met with delays, denials and a cursory investigation that accepted the stated innocence of the other boys'. 'Rudy' told us that at one stage, the deputy headmaster said that he had invented the story. 'Rudy's' mother pointed to the school's bullying policy that stated if a boy made a complaint the school would accept his allegation of bullying. The next time she looked the statement had been removed from the school's policy.

School complaint handling policies and procedures

Case Study 6: The response of a primary school and the Toowoomba Catholic Education Office to the conduct of Gerard Byrnes (Toowoomba Catholic school and Catholic Education Office) illustrates how schools can fail to follow policies and procedures, even when there is 'a raft of procedures in place'.[358]

Staff at the relevant primary school were required to comply with the policies and procedures in the student protection kit developed by the Toowoomba Catholic Education Office.[359] Although the relevant staff were aware of the student protection kit, they had never read it cover to cover.[360]

In 2007, a student complained that she had been abused by teacher Gerard Byrnes.[361] The principal, Mr Terence Hayes, did not consult the student protection kit before meeting with the student and her father.[362]

According to the student protection kit, any staff member who became aware of an allegation or suspicion of harm to a student was required to 'document the allegation as soon as possible' and 'write exactly what was observed or heard'.[363] However, three different members of staff who received complaints of child sexual abuse did not make written records using the form required.[364]

Ms Catherine Long, one of the school's child protection officers, gave evidence that she and Mr Hayes considered that they required help with responding to child sexual abuse, even after consulting the school's student protection kit.[365] In evidence Ms Long agreed with her legal representative that she felt out of her depth.[366]

Mr Hayes did not report the allegations against Byrnes to police.[367] He discussed the allegations with senior staff at the Catholic Education Office but he did not tell them about the most serious allegation, which would have made clear the sexual nature of the alleged conduct.[368] Byrnes continued working at the school for 14 months after the first complaint was made.[369] In 2010, Byrnes was sentenced to 10 years' imprisonment after he pleaded guilty to 44 child sexual abuse offences against 13 girls who were then aged between eight and 10 years.[370]

Accessibility of school policies and procedures

It is important that parents, students and others in the school community know how to make complaints and are aware of and can access complaint handling policies. Catholic School Parents Australia told us they consistently hear 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.[371]

We were told that families might not know where to find a school's policies on child protection. The *Perth independent school* hearing examined an instance where a mother became concerned about a teacher's behaviour towards her son. The mother told us that she 'was not aware of any school procedures or policies to assist her or any parent in making a complaint about a teacher'. She did not know where to find child protection policies or any policy relevant to her concerns even though she had been a liaison parent and president of the Parents and Friends Association, and she did volunteer work at the school.[372] The mother said she 'felt uncomfortable raising the issue of the offending teacher with the headmaster'. She said that she was very scared and concerned she 'would look stupid'.[373]

In consultations with multicultural stakeholders, we heard that some schools do not consider whether their child protection policies and procedures need to be translated or tailored to be accessible.[374] We heard one example of a school which had a high population of Vietnamese students who spoke only Vietnamese at home, but the school did not translate the child protection policy when information was sent home to parents.[375]

The *Audit of primary school-based sexual abuse prevention policy and curriculum* report found that only five of the 32 school systems provided easily accessible, publicly available information to parents about responses to child sexual abuse, including statutory reporting requirements of known or suspected child sexual abuse by a school staff member, volunteer or member of the clergy.[376] None of the 32 school systems had provided information directly to children and young people regarding institutional responses to child sexual abuse, including processes for reporting known or suspected child sexual abuse in institutional contexts.[377]

Stakeholders participating in the schools roundtable told us that schools might not be doing enough to ensure that students know how to make a complaint. One stakeholder told us:

> It is a concern for us that students are completely overlooked in terms of how to make a complaint within a school. There is a big focus on parents and how a parent can escalate a complaint, but within the kind of process so far (a) there is no explicit communication and information to students directly about how they can make a complaint and really good clear policies within a school; and (b) there is no allowance for the fact that lots of students might not use a parent to make that kind of complaint.[378]

Research we commissioned notes that children and young people reported that it was important not only for strategies to be in place for keeping them safe and for responding to threats, but also for them to be informed about these strategies, as knowing how adults would respond would help them feel safe.[379] In our consultations with children and young people, participants told us that they received little or no induction on the school's responsibility for child safety, and who they should go to if they had a concern.[380]

Policies and procedures for children's online safety

We heard from participants in our eSafety expert panel meeting about the need for clear and comprehensive policies and procedures to support children's safety online in the school setting and for schools to respond effectively when online incidents occur.[381] They noted that this should include protocols for online communications between staff or volunteers and children, such as social media, private messaging, emailing, and interactions during online gaming.

Most young people we spoke with generally were not aware of any comprehensive or current online safety policies that were being actively or effectively implemented in their schools.[382] Students told us:

> Well, we're meant to have rules like don't take photos of people without asking, and stuff … But they don't enforce it at our school at all, and with the whole, 'no phones out', or anything, that is not a rule at all.[383]

> It's very blurred when it comes to social media and stuff. The amount of people that know about [the school's social media policy] is none. There is, like, guidelines, but it's very out of date. I think it's from 2008.[384]

We heard from expert panel members that one of the main challenges for schools and other institutions is knowing how to respond effectively to concerns relating to online abuse, in a way that is measured and proportional to the situation, and minimises further harm to potential victims.[385] We heard that institutions lack understanding of the appropriate pathways to follow in response to online incidents. On occasion, issues are unnecessarily escalated to major cybercrime units, rather than being dealt with internally or by intermediary agencies. Effective policies and procedures are needed to clarify processes for managing emerging online incidents, such as image-based abuse or concerns a child is being groomed online.[386]

These issues are discussed further in Volume 6, *Making institutions child safe*.

4.3.7 Complaints processes

Poor complaints processes emerged as a strong theme in our examination of schools. We observed many failures in handling complaints, such as not reporting externally to government authorities, incompetent investigations and uncaring responses to victims. Volume 7, *Improving institutional responding and reporting* discusses reporting of child sexual abuse and complaint handling in more detail.

We were told about people at all levels in schools who did not report complaints of child sexual abuse to external government authorities, despite obligatory reporting requirements on the schools sector and many teachers receiving training on these responsibilities.

The *Geelong Grammar School* case study considered complaints of child sexual abuse that were not reported to an external government authority. We heard from survivor BIW that he had told his mother that he had been abused and she, in turn, made a complaint of child sexual abuse to the school matron. Soon after making this complaint, BIW recalled a meeting with the master, deputy master and the matron, but his complaint was not reported to an external government authority.[387] BIW said that he was told not to tell anybody else about the incident.[388] The school did not investigate the incident and no one at the school reported the complaint to police.[389]

The *Harmful sexual behaviours of children in schools* hearing examined an occasion when staff of The King's School did not comply with mandatory reporting obligations for children with harmful sexual behaviours. The headmaster, Dr Hawkes, gave evidence that the school sought advice from the police about whether it was required to report an incident of potential sexual abuse of a student by another student. The police advised, via email, that the school needed to report the incident. However, the incident was not reported, despite the police email being sent to four people in the school's leadership, including Dr Hawkes.[390] Dr Hawkes accepted during questioning that it was 'an extraordinary state of affairs' that no action was taken in response to the email, and that it was a 'catastrophic failure' by the school.[391]

In a private session, 'Felix Evan', who attended a boarding school in the 1980s, told us that four boys held him down while another boy abused him. He said that one of the boys later expressed remorse and informed the housemaster. 'Felix Evan' wanted the students to be reported to the police and to go to jail. Instead, he said that he was asked to sign a contract saying that he would not disclose what had happened. 'Felix Evan' told us that the housemaster said to him in front of two of the school's lawyers, 'I can't expel them … [Boys from our school] can't go to jail'.[392]

Barriers to reporting complaints externally

We were told during our consultations that teachers and other school staff faced an array of obstacles and competing priorities when deciding whether to report known or suspected child sexual abuse.[393] These barriers to reporting could be institutional or personal, or a combination of both, as discussed below.

Institutional barriers

In a number of research reports we commissioned, we examined the role of organisational culture in failures to report child sexual abuse to external authorities. These reports identified certain features of an institution that could deter reporting[394] – such as its culture, leadership and governance; and its internal power structures.

The hierarchical nature of schools can create barriers to reporting. This point was raised during our consultations with children where we were told that school hierarchies meant it could be difficult for not only children but younger teachers to raise concerns with senior staff.[395] Higher level school staff might use their formal power to intimidate their subordinates from reporting any observed abuse. During the *Geelong Grammar School* case study, Mr Paul Claridge, deputy master of Highton campus in 1989, gave evidence that he felt 'constrained' about doing more to report child sexual abuse to the authorities by the hierarchical structure of the school.[396]

Further, in our private sessions, some teachers and support staff told us that they had voiced concerns about child sexual abuse to their school principal, only for the principal to be dismissive, to tell them they were overreacting or to tell them not to pass the report to the relevant authorities. We heard that these teachers and support staff felt the hierarchical structure at the school prevented them from taking further action[397]

Personal relationships

There are often close relationships between teaching colleagues, and indeed all school staff, who work together five days a week throughout the school year. According to the Truth Justice and Healing Council, 'the notion that teachers may be seen to be in judgement of their peers [by reporting] does not sit comfortably with many of them'.[398] Where the subject of a report is a colleague or friend, the reporter can feel disbelief or shock at the prospect that the person could have perpetrated child sexual abuse. This can create a psychological barrier to reporting, causing the individual to minimise the seriousness of the behaviour. The Truth, Justice and Healing Council submitted that 'staff who have worked alongside someone or come to know a person in the course of their work or social setting can at times be unwilling to recognise reportable behaviour for what it is'.[399]

Personal relationships between a potential reporter and other members of the school community may also create conflicts of interest that form barriers to reporting.[400] In schools – particularly in regional or remote areas, or in some communities – the principal, board members, staff, parents, police officers and the broader community often form close personal relationships, which can create conflicts of interest. In our consultations, stakeholders said that such conflicts of interest could override their adherence to institutional policies and procedures that require child sexual abuse to be reported.[401]

Concerns about consequences

Concerns about negative career ramifications can also be a barrier to reporting in schools. We heard of cases where school staff would not raise concerns about child sexual abuse because they feared losing their jobs.

We heard that potential reporters in schools could have fears and concerns about the personal consequences, such as social ostracism, bullying, backlash and isolation.[402] Close relationships between colleagues can make it more likely that staff shun the reporter and close ranks in support of one of their own. The *Perth independent school* hearing gave an insight into the consequences for staff who report the conduct of other staff. Each of the three teachers who reported their suspicions about the conduct of a teaching colleague gave evidence that they 'were concerned that they would be subject to rejection, ostracism or bullying/harassment from some staff if they were identified as "whistleblowers" or complainants'.[403] One teacher, WG, gave evidence that after reporting her concerns, she believed that she was bullied by some of the older male teachers. WG gave evidence: 'One even attempted to run me over one day. I don't believe he would have, but the intent to make me fearful was there'.[404]

Case Study 35: Catholic Archdiocese of Melbourne considered Catholic schools in Victoria, where the parish priest, rather than the Catholic Education Office, is the employer of the principal and school staff.[405] We heard from a former teacher that she was afraid she could be fired by the parish priest if she reported a complaint against him.[406] We found that the position of the parish priest as the employer of staff of diocesan schools had the potential to affect the open and effective reporting of complaints against priests.[407] This issue is discussed further in Volume 16, *Religious institutions*.

One private session attendee, 'Kylie Ann', who worked as a teacher's assistant in the 1990s told us that her colleagues did not listen to or act on her concerns about a male teacher who she suspected of child sexual abuse because 'it was all people holding onto their jobs and nobody wanted to speak up'.[408]

We were told during our consultations that teachers and other school staff may also be reluctant to make a report of child sexual abuse due to the fear of falsely accusing a colleague[409] or otherwise making an error of judgment.[410] The *Perth independent school* case study considered why several teachers who had significant concerns about the inappropriate behaviour of a fellow teacher were reluctant to make a report. We noted that one of the teachers raised her concerns only 'after much "soul-searching"'. She was a new teacher at the school and 'did not want to ruin a man's career'.[411]

Confusion about legislative requirements

A poor understanding of, or confusion about, reporting obligations can act as a barrier to reporting in schools.[412] We heard that teachers could be unsure of what to do when they knew about or suspected child sexual abuse.[413] As noted, in the *Toowoomba Catholic school and Catholic Education Office* case study, a witness told us that she and another mandatory reporter to child protection required help when responding to a complaint of child sexual abuse – even after consulting the school's student protection kit – and that she felt out of her depth.[414]

In response to *Issues paper 9: Addressing the risk of child sexual abuse in primary and secondary schools*, we heard that potential reporters in schools might be uncertain that they had sufficient information or evidence to meet the threshold for making a voluntary or obligatory report of child sexual abuse to an external government authority. The Truth, Justice and Healing Council submitted that a desire to have proof often prevented teachers from acting on an initial instinct.[415]

The *Geelong Grammar School* case study demonstrated how misconceptions about the threshold for reporting child sexual abuse to an external government authority resulted in failures to report in schools. Mr John Lewis, the headmaster of Geelong Grammar School from 1980 to 1994, gave evidence that he would not report a complaint of child sexual abuse to the police unless he was satisfied beyond reasonable doubt that the allegations were true.[416] He said, 'I don't think it was necessarily my business to report allegations to police until one had made every attempt you could to establish the truth or otherwise of the allegation'.[417] Mr Lewis did not make clear the basis on which he decided that this was an appropriate position, and he

did not persuade us that his views were reasonably held.[418] He did not report several complaints of child sexual abuse, which were made to him during his time as the headmaster of Geelong Grammar, to an external government authority.[419]

Confusion about legislative requirements is often linked to a lack of proper training, education and guidance on reporting to external authorities. This is discussed in Volume 7, *Improving institutional responding and reporting*.

Specific barriers in regional or remote schools

Schools are key institutions in regional and remote communities, making community members particularly protective of their school and its staff. Schools in regional and remote areas might be less likely to report child sexual abuse externally because they have lower levels of capacity and experience in dealing with complaints of child sexual abuse.

Confidentiality might be a particular barrier to reporting in smaller communities where it can be difficult for reporters to remain anonymous.[420] Stakeholders told us that, although a reporter's identity is protected by law, their identity could be obvious in a small or remote community.[421] Reporters could be subject to community backlash and ostracised for making a report. In a private session with 'Janette', who told us her son 'Lindsay' was sexually abused at a one-teacher school, we heard that the tight-knit nature of the small community hindered any opportunities for 'Lindsay' to report the abuse, saying '[In a small community] it is hard for a lot of this sort of stuff … It was your school teacher, your police officer'. 'Janette' called for more to be done to assist reporting of suspicious behaviour in small schools:

> My biggest concern [is] about the education department … can we change the way it [reporting] is done? Especially rural areas, I know … they can be cliquey places. You need to have proper avenues to go [down].[422]

Ineffective investigations of complaints

We heard of cases where school leaders failed to effectively investigate complaints of child sexual abuse. Sometimes the person tasked with conducting an investigation did not have the right qualifications or experience, resulting in an incompetent investigation. This arose in the *Australian Christian Churches* case study, where an assistant pastor without any educational qualifications was appointed to investigate complaints of inappropriate behaviour by primary schoolteacher Kenneth Sandilands.[423] In the *Geelong Grammar School* hearing Mr Sampson, the principal at the time in question, gave evidence that he had conducted a 'fairly cursory' investigation into a complaint of historical child sexual abuse against a current staff member.[424] Mr Sampson said that he would now approach a similar situation very differently, and emphasised the importance of using an external party with relevant expertise to investigate allegations of child sexual abuse.[425]

The *Harmful sexual behaviours of children in schools* case study considered the response of a New South Wales government school to an incident involving four boys on a school camp. After interviewing each of the boys on the night of the incident, the deputy principal re-interviewed three of the boys three days later. The later interviews were conducted separately with each of the boys, but afterwards the deputy principal and the three boys were together in the same room. We were satisfied that the deputy principal should not have conducted the further interviews with the students, and that the deputy principal had not received sufficient training or guidance about whether to conduct interviews with students who have displayed or been subjected to harmful sexual behaviours.[426]

A common failing in investigations was the victim being asked to repeat their complaints without their parents present. For example, in a private session, 'Petra' told us of a contemporary incident where her son 'Harry' and his friends were sexually abused at a Year 7 camp run by their private Christian school.[427] 'Petra' said that the boys were interviewed individually by a senior staff member, without their parents being advised first and without being given an option to have a support person present.

Victim asked to 'demonstrate' the abuse

The *Toowoomba Catholic school and Catholic Education Office* case study considered an extremely poor quality investigation where the victim was asked to 'demonstrate' her complaints.[428]

The investigation was conducted by the school principal, Mr Terence Hayes, and one of the school's child protection officers, Ms Catherine Long.[429] The investigation was triggered when the victim told her father that her Year 4 teacher, Gerard Byrnes, had sexually abused her.[430] Mr Hayes arranged a meeting with the complainant, her father and Ms Long. The student was asked to describe Byrnes's conduct towards her.[431] She was then asked to demonstrate by pretending that her father was Byrnes. She was asked to use her father's hands to show where Byrnes had touched her.[432]

There was a discrepancy between the student's description of the conduct and what she demonstrated.[433] Ms Long reasoned that if the student was prepared to demonstrate the conduct on her father, the conduct could not have been as inappropriate as if she had indicated she was not prepared to perform any kind of demonstration.[434] However, neither Mr Hayes nor Ms Long gave evidence that the student may have been reticent to demonstrate what had occurred because she did not want to have her father put his hand up her skirt or into her shirt.[435]

Inadequate responses to victims

Making a complaint of child sexual abuse is a challenging process, especially for a child. Many survivors will also require ongoing treatment and support to help them deal with their experiences. We have examined this topic in more detail in Volume 9, *Advocacy, support and therapeutic treatment services*. The need for support is not confined to the survivor. The parents, siblings and children of survivors can also experience trauma that can have ongoing affects. We heard in private sessions from survivors and their families that they had received little or no support from the schools in which the abuse occurred.

The *Harmful sexual behaviours of children in schools* case study examined the sexual abuse of CLF, a student at Shalom Christian College, by a group of four boys. Her mother, EAL, gave evidence that after they withdrew their daughter from the school, the school provided no assistance with her education.[436] EAL told us that the school did not offer to assist her daughter to access counselling or see a psychologist.[437] The school did make an offer of help to EAL and her husband, but she said that it did not materialise.[438]

For many victims and survivors, an apology from the school is an integral component of redress. On numerous occasions, we were told that institutions refused to apologise. The hearing into *The Hutchins School* found that the school did not provide an adequate and timely apology to victims. A former student of the school, AOA, gave evidence that he was deeply disappointed that, after 17 years of trying to get an apology, the school was still not forthcoming.[439] We found that the school's response was 'based on a concern to avoid or limit reputational damage to the school' rather than a concern for the survivor or his wellbeing.[440]

During the *Harmful sexual behaviours of children in schools* case study, EAE told us that at the same time as The King's School was attempting to respond to his son CLC's sexual abuse in the boarding house, the school was pressuring him to pay outstanding school fees.[441] EAE said that the school bursar 'stated that the payment of the school fees and the assault were two separate issues'.[442] EAE gave evidence that he believed the reason the school was pressuring him to pay the fees was because 'if [CLC] was removed from the school, then the problem would go away'.[443]

4.3.8 Recordkeeping and information-sharing

Quality of records

The creation and maintenance of accurate records and the exercise of good recordkeeping practices play a significant role in identifying, preventing and responding to child sexual abuse. Records can also be important in alleviating the impact of child sexual abuse for survivors.

Volume 8, *Recordkeeping and information sharing* discusses current recordkeeping requirements in more detail and makes recommendations to strengthen records and recordkeeping practices in schools and other institutions.

We identified a range of problems with records and recordkeeping practices in schools. In particular, case studies raised systemic issues concerning recordkeeping in non-government schools.

It was common historically for school records not to include information on child sexual abuse, as shown in the *Marist Brothers* case study. In relation to Brother Chute, who abused many children over three decades, we found that 'the Marist Brothers kept no written record of these accumulated allegations of Brother Chute's repeated offending conduct'.[444]

Our case studies showed that even in recent times, schools did not record complaints of child sexual abuse. Our *Yeshiva Bondi and Yeshivah Melbourne* case study examined the response of two Jewish institutions in Sydney and Melbourne to complaints of child sexual abuse by staff. We found that, between 1984 and 2007, Yeshivah College Melbourne did not have a practice of recording complaints of child sexual abuse.[445]

The *Brisbane Grammar School and St Paul's School* public hearing demonstrated that not creating full and accurate records can be a barrier to the identification and prevention of child sexual abuse. Brisbane Grammar School and St Paul's School accepted that there were no systems in place to monitor how frequently students attended counselling sessions with school counsellor Mr Kevin Lynch and were absent from class.[446] Mr Stack, the current chairman of the school's board of trustees, accepted that 'as a result of that failure, the school missed an opportunity to discover the abuse that Mr Lynch was perpetrating against students'.[447] We concluded that at St Paul's, 'boys took significant amounts of time out of class to see Mr Lynch in counselling sessions; however, no formal system in place at the school detected this'.[448]

The *Knox Grammar School* case study examined multiple complaints of child sexual abuse. It was the practice of the headmaster, Dr Paterson, not to record allegations of child sexual abuse in the files maintained for each student and teacher.[449] In 1996 a police inspector visited Dr Paterson at the school regarding anonymous allegations of child sexual abuse against five teachers. Dr Paterson did not reveal anything to the inspector about any of those matters, and instead allowed the inspector to access the relevant school files which he knew did not contain any information about child sexual abuse.[450] Dr Paterson agreed that as at 1992 there was a very serious problem with the integrity of Knox's recordkeeping and that he did not know how to 'cure' that problem.[451]

Some of the schools examined in our public hearings had inadequate systems to record complaints. The hearing for the *Perth independent school* case study examined a school with a preparatory campus and a secondary campus. The school did not maintain centralised records, and personnel files for preparatory and senior school staff were kept separately.[452] The repeated and similar complaints about one teacher's interactions with primary school boys were not centrally recorded and some complaints were assessed without reference to previous complaints.[453] This left boys at the school at risk of further sexual abuse.

As Professor Stephen Smallbone concluded in his evidence to the public hearing, this deficient recordkeeping system led to 'a serious failure by the school to connect various pieces of information concerning the offending teacher's behaviour and to respond properly to concerns about his behaviour'.[454] Professor Smallbone observed that best practice requires all concerns to be documented 'to enable the "joining up" of smaller pieces of information that together may present a more concerning picture'.[455] Some public hearings featured discussion of records being 'lost' or 'unavailable'. Poorly maintained records can prevent perpetrators – and institutions – from being held to account for their actions of child sexual abuse.

Recordkeeping practices at Geelong Grammar School

The *Geelong Grammar School* case study examined many aspects of poor recordkeeping, including incomplete and inaccurate records and records that were missing or lost.

In 2004, a staff member told the then principal, Mr Nicholas Sampson, that his brother had been sexually abused while he was a student at the school in the 1970s.[456] After conducting an investigation into the alleged perpetrator, Jonathan Harvey, who was still teaching at Geelong Grammar, Mr Sampson told Harvey it would be best if he left the school. Harvey agreed to retire at the end of the year and no report was made to the police or to the Victorian Institute of Teaching.[457] We learned that the school was unable to locate any record of the allegations against Harvey.[458] We found that Mr Sampson did not make any written record of the true reasons for Harvey's departure.[459] We concluded that Mr Sampson should have made a documentary record of the 'real reason' that Harvey left the school.[460]

The principal at the time of the hearing, Mr Stephen Meek, acknowledged that there are gaps in the school's records and that the school cannot locate some files for students, teachers and other staff.[461] For example, we found that BIW disclosed he was abused in the boarding house in 1989.[462] The commercial director of the school council, Mr Andrew Moore, who is part of the executive team, gave evidence that BIW's files were not located[463] and 'there are more than BIW's files missing'.[464]

Survivors told us how important it was to them to be able to access institutional records about the sexual abuse they experienced and about how relevant institutions had responded to that abuse.[465] In some cases, schools withheld records from survivors. This issue arose in *The Hutchins School* case study. Former student AOB was abused by a teacher in 1963. He was at the school when former headmaster Mr Lawrence resigned in 1970.[466] AOB said that around the year 2000 he disclosed that he had been abused and attempted to obtain information about Mr Lawrence's resignation, because he thought it might help him to understand the context in which the abuse occurred and whether it was part of a wider pattern of abuse.[467] In 2009, AOB met with the headmaster, Mr Warwick Dean, and told him that he wanted to know the real reason that Mr Lawrence resigned 'so that he could make sure it never happened again'.[468] Mr Dean did not provide information about the circumstances surrounding Mr Lawrence's departure from the school.[469] In August 2014, in response to a further request from AOB, Mr Dean provided detailed information about Mr Lawrence's resignation.[470] We found that

the school did not take AOB into its confidence and reveal to him at the earliest opportunity everything it knew about Mr Lawrence's departure from the school and the historical context of AOB's experience at the school.[471] Eventually, a fuller account was given to AOB; however, in the meantime, AOB's anxiety and trauma were unnecessarily prolonged.[472]

Limited information sharing about teachers

Inadequate information sharing about teachers between schools (or other employers of teachers) can put children at risk of child sexual abuse. Teacher registration authorities also need to be able to share information effectively across jurisdictions, to protect children from perpetrators who move across states and territories.

State and territory teacher registration laws provide for teacher registers to record information about teachers, including information that may be relevant to child sexual abuse. Teacher registration laws also provide a legislative framework for teacher registration authorities to share such information, including with teacher employers and with their interjurisdictional counterparts. However, there are significant inconsistencies across state and territory teacher registration laws about what information is recorded on registers, and regarding information sharing by state and territory registration authorities more generally.[473]

Our public hearings and private sessions illustrate the risks to children that arise when teachers' employers do not share, or do not have access to, information about child sexual abuse by teachers. The lack of information sharing with other employers, and with state and territory teacher registration authorities, can enable perpetrators to continue to pose a risk to children by moving between schools or jurisdictions.

These issues were demonstrated in our *Brisbane Grammar School and St Paul's School* case study. Music teacher Gregory Robert Knight, who moved between government and non-government schools in South Australia, Queensland and the Northern Territory, was eventually convicted of crimes related to child sexual abuse in two jurisdictions.[474]

The Royal Commission considered evidence that, despite the fact that an adverse finding was made against Knight by an independent inquiry in South Australia, the matter did not come to the attention of the schools in Queensland and the Northern Territory which subsequently employed Knight.[475] Similarly, the fact that there were complaints of child sexual abuse against Knight while he was at St Paul's did not come to the attention of the school which employed Knight in the Northern Territory.[476] We concluded that 'the regulations governing circumstances in which schools are required to notify the teacher registration authorities of complaints of child sexual abuse do not appear to be consistent'.[477]

In our *Brisbane Grammar School and St Paul's School* case study, we heard evidence that Mr Kevin Lynch abused a large number of students while employed by Brisbane Grammar and St Paul's between 1973 and 1997.[478] After our report into that case study was published, significant new information came to our attention indicating that Mr Lynch had been sentenced for two counts of indecent assault against a male person in 1957, and was subsequently dismissed from a position with the New South Wales Department of Education in March 1958.[479]

While records do not indicate whether the 1957 offences related to a child or children, they include a note from his sentencing that Mr Lynch was placed on probation and was to 'refrain from taking part in any organisation where he will come into contact with children'. Based on this note we were satisfied that the offences probably involved a child or children.[480] Despite being on probation and subject to the above condition, Mr Lynch's curriculum vitae indicates that between 1961 and 1965 he was a teacher at Edmund Rice College at Wollongong in New South Wales.[481]

It is unclear how Mr Lynch came to be a teacher in Wollongong in 1961 under such circumstances. However, in relation to his subsequent employment by Brisbane Grammar and St Paul's, we noted that at the time he was employed by those schools, in 1973 and 1989, there was no WWCC scheme in place in Queensland, no requirement that a criminal history check be conducted at a state or national level, and that even if a criminal history check had been conducted in Queensland, it would not have revealed the New South Wales offences.[482] Further, at the time Mr Lynch was registered as a teacher in Queensland, there was no requirement for the Board of Teacher Education to inquire of any other state where he had been registered as a teacher as to whether he had been the subject of any disciplinary action or complaint.[483]

In a private session, 'Janelle' told us that her son 'Daniel' was six years old when he was sexually abused by his teacher, 'Bruce Ellis', in the 1980s. 'Bruce Ellis' had already been convicted of child sex offences and 'Janelle' said the department of education knew about 'Bruce Ellis's' conviction – 'Bruce Ellis' was not allowed to teach during his good behaviour bond period. However, the principal of 'Daniel's' school was not informed about 'Bruce Ellis's' conviction when the school employed him. 'Janelle' said that many years later 'Bruce Ellis' was incarcerated for child sexual abuse in another state and more victims have come forward.[484]

During our consultations, we were also told about inadequate information sharing in contemporary schools. For example, the Truth, Justice and Healing Council submitted:

> There is currently an inability in some jurisdictions to share information about employees who leave their employment before an investigation into a complaint has been finalised. This has the potential to allow people who pose a risk to children to move states and continue working with children.[485]

Anglican Schools Australia told us that boundaries between states and school systems prevent effective information sharing, and that there is 'an urgent need to increase the capacity of sharing information between sectors and states'.[486]

Given the mobility of the teaching profession, we were also told about the need to address weaknesses in the exchange of child protection information within states and territories and across borders.[487]

Volume 8, *Recordkeeping and information sharing* discusses information sharing about teachers in more detail.

Limited information sharing about students

In addition to sharing information about teachers and other staff, we were told that schools need to share information about students transferring to a new school. In particular, schools may need to share information, including across school systems and jurisdictions, where the students who are transferring:

- have experienced sexual abuse and as a consequence have particular educational and support needs, or
- have engaged in harmful sexual behaviours and, as a consequence, may pose risks to other students.

We heard evidence from Ms Nicole Thompson, former Deputy Regional Manager, Aboriginal Hostels Ltd, during the *Harmful sexual behaviours of children in schools* case study that families may be reluctant to consent to the transfer of a student's information to a new boarding facility in cases where the student may pose risks to others. Families may fear that the student will not be accepted for enrolment at the new boarding facility.[488] Information sharing is necessary for children with harmful sexual behaviours so that their therapeutic and support needs are met and to enable the new school to address risks to other children (see Volume 8, *Recordkeeping and information sharing* and Volume 10, *Children with harmful sexual behaviours*).

During our consultations with representatives from schools, we were told that a lack of information sharing affects the quality of care that schools can provide for their students:

> I think it has a major effect on the child or the young person and the ability for all of us to work with that child or young person and their family, whatever that is, in whatever form it is, to actually assist them once we know because we can have glaring gaps and we might actually be working towards a goal that is in fact really not attainable at the time because of a chunk of information that we don't have.[489]

> On a level it is really disrespectful for the young person. How many times do they have to tell their story, and how many times don't we listen properly or we don't get it? That is very difficult – very difficult.[490]

The *Harmful sexual behaviours of children in schools* case study considered evidence that providing sufficient information about prospective students is one of the most significant factors in a successful transition to a new school:

> [It] is being able to profile a student and to say, 'This is the student's profile. We can meet their needs'. If you don't have that information … you cannot profile a student correctly and, therefore, you cannot really meet their needs.[491]

The Sexual Assault Support Service submitted:

> It is imperative that where information relates to a potential safety risk to the child concerned, or to other children within the school environment, this information be shared with the school staff at the student's new school.[492]

Arrangements for sharing information about students between schools vary significantly across jurisdictions and school systems, as discussed in Volume 8, *Recordkeeping and information sharing.* At the inter-jurisdictional level, the Interstate Student Data Transfer Note (ISDTN) and Protocols provide a national system for information sharing.[493] We have been told, and our commissioned research suggests, that current arrangements for sharing information about students may have limitations, including across jurisdictions.[494]

Another issue we have heard about is inadequate sharing of information about students between schools and other institutions or agencies. For example, the *Harmful sexual behaviours of children in schools* case study discussed the barriers to a sexual health clinic sharing information about students with schools, despite being located on school grounds. The hearing examined the response of Shalom Christian College in Queensland to the sexual assault in 2006 of CLF, a 14-year-old female student, by four male boarding students who were between 15 and 17 years old.[495] The school has a Health and Wellbeing Centre which was established in 2003.[496] The school counsellor at Shalom Christian College, Ms Amy Bridson, gave evidence that the centre was the site of a weekly sexual health clinic run by the Queensland health department.[497] Ms Bridson advised that the clinic was a confidential service that had limited information sharing with the college, except for occasions where the clinician was required to advise the college principal if they made a report to child protection authorities, or where the student consented to the information being shared.[498] CLF visited the sexual health clinic, but Ms Bridson gave evidence that the school nurse did not know that CLF had disclosed a sexual assault to the clinic, because it was a confidential service.[499]

The issue of inadequate information sharing between schools and other institutions and agencies may be addressed by our recommended information exchange scheme. In Volume 8, *Recordkeeping and information sharing* we recommend that governments establish a legislative scheme for the exchange of information related to children's safety and wellbeing, including information relevant to child sexual abuse in institutional contexts. This scheme could facilitate

the sharing of such information about students between schools and other agencies and institutions with responsibilities related to children's safety and wellbeing (see Recommendations 8.6–8.8 in Appendix A).

4.3.9 Staff education and training

Awareness and understanding of child sexual abuse by staff

We heard about staff who failed to take grooming behaviour seriously or identify the signs of sexual abuse. Our commissioned research found that the purpose of grooming behaviour may be unclear not only to the observer but to the victim. Detection of grooming is further complicated by the fact that predatory and benign behaviour may have the same goals, such as cultivating trusting adult–child relationships,[500] which are consistent with the legitimate aims of the school.

Research we commissioned found that the problems associated with a limited awareness of child sexual abuse among staff members can be compounded by unconscious cognitive biases. For example, people can also be slow to revise an opinion they have already formed, and are more likely to notice evidence that supports that opinion, while overlooking contrary evidence, or interpreting ambiguous evidence in a way that confirms rather than challenges the initial opinion.[501]

These biases can lead people to interpret and explain ambiguous behaviour in a way that does not conflict with their positive opinion of a colleague.[502] This reluctance to think ill of a colleague is likely to be especially pronounced with child sexual abuse due to the repugnance of such behaviour.[503] To counteract these biases, institutions need to deliver good training that is valued by the institution and monitored by senior managers.[504]

Where staff have limited awareness of child sexual abuse, they may fail to identify and report potential indicators or 'warning signs' of child sexual abuse. In the *Marist Brothers* case study, the Royal Commission accepted that Brother Doherty passed on his concerns about Gregory Sutton's inappropriate behaviour to the school principal, Brother John Holdsworth.[505] However, Brother Holdsworth gave evidence that the reported behaviour was not suspicious or indicative of sexual abuse of children, which might reflect his personal views or the views of the general community in 1974 and 1975.[506]

We heard that even where school staff observed grooming behaviour, they did not immediately recognise its link to child sexual abuse. In the *Toowoomba Catholic school and Catholic Education Office* case study, a student protection officer at the school said in response to a complaint of abuse: 'Well Gerry [alleged perpetrator teacher] needs to stop giving out lollies to children … He has even put a chocolate bar in the desk of a Year 7 girl'.[507]

Commissioners heard that schools particularly struggled with identifying harmful sexual behaviours among children (see Volume 10, *Children with harmful sexual behaviours*). Dr O'Brien gave evidence in the *Harmful sexual behaviours of children in schools* case study that a common response was to minimise the behaviours or dismiss them as 'child's play'.[508] We were told that some boys' schools dismissed harmful sexual behaviours as 'just boys being boys'.[509] Where behaviours are minimised, there is a risk that the harmful sexual behaviours will not be recognised and, hence, not responded to appropriately. For example, children with harmful sexual behaviours might not receive support and therapeutic interventions to cease the behaviours and the abuse might not be reported to the relevant authorities. See Volume 10 for further discussion.

In the public hearing for the case study, Dr Steve Florisson, the director of Boarding Australia, gave evidence on the need for staff in boarding schools to be better trained to facilitate reporting of children with harmful sexual behaviours:

> I don't think the current training is adequate. What we are seeing is that when we travel around to different boarding houses, we are seeing that when you are talking about adult against child abuse, everybody is very clear in their minds how that is to be reported. The training has been very good around that.
>
> When we talk to staff about child against child, everybody is very confused about how it works, what they should do, what sort of behaviours are normal, what behaviours are not normal, that sort of thing.[510]

'Cinthia' and 'James'

In a private session, 'Cinthia' told us that her 10-year-old son, 'James', was regularly slapped on his bottom and grabbed on his private parts by two of his classmates at a Catholic primary school in 2015. 'James' did not disclose the abuse to 'Cinthia' until he was in Year 5, when he snapped and hit one of the boys. 'Cinthia' told us that 'James' said he had reported the abuse to his teacher, who would get the boys together to talk about it, but nothing more was done.

'Cinthia' said she contacted the principal who referred her to the head of the junior school. The junior school head was very defensive and said 'Cinthia' should take 'James' to a doctor if she was so worried. 'Cinthia' also made a report to the police. 'Cinthia' said she had another meeting with the school and was assured a safety plan would be put in place; however, it never eventuated. On one occasion the principal told her, 'I know what sexual abuse is – this is not it'.[511] The police investigated and labelled it as sexual abuse but did not proceed with charges due to the young age of the boys. 'Cinthia' said: 'The school and the parents of the boys clearly believed because there were no charges there was no crime. They implied 'James' was simply a cry baby'.[512]

We heard of instances where young teachers considered themselves to be in a 'relationship' with students. In some cases this might have been due to insufficient training and guidance for inexperienced teachers and staff members who could be unclear about violating the law and crossing professional boundaries. Other people might also fail to identify the conduct as abuse if they are not aware of the dynamics of child sexual abuse. In a private session, 'Meghan' told us she arrived at her new public high school as a nervous, fragile 15-year-old, and her teacher, 'Mr Daniels', showed empathy for her situation, which no one had ever tried to do before.[513] 'Meghan' said that shortly after her 16th birthday he began sexually abusing her, and she moved into his flat shortly thereafter. She told us 'the relationship' was far from secret yet only a few people voiced concerns. The principal minimised the issue, saying to her worried parents that 'Mr Daniels' was doing a lot of good for 'Meghan'. Later, 'Meghan' told the Royal Commission, another teacher at the school made some complaints but was labelled 'incompetent' then forced to transfer to another school.[514]

Training on policies and procedures

On a number of occasions we were told in private sessions that staff received inadequate training and guidance on how to implement a school's child protection policies and procedures. For example, in a private session with 'Joe', a teacher with 30 years' experience, we heard that he witnessed a failure by the school he taught at to respond to an allegation of grooming.[515] 'Joe' said that due to the school's culture, it was hard for child sexual abuse to be recognised, reported and properly dealt with. He said that all staff underwent training on their mandatory reporting to child protection obligations, but told us the training largely consisted of going through a series of slides on a computer. Staff answered the relevant questions before moving on to the next slide. Upon completion, the computer printed a certificate.[516]

The *Audit of primary school-based sexual abuse prevention policy and curriculum* report notes that child protection training for school staff was specified in policy in 10 of the 32 school systems. In five of the school systems it was unclear whether such training was provided, and there was no training specified or no information about training available in the remaining 17.[517]

Although teachers generally undertake training on their mandatory reporting responsibilities,[518] its effectiveness is not systematically monitored or evaluated. In New South Wales, for example, the Department of Education requires all staff in government schools to complete child protection awareness training, which includes a mandatory reporting component.[519] Experts and school representatives told us that, while school principals must record who has completed the training, the records do not indicate the effectiveness of training or consequential changes in attitudes, performance or behaviour.[520] Catholic school staff also receive training on reporting child sexual abuse.[521] However, the Truth, Justice and Healing Council, which represents the Catholic Church, submitted that:

> Since there has been no overall evaluation of the training nor an assessment of the ability of staff to understand and apply the training in the school setting, unanswered questions remain as to whether the training assists in equipping school staff in understanding and carrying out their role reporting child sexual abuse.[522]

The council further submitted that there may be particular challenges in delivering training, and retaining trained staff, in regional areas:

> Rural areas often have less access to support services and training, and professional learning can be more costly and difficult to access. Furthermore it is more difficult to attract and retain staff with the required knowledge and skills, and cultural expertise in rural areas.[523]

Mr Christopher England, Principal, Shalom Christian College, Townsville, observed that while it is 'preferable for house parents … to hold a Certificate IV in Residential Boarding', attaining this qualification is 'not always possible for the house parents who speak English as a third or fourth language'.[524]

We were told that a particular challenge in boarding schools is the difficulty of delivering training to a predominantly young, casual workforce with a high turnover. Mr Lindsay Luck, Principal, St John's Catholic College Darwin, gave evidence that:

> our staff tend to be young. This tends to be one of their first employments. We use a large number of casual staff. Because of the nature of running our boarding, where we have staff who work weekends, split shifts, it's difficult to get everybody to attend the same training, so we often have to run it two or three times, and I think that loses the value of a group of staff sitting down and discussing the issues about what it looks like in our context.[525]

However, the panel highlighted that staff training needs to be complemented by institutional supports such as effective leadership, policies and systems. Dr Florisson gave evidence that:

> training by itself is great but it is not enough. You have to have good systems, good policies, good leadership in place, because you can train staff, but if they aren't supported by good leadership, it won't work. That also includes good appraisal processes for boarding staff.[526]

4.3.10 Continuous improvement and review

The purpose of a systems review is to identify the root causes that allowed an incident of child sexual abuse to occur or to go undetected in a school. Our work showed that schools commonly did not review the systems that had enabled the abuse to occur and continue undetected. Effective reviews enable schools to learn from past failures, and consider systemic improvements to the institution's policies and processes to better protect children in the future.

Systems reviews are of particular importance in schools, given that almost all Australian children attend school, and schools have a high level of responsibility to protect children in their care.

We learned that even where schools do conduct systemic reviews, they may be ineffective, as seen in the *Perth independent school* case study example.

Systemic review of Perth independent school

The Independent school examined in the *Perth independent school* case study was the subject of two systemic reviews of its child protection policies and procedures. The first was conducted by a Child Protection Policy Review Committee formed by the school and headed by an independent external chair. The committee did not include a person with expertise in child protection. All of the committee's recommendations were supported by the school.[527]

The school was then inspected on the instruction of Western Australia's Minister for Education. The education consultant appointed to conduct the inspection made 21 recommendations for refining the school's child protection policy.[528]

However, Professor Smallbone gave evidence that of the two reviews:

> neither involved a full and frank analysis of where, when, how and why specific sexual abuse incidents occurred, and exactly how and why the various policies, procedures and practices at all of those times failed. I believe this is important for understanding what has occurred, and for building the kind of knowledge needed to properly inform best practice at this particular school.[529]

In our *St Ann's Special School* case study, some families of survivors believed the initial inquiry into sexual abuse at St Ann's Special School was not sufficiently thorough or independent.[530] The inquiry did not focus on children or families and did not include any recommendations. It took several further inquiries for substantial improvements to be made to policies, including the establishment of a dedicated child protection unit and changes to the school's governance structure to give the Catholic Education Office clearer oversight.[531]

In the *Toowoomba Catholic school and Catholic Education Office* case study, the bishop of the diocese responded appropriately after being advised of child sexual abuse at a school and the poor response of the school and Catholic Education Office. The bishop commissioned an independent investigation into the incidents, which led to changes to staffing, policies and procedures, training and school infrastructure to better protect children in its care.[532]

4.3.11 Risks in physical environments

We were told that children were abused in many different school settings, including on school grounds, during school activities and in other school-related settings. Research we commissioned explained that, according to one theory, the ease with which a 'perpetrator can overcome external inhibitors to gain the opportunity to perpetrate abuse' was one aspect contributing to the risk of child sexual abuse.[533] Opportunities to abuse were linked with being able to be alone with a child and to groom a child undetected. The research noted that both the nature of the activity and the circumstances, such as physical and online environments, contributed to this risk. The research also identified that, for most situations, steps can be taken to reduce the risk.[534]

We were told that schools did not address the risks of private spaces on school grounds that enabled perpetrators to be alone with children. As discussed in Chapter 3, victims told us that they were abused in private spaces including locked classrooms, secluded music rooms and school bathrooms.

Victims said perpetrators who were school counsellors used the privacy afforded by their counselling rooms to abuse students. In the *Brisbane Grammar School and St Paul's School* case study we were told that school counsellor Kevin Lynch manipulated the school environment to increase the privacy afforded by his office to set up a series of 'traffic' lights outside his office to indicate when students could enter his office. He created a place in which he could abuse students undisturbed.[535] Mr Lynch's arrangements were not questioned by the school.

The size of a school's premises and the number of students attending the school can influence opportunities for child sexual abuse. Larger schools, particularly prestigious non-government schools, are more likely to have expansive grounds including sport and leisure facilities such as gymnasiums, swimming pools and theatres. Some prestigious schools may also provide primary and secondary education on the same campus. Expansive grounds could well have more private or isolated spaces, with more opportunity for unsupervised contact.

In a private session, 'Lester' told us he was repeatedly raped by a group of older boys at his Anglican high school in the mid-2000s. The attacks took place in the isolated physical education complex and occurred often. 'I lost count after 10', 'Lester' said. As one of the boys kept guard, the others held 'Lester' down and took turns sexually assaulting him. 'Lester's' mother, 'Tina', told us she believes the school needs to take responsibility for what occurred. She said, 'they're responsible for them in that time that you can't be there. They failed in their duty to look after him'.[536]

We heard about abuse in environments that should have been safe, for example, where other children or adults were present. We heard abuse could occur undetected as perpetrators disguised their actions or manipulated the environment.

In our *Marist Brothers* case study, for example, Brothers Chute and Sutton would sexually abuse children during class with other boys present in the classroom. One survivor, AAJ, said he was called to the front of the class where Chute would put his arm around him, before he progressed to touching AAJ through his trousers and pushing his fingers inside AAJ's shorts and underwear.[537] Similarly, Sutton sexually abused students ADM and ADQ on separate occasions while they were sitting on his lap during class time.[538]

Many survivors told us about abuse that took place in boarding houses and dormitories located on school grounds. As residential institutions, boarding houses combine many of the features that heighten risk for child sexual abuse.[539] These settings provide frequent opportunities for adults and children to be alone and develop close personal relationships. Additional risk is associated with adults involved in children's personal care, for example, bathing or dressing.[540] Research we commissioned examining these issues described these situations as presenting 'temptations to cross professional boundaries'.[541] Boarding schools also provide greater opportunities for children to display harmful sexual behaviours due to the substantial time that children of different ages spend together, the opportunity to be alone with another child or children unsupervised, and the limited access to parents for protection.[542]

In a private session, 'Wilbur' told us about his experience as a 14-year-old boarder at a high school in Queensland. One of his lecturers, 'Bill Squire', who also lived onsite and was responsible for looking after the boarders, 'liked little boys. He liked to show off what he had'. 'Wilbur' told us about 'Squire' in the boys' common shower room, where 'he used to go down there and strip himself off too … He'd go and shower with the boys'.[543]

In a private session, 'Dwight' told us that sexual abuse was rife at his Christian Brothers primary school in Queensland in the late 1950s and early 1960s. He said the Brothers would 'parade around naked' in the change rooms when they took the boys swimming and 'Brother Kirk' would frequently molest the boys under the guise of helping them into their clothes and sports gear.[544]

We learned during our public hearings that boarding facilities can present more opportunities for sexual abuse by children with harmful sexual behaviours, due to the lack of supervision. Mr Christopher Shirley, former principal of Shalom Christian College, told us:

> The 'old' set up of the dorms allowed the potential for child-on-child abuse (sexual or otherwise). Allowing 40-plus students a decreased level of night time supervision in the dorms elevated management problems and permitted a less safe boarding environment than we would wish.[545]

In a private session, 'Gaz' told us about his early years of primary school boarding at a non-government boys' school. 'Gaz' told us that his uncle, 'Harry', who was 10 or so years older than him and also a boarder there, had been sexually abusing 'Gaz' since he was a young child, and continued to abuse him at school, often enlisting his friends to do so as well.[546]

Schools also failed to address the risks of child sexual abuse occurring in less frequent activities, such as school camps and day excursions. School camps with overnight stays can give perpetrators more access to children, when they are isolated from their parents or caregivers. Overnight stays introduce many of the elements of risk discussed earlier for boarding facilities. In a private session, 'Duncan Craig' told us that he was abused by his classmate during high school. The abuse would happen in secluded, unsupervised areas of the school grounds, as well as on excursions and camps.[547]

As noted in Chapter 3, during our *Harmful sexual behaviours of children in schools* case study we heard about CLC, who was a student of The King's School, and who withdrew from the school due to widespread bullying by other students after an incident that occurred during a cadet camp in early 2013, when another student ejaculated onto CLC's sleeping bag while he was sleeping inside it.[548]

We heard about schools that failed to address the risk of abuse on school buses. In the public hearing for the *St Ann's Special School* case study, we heard that the bus driver Brian Perkins was not supervised when he took children to and from St Ann's Special School each day. Parents asked the school why the bus appeared to be consistently late. The school secretary and office gave reasons for delays such as mechanical problems with the bus, children being disruptive, or the route having been changed or varied to drop off a different child first.[549]

In a private session, 'Denise' told us she was sexually abused by 'Richard Walker', the school bus driver. 'Denise' attended a country school and as her family's property was the last drop-off on the afternoon run, 'Walker' would park the bus there before getting into his car to go home. 'Denise' said that when she was in her mid-teens, 'Walker' passed her home without stopping. He parked the bus and locked the doors and as 'Denise' moved to get off, he pushed her onto a seat and sexually abused her.[550]

Schools also failed to address the risk of sexual abuse by children with harmful sexual behaviours on school buses. Bus drivers are necessarily focused on driving rather than actively supervising children; they might not have line of sight to seats further back in the bus; and they might not have the child protection training necessary to identify and respond to incidents of harmful sexual behaviours.

In a private session, 'Alfreda' told us how her son 'Lachlan', who had Asperger's syndrome, was bullied and sexually abused at a Catholic boys' school. She said that towards the middle of 2012, while 'Lachlan' was in Year 8, one of the boys on the school bus sexually assaulted 'Lachlan' on several different occasions. In response to a meeting with 'Alfreda', the principal asked other boys whether they had seen anything. 'Alfreda' said they all denied having any knowledge of the events.[551]

Victims also told us about abuse in school-related settings, including the cars and homes of school staff and students. Schools failed to address the additional risks in these settings afforded by the extra level of privacy, and being away from the school premises or a school-related activity where other members of staff or students might be present. We heard that perpetrators sometimes groomed children while they were at school and then abused them away from the school grounds, such as in their homes or cars.

In the *Knox Grammar School* case study, Mr Matthew O'Neal gave evidence that Barrie Stewart, one of his teachers, would give him unusual lollies from overseas trips and, on occasion, would take Mr O'Neal driving in his new car or out to restaurants.[552] When Mr O'Neal was about 11 years old, Stewart invited him to his beach house. When Mr O'Neal was getting dressed for the beach, Stewart began tickling him and putting his hands on him, including inside his swimmers. They then drove down to Whale Beach, where Stewart sexually abused Mr O'Neal.[553]

Similarly, in our *Brisbane Grammar School and St Paul's School* case study, BQA, a former student of Brisbane Grammar, told us that Kevin Lynch, the school counsellor, made him feel special and told him he loved him like a father.[554] BQA said that Mr Lynch encouraged him to skip school cricket games and often allowed him to skip classes. On one occasion, Mr Lynch accompanied him to see a movie and masturbated him in the movie theatre.[555]

4.3.12 Risks in online environments

Ensuring children are safe online is a growing area of concern in all institutions. The nature of the online environment and the rapidly evolving ways in which it is being used create risks that need to be identified, considered and minimised to better protect children from harm. These risks are outlined in Chapter 3.[556]

Expert panel members noted the following institutional situations that could increase risks for online grooming perpetrated by staff or volunteers interacting online with children:[557]

- online interactions, such as educational games in the classroom, taken 'offline' beyond the school setting by a staff member with a child
- a lack of separation between staff or volunteers' personal online accounts and those of the school, such as social media groups, including the use of personal rather than institutional emails by staff for contact with children.

The emerging risks of image-based abuse and sextortion for children were highlighted by expert witnesses in the *Nature, cause and impact of child sexual abuse* case study, and in our consultations with young people and the expert panel.[558] Young people were aware of situations where intimate or sexual images had been re-shared without consent; children had received unwanted and explicit photos on phone applications; and images had been used to embarrass, humiliate or blackmail others.[559] We were told of several situations relating to the school setting that had escalated, including:[560]

- an incident where several boys had digitally altered school students' photographs to create sexually explicit images, then sent them around the different school year groups until the school and authorities intervened
- an incident where a video of two young people engaging in sexual activity was distributed via email to numerous people, including to several teachers who had allegedly not reported the incident to the school or to police, and who had forwarded the video to others to view
- several incidents where a child had used compromising images of a peer to exert control, such as to force the peer to cover for them with teachers or parents.

Addressing these online risks is a critical aspect of creating child safe environments for schools. In doing so, a balanced approach is needed that acknowledges the positive role played by online technologies in young people's lives.

Online risk and approaches to the prevention of and response to online child sexual abuse are discussed further in Volume 6, *Making institutions child safe*.

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5 Creating child safe schools

5.1 Overview

Nearly every child in Australia attends school for a significant portion of their childhood. The central role of schools in children's lives makes it crucial that they provide safe environments for children to learn and thrive. Schools, with trained and supported staff, play an important role in the identification of child sexual abuse in institutional, familial and non-institutional settings. Schools are vital for teaching children about their rights to safety and help-seeking, as well as communicating to their parents and caregivers information and advice on preventing and responding to child sexual abuse. While the primary role of schools is to educate children, students need a safe school environment to allow them to learn.

In earlier chapters, we described the school sector in Australia and detailed what we have learned about the nature and extent of child sexual abuse in schools, and the impacts of that abuse. We have also examined the responses of schools to child sexual abuse, including the contributing factors to child sexual abuse in schools and the barriers to identifying and disclosing abuse.

Schools promote children's health, safety and wellbeing, including by protecting them from child sexual abuse. We heard that this role is demanding for schools, teachers and principals, who are often endeavouring to meet expanding community expectations within overstretched school budgets. Our recommendations aim to support schools to keep children safe, rather than adding to these demands. We seek to create school environments where information about preventing and responding to child sexual abuse is available and accessible to principals, teachers, children and parents. To achieve this, governments should provide schools with greater guidance, resources and connections to other services.

This chapter outlines our recommendations for improving the safety of children in our primary and secondary schools. Our recommendations have been informed by public hearings, by what we heard from survivors of sexual abuse in schools, from consultations with a broad range of stakeholders and from research we commissioned. These recommendations seek to address the risks identified in Chapter 3 and the issues with institutional responses identified in Chapter 4. The recommendations for improving the safety of schools build on and supplement recommendations made elsewhere in this Final Report, particularly in Volume 6, *Making institutions child safe,* Volume 7, *Improving institutional responding and reporting* and Volume 8, *Recordkeeping and information sharing*, which discuss ways to make institutions safer for children; and in our *Redress and civil litigation* and *Criminal justice* reports.[1]

5.2 Initiatives for child safe schools

We have heard cases of schools failing to protect children from sexual abuse and to respond appropriately and effectively when it occurs. Our work made it clear that these failings are not isolated but arise from systemic problems in institutions and the community. It is important to learn from what we heard to make schools safer for children.

This section explains the need for:

- national child sexual abuse prevention education programs for children and parents
- all schools to implement the Royal Commission's proposed Child Safe Standards
- monitoring and enforcing the Child Safe Standards
- supporting boarding schools to meet the Child Safe Standards
- preventing and responding to online child sexual abuse in schools

5.2.1 Child sexual abuse prevention education for children and parents

In Volume 6, *Making institutions child safe* we recommend a national strategy for child sexual abuse community prevention, under which we identify a number of complementary initiatives to help build child safe communities. This includes child sexual abuse prevention education for children and parents.

As we discuss in Volume 6, schools have a central role to play in delivering child sexual abuse prevention education and are an essential aspect of our recommended national strategy.

Prevention education for children delivered through schools

Child sexual abuse prevention education was supported by numerous survivors in our private sessions,[2] by experts in *Case Study 57: Nature, cause and impact of child sexual abuse in institutional contexts (Nature, cause and impact of child sexual abuse)*, and by young people and other representatives in our consultations.[3] Research suggests that prevention education should be provided to children and young people across all age groups in a range of settings.[4]

Child sexual abuse prevention education is not explicitly included in the Australian Curriculum for schools.[5] Our commissioned *Audit of primary school-based sexual abuse prevention policy and curriculum,* which sampled 32 primary school systems, found that only eight systems had specific child sexual abuse prevention education curricula, and only four had a policy of compulsory child sexual abuse prevention education.[6]

We recommend a nationally consistent approach to child sexual abuse prevention education programs for children in all government and non-government schools (see Recommendations 6.1–6.3 in Appendix A). A comprehensive education program should be provided, rather than an ad hoc approach such as one-off education sessions.

This should include embedding explicit education about child sexual abuse prevention into both the Early Years Learning Framework and the Health and Physical Education: Foundation to Year 10 learning area of the Australian Curriculum.[7] Areas that could be covered include:

- recognising grooming and other forms of sexual abuse
- knowing that perpetrators could be people who are known and trusted
- identifying safe and unsafe situations
- self-protection skills and strategies
- skills and strategies for seeking help (for example, who to tell, what help is available, how to access it, and how to support peers if they are in trouble)
- understanding respectful and responsible sexual behaviour towards others.

Child sexual abuse prevention education could be integrated with education aimed at preventing all forms of violence against children, in any setting.[8] Life skills and behaviour that children could apply to preventing violence could be integrated into the Australian Curriculum's 'General capabilities', which encompass broader knowledge, skills, behaviour and dispositions, and play a significant role in equipping students to live and work successfully. Many of these capabilities, particularly those relating to personal and social capability, ethical understanding, and critical and creative thinking, may be relevant to the prevention of violence. They are similar to attributes identified in a wide range of prevention programs, such as problem solving, relationship and communication skills, advocacy, seeking help and self-efficacy (belief in one's ability to succeed in specific situations).[9]

Child sexual abuse prevention education programs should also include content on online safety and the prevention of image-based abuse (see Volume 6 and Recommendation 6.19 in Appendix A).[10]

Prevention education programs need to be inclusive and accessible to children with disability,[11] and children from diverse cultural backgrounds.[12] The learning outcomes, content and delivery need to be tailored to meet the needs of all children at different developmental stages and with different cognitive abilities.[13]

People delivering child sexual abuse prevention education in these settings need to be appropriately skilled and trained.[14] They may be teachers or external facilitators from organisations with expertise in this field. The young people we consulted noted the value of education delivered by peers or at least by young adults.[15]

The program design and workforce training needs to be sensitive to the fact that both those delivering the education, and those receiving it, may have experienced child sexual abuse or other forms of abuse.

Prevention education for parents

Parents can play a key role in reinforcing the messages of child sexual abuse prevention education.[16] In our *Nature, cause and impact of child sexual abuse* case study, and in submissions to *Issues paper 3: Child safe institutions* and *Issues paper 10: Advocacy and support and therapeutic treatment services*, we were told of the importance of education programs to support parents.[17] This is consistent with research on this topic.[18]

Schools are an important setting for engaging parents. Research suggests that this is one of parents' preferred sources of information about child sexual abuse prevention.[19]

Education for parents should aim to equip them with the knowledge and skills to have conversations with their children about age-appropriate behaviour, and how to seek help for concerning behaviour if required. As with prevention education for children, these programs should be accessible to parents from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander parents and parents with disability.[20]

In Volume 6, we recommend that schools deliver education on child sexual abuse and its prevention to parents (see Recommendation 6.2 in Appendix A).

5.2.2 Implementing the Child Safe Standards in schools

As part of its Terms of Reference, the Royal Commission is required to inquire into what institutions and governments should do to better protect children against child sexual abuse and related matters in institutions in the future. A key aspect of this task has been to examine what makes institutions 'child safe'.

While we have focused on sexual abuse of children in institutions, most child safe frameworks have a broader application and aim to help institutions prevent, identify and improve responses to physical, sexual, emotional and/or psychological abuse and neglect of children. Stakeholders told us that a broader approach that seeks to prevent all forms of harm to children in institutions would better address the often co-existing nature of different types of abuse and avoid unintended consequences.

Our work on child safe institutions is underpinned by the United Nations Convention on the Rights of the Child. Consistent with Article 3, all institutions concerned with children should act with the best interests of the child as a primary consideration.[21]

We have identified 10 Child Safe Standards that articulate the essential elements of a child safe institution (see Figure 13.5):

- Standard 1: Child safety is embedded in institutional leadership, governance and culture
- Standard 2: Children participate in decisions affecting them and are taken seriously
- Standard 3: Families and communities are informed and involved
- Standard 4: Equity is upheld and diverse needs are taken into account
- Standard 5: People working with children are suitable and supported
- Standard 6: Processes to respond to complaints of child sexual abuse are child focused
- Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
- Standard 8: Physical and online environments minimise the opportunity for abuse to occur
- Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved
- Standard 10: Policies and procedures document how the institution is child safe.

The standards set out best practice and can guide institutions towards becoming child safe. We recommend in Volume 6, *Making institutions child safe* that all institutions concerned with children implement the Child Safe Standards and be guided by the core components for each standard (see Recommendations 6.5 and 6.6 in Appendix A). Appendix B gives practical guidance to institutions in implementing the Child Safe Standards.



Figure 13.5: The Child Safe Standards

Schools have a considerable responsibility for keeping children safe and promoting their health and wellbeing. A safe environment is essential for children to benefit from their school education. Many schools are central to their communities and are a place where families, staff and other services are connected. In recognition of the crucial role of schools in the lives of almost all children, we recommend that all schools implement the Child Safe Standards identified by the Royal Commission. As one stakeholder told the Royal Commission in consultations, 'children flourishing remains everybody's business and we need to be persistent'.[22]

The following private session account illustrates how the proposed standards could form the basis of a positive response to child sexual abuse at school. It also supports the point we make in Chapter 4 that the failings of institutional responses to child sexual abuse in schools are not representative of *all* schools. Rather, our work has shown that some schools are taking actions that are child-centred and trauma-informed.

'Jay': A positive school response

In a private session, 'Jay' and his mother 'Leigh' told us about their experience in reporting an allegation of child sexual abuse at 'Jay's' Catholic high school in 2014. 'Jay' said that several of his Year 7 friends mentioned that their sportsmaster had 'felt' them. He couldn't believe it at first but then he thought they couldn't be lying about something like that: 'That's not something you lie about'. 'Jay' said he decided to tell his mother because he remembered he had learned in his Year 4 classes with the school counsellor to tell someone if you were in trouble. 'Jay' told us, 'You need five people you can talk to'. Students were told this could include the counsellor, their parents, teachers, the police or the Kids Helpline.

'Leigh' discussed what 'Jay' told her with his father and she then decided to call the police. She said the police acted swiftly and that the school's response was also 'impressive'. After the sportsmaster was charged, he was immediately sacked from the school. The principal sent a text message and email to parents informing them of events and called an assembly of students and parents to discuss the matter. The principal put into practice the school's child protection and traumatic events policies and thoroughly briefed all teachers. The school counsellor was supported by external specialists and met with students, teachers and parents. The principal also congratulated 'Jay' privately for the courage he'd shown in disclosing the abuse.

'Leigh' told us that the abuse sent shockwaves through the school community. Some of the 'very strong Catholics' refused to believe it, saying '[the sportsmaster had] been to our house so many times and he's great with our kids'. 'Leigh' said it was also very difficult for the parents to reconcile their belief that doing sports was good for boys with the actions of the abuser.

'Leigh' praised the principal's leadership. She said his response had reassured them and reinforced everyone's sense of safety. She told us:

> When [the principal] spoke at the assembly there was a real openness in what he said … It was very authentic – you could see there was a genuineness because there was an action behind it. So when he said the children were the most important, there was something behind it.

She was reassured that school staff hadn't tried to deny or distance themselves from what had happened. 'Leigh' said it was difficult to separate a system from an individual, but the principal's leadership drove the system response and that 'his leadership flows through the school'.[23]

The Child Safe Standards are a benchmark against which institutions can assess their child safe capacity and set performance targets. The standards all work together to articulate what makes a child safe institution. All the Child Safe Standards are equally important and interrelated.

The standards are principles-based and focused on outcomes, as opposed to setting detailed and prescriptive rules that must be followed or specific initiatives that should be implemented.

This means the standards could be implemented by any institution concerned with children in a flexible way, informed by each institution's nature and characteristics. The standards are intended to be dynamic and responsive rather than static and definitive, and would be subject to review.

Schools need to identify risks relevant to each standard, and put in place strategies to mitigate or manage those risks. It follows that where there is higher risk to children, more extensive strategies will be needed to manage these risks and meet the Child Safe Standards.

The Child Safe Standards aim to promote continual improvement and not a basic observance of the set standards at the time of school registration. In *Case Study 12: The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009 (Perth independent school)*, Professor Stephen Smallbone, an expert in the nature and prevention of sexual abuse, defined 'best practice' as 'requiring a striving for continual improvement by keeping abreast of emerging thinking, evidence and practice'. In evidence, he said that the concept of best practice should be 'grounded in good empirical evidence, objectivity and well-established theory' and is a 'matter of educated opinion'. Professor Smallbone considered that there would be some disagreement among professional academics about what precisely might constitute best practice in child safety.[24]

Volume 6, *Making institutions child safe* sets out our work on the Child Safe Standards in greater detail.

Recommendation 13.1

All schools should implement the Child Safe Standards identified by the Royal Commission.

5.2.3 Monitoring and enforcing the Child Safe Standards in schools

We are of the view that all Australian schools should have the same standards in place to protect all children. In Chapter 2 we discuss the inconsistent regulation between states and territories, and schooling systems, which means that children may have more or less protection depending on the schools they attend.

In Volume 6, *Making institutions child safe* we recommend that the Child Safe Standards be mandatory for all institutions that engage in child-related work – including schools – and that a new or existing state or territory oversight body should be appointed as a central regulator of the mandatory Child Safe Standards (see Recommendations 6.8–6.11 and 6.13 in Appendix A). We recommend that the oversight body be able to delegate this responsibility to another state or territory body, such as a sector regulator.

Through our consultations we heard that for highly regulated sectors, duplication and regulatory burden would be reduced by integrating the Child Safe Standards into existing regulatory frameworks with responsibility for enforcement falling to existing regulators. Such an approach

would capitalise on existing relationships between sectors and regulators, as well as access to information about risk that regulators are already collecting. We consider this would be the most efficient and effective way of overseeing the standards in sectors where an appropriate regulator exists. Volume 6 discusses improving regulatory oversight and practice for all institutions concerned with children.

The main regulators for the schools sector are the school registration authorities. All Australian schools providing primary or secondary education must be registered with a state or territory school registration authority. In some jurisdictions the same authority registers both government and non-government schools; other jurisdictions have separate registration bodies or processes.[25]

The registration process helps to ensure that minimum standards are met, including keeping children safe. At present, the registration requirements relating to school governance, staffing, curriculum and facilities are broadly similar in all jurisdictions.[26] In some jurisdictions the same registration requirements apply to government and non-government schools.[27] However, in most jurisdictions, different criteria apply to government schools and non-government schools, including the issues of child protection and responses to child sexual abuse.[28] Chapter 2 sets out the child safety requirements that are currently enforced through school registration.

Victoria has child safe standards that are mandatory for all institutions working with children, including schools,[29] and has incorporated child safe standards as a condition of school registration.[30] The school registration authority – the Victorian Registration and Qualifications Authority – monitors and enforces compliance with the standards.[31] The standards include that schools establish strategies to embed a culture of child safety, and set up procedures for responding to complaints of suspected child abuse.[32] Detailed guidelines developed by the Victorian Government assist schools in complying with the new standards.[33]

Victorian school registration standard for managing the risk of child abuse

In Victoria, the criteria for school registration includes meeting minimum standards for student learning outcomes and welfare services, teaching, learning and assessment, and governance and probity.[34] From 9 December 2015, a new standard that requires schools have policies, procedures, measures and practices for 'managing the risk of child abuse' was introduced.[35] As a result a school must not be registered unless:

> the school has developed policies, procedures, measures and practices in accordance with a Ministerial Order for managing the risk of child abuse including—
>
> i. the implementation of minimum standards for a child safe environment; and
>
> ii. responding to allegations of child abuse committed against a child enrolled at the school or committed by an employee or a student, contractor or volunteer of the school or other person connected with the school.

If a school no longer complies with these criteria, the school can be deregistered.[36]

In its submission, the Association of Heads of Independent Schools of Australia (AHISA) told us about its survey of its members on the effect of the Victorian child safe standards and 'failure to protect' offence:

> Responses indicate that the 'failure to protect' offence, allied to the introduction of Child Safe Standards which make expectations of schools explicit, has instigated prompt and thorough action in schools to support better practice in child protection.
>
> … Nearly half of those surveyed had made reporting on child protection policies and procedures a standard item on school board meeting agendas, while nearly two-thirds of schools have added child protection to the list of items monitored by the school Board's risk committee. One respondent to the survey noted that their school's Board has instigated a sub-committee with a specific focus on child protection.
>
> Whether as a standard item on Board agendas, or a focus of Board committees, child protection is now clearly a governance – not just a management – issue in independent schools in Victoria. This is an important support for developing and sustaining child safe school cultures.[37]

In *Case Study 46: Criminal justice*, Ms Beth Blackwood, CEO of AHISA, told the public hearing that she believes it was the Victorian child safe standards, rather than the 'failure to protect' offence, that brought about these changes.[38]

The Victorian model shows how the Royal Commission's Child Safe Standards could be adopted in schools, and monitored and enforced by the schools registration authority. School registration authorities in other jurisdictions have included specific requirements for protecting children from sexual abuse in their school registration framework. For example, Western Australia requires non-government schools to meet a registration standard about the arrangements for preventing child abuse in schools and for responding to any such abuse that may occur.[39]

Implementation of the Child Safe Standards should be overseen in schools by the school registration authority or authorities in that state or territory. State and territory school registration authorities should be responsible for building the capacity of schools to meet the Child Safe Standards, and for monitoring and enforcing compliance with the standards. Monitoring and enforcing nationally consistent child safe standards through school registration of government and non-government schools in each state and territory would improve the protection of children in schools across schooling systems and jurisdictions. In carrying out these functions, school registration authorities should work cooperatively with other relevant bodies, including across school sectors and jurisdictions. Collaboration with other bodies overseeing the Child Safe Standards, including state and territory independent oversight bodies and the Royal Commission's proposed National Office for Child Safety, would also be necessary.

School registration authorities could draw on existing regulatory processes, compliance tools and stakeholder relationships to support, monitor and enforce the successful implementation of the Child Safe Standards in schools. Implementing the standards through schools registration would establish a common standard for child safety across government and non-government schools, as well as between day and boarding schools.

Stakeholders have told us that capacity building of schools is crucial, in addition to regulation, oversight and constant awareness raising.[40] Consistent with best practice regulation, school registration authorities should take a responsive approach to the compliance of schools. This means focusing on supporting and building capacity in schools to meet the Child Safe Standards. Monitoring and enforcement should focus on schools where students might face greater risk of harm, and regulators should respond to non-compliance with proportional interventions. This approach recognises the diverse range and capacities of schools, and would minimise the cost of implementation in schools and of regulation by governments. Recommendations to address the additional risks in boarding schools are discussed in the following section.

The Child Safe Standards could inform assessments, audits and inspections of schools. The school registration authority may require a statement of compliance from the school and then follow up with the school to provide guidance on the standards. For example, under the current Victorian framework, a principal and the chair of the school governing authority are asked to declare that their school is compliant with the state's standards, or that they will complete actions to ensure compliance by the end of the year. If this information is incorrect, they can face serious legal consequences.[41]

School registration authorities should engage with school students to inform their assessments of whether schools are meeting the Child Safe Standards and how school approaches could be strengthened.

In Volume 6, *Making institutions child safe* we recommend that state and territory independent oversight bodies promote, report on and exchange information about the Child Safe Standards (see Recommendations 6.10 and 6.11 in Appendix A). We also recommend that the Australian Government establish a National Office for Child Safety to coordinate the implementation of the standards across states and territories, including through national evaluation, consultation with children, collaboration on capacity building, and awareness raising (see Recommendations 6.14, 6.16 and 6.17 in Appendix A). Collaboration between school registration authorities, independent oversight bodies and the National Office for Child Safety would be essential to performing these functions.

These bodies should collaborate to tailor guidance on Child Safe Standards to schools and disseminate best practice among the school sector and its regulators. School registration authorities should work with and draw on the resources of other regulatory bodies, such as teacher registration authorities, the children's education and care regulator, and agencies that administer reportable conduct and mandatory reporting schemes. Other relevant institutions in the sector such as system authorities, industry peak bodies, school auspicing bodies, and parents and citizens groups should also support schools to meet the Child Safe Standards.

Good data collection and analysis are essential for monitoring and improving safety in schools, and helping regulators to identify areas where additional support should be targeted. For example, better data about the incidence of children with harmful sexual behaviours in schools could assist in targeting prevention and response efforts. Publishing information about the progress of the sector in implementing the Child Safe Standards would improve transparency and public accountability.

Information on schools' compliance should be shared between relevant regulatory bodies including school registration authorities. This would improve the available compliance history and feed into broader state, territory and national analysis and evaluation to continually improve our efforts to prevent and effectively respond to child sexual abuse in schools.

The functions and resources of school registration authorities vary in each state and territory, and will have differences in the degree to which they play active enforcement roles or more passive monitoring roles. However, the model we have recommended will involve school registration authorities in general playing a more active role in the regulation of schools, and they will require additional resources to do so.

Recommendation 13.2

State and territory independent oversight authorities responsible for implementing the Child Safe Standards (see Recommendation 6.10) should delegate to school registration authorities the responsibility for monitoring and enforcing the Child Safe Standards in government and non-government schools.

5.2.4 Supporting boarding schools to meet the Child Safe Standards

The Royal Commission heard extensively about historical and contemporary child sexual abuse in boarding schools. Almost one-third of the school-based abuse we heard about took place in boarding schools.

As discussed in Chapter 4, residential institutions, including boarding schools, can present higher risk environments than day schools. These settings provide frequent opportunities for adults and children to be alone and develop close personal relationships. Additional risk is associated with adults involved in children's personal care, for example bathing or dressing.[42] These situations can present temptations to cross acceptable boundaries of professional behaviour.[43] Boarding schools also provide greater opportunities for children to display harmful sexual behaviours due to the substantial time that children of different ages spend together, the opportunity to be alone with another child or children unsupervised, and less access to parents for protection.[44]

In light of these issues, we are of the view that boarding schools require additional monitoring and support to promote children's safety and wellbeing, and to meet the Child Safe Standards, as discussed below.

Additional monitoring and support from school registration authorities

As outlined in Chapter 2, registration requirements for boarding schools, boarding standards and the level of guidance these provide differ across jurisdictions. Most jurisdictions require boarding schools to meet the same conditions of school registration that apply to day schools. Some jurisdictions have a boarding standard that applies to both government and non-government schools.

In view of the elevated risks that we have heard about for children in boarding school environments, current regulatory frameworks do not adequately support boarding schools in providing safe environments to children. We consider that school registration authorities should monitor boarding schools more closely and more often than day schools, proportional to the greater risk factors in boarding schools.

We also recommend that school registration authorities provide specific policy guidance and practical support to both government and non-government boarding schools to meet the Child Safe Standards that are appropriate in these environments. This should focus on those schools with a greater need of assistance. This guidance and support should particularly include advice on complaints handling, including timely communication with the students' parents and families.

Recommendation 13.3

School registration authorities should place particular emphasis on monitoring government and non-government boarding schools to ensure they meet the Child Safe Standards. Policy guidance and practical support should be provided to all boarding schools to meet these standards, including advice on complaint handling.

Increasing cultural safety in boarding schools

As discussed in Chapter 4, racism and cultural isolation can create organisational cultures that increase the risk of Aboriginal and Torres Strait Islander children experiencing child sexual abuse. This can also make it more difficult for those children to disclose abuse, and increasing the likelihood they receive an inadequate institutional response.

As we saw in relation to other residential institutions, boarding school environments may compound these risks if staff are not attentive to the cultural safety of Aboriginal and Torres Strait Islander children (see Volume 12, *Contemporary out-of-home care* and Volume 15, *Contemporary detention environments*).[45]

As discussed in Chapter 4, research suggests that cultural safety and strong connection to culture may be protective where it helps Aboriginal and Torres Strait Islander children to maintain their sense of self and positive identity in the face of racism.[46] We were also told that Aboriginal and Torres Strait Islander children who have strong connection to culture are better able to disclose abuse.[47] Supporting children's ongoing connection to kin and community increases the number of trusted adults to whom a child can disclose abuse or who can be alerted by a change in the child's behaviour that might indicate abuse in the absence of direct disclosure.[48]

Supporting children's connection to culture, even when they are physically separated from their families and communities, can help children to develop positive identities, and foster high self-esteem and emotional strength and resilience.[49]

Given the diversity of Aboriginal and Torres Strait Islander cultures, we heard that all boarding schools – even those specifically devoted to the education of Aboriginal and Torres Strait Islander children – also need to manage the dynamics of diverse groups of Aboriginal and Torres Strait Islander children accommodated in the same residential facility.[50]

In *Case Study 45: Problematic and harmful sexual behaviours of children in schools (Harmful sexual behaviours of children in schools)*, we heard from Aboriginal and Torres Strait Islander parents EAL and EAM, whose daughter was abused at Shalom Christian College in Queensland. EAM recommended proper oversight, monitoring, security, and cultural programs at boarding schools.[51] EAL said, 'Boarding schools need to be closely monitored. They have 24-hour care of our kids'.[52] EAM commented, 'Shalom should have been more culturally appropriate too – make it look like an Indigenous school, acknowledge Aboriginal customs and teach cultural awareness. It is an Indigenous school, after all!'[53]

As part of their role in monitoring and enforcing the Child Safe Standards in schools, school registration authorities should support schools with Aboriginal and Torres Strait Islander boarding students to embed cultural safety in schools.

Supporting children's transitions to boarding school

As a component of embedding cultural safety in boarding schools, school registration authorities should also support boarding schools in ensuring effective transitions for children between home communities and school.

Transition programs are essential for all children travelling from their home communities to a boarding school. Boarding schools should provide adequate support for children facing a significant set of transitions at a developmentally vulnerable stage of life. This includes assisting children with the novelty and shock of confronting new environments and social groups, and helping to maintain strong relationships between children and their families.

We heard that effective support for transition is particularly important for Aboriginal and Torres Strait Islander boarding students. In its submission, the Lutheran Church of Australia told us of several Lutheran schools specialising in the education of Aboriginal and Torres Strait Islander students, including Yirara College, a Lutheran boarding school in Alice Springs for Aboriginal and Torres Strait Islander students from remote communities.[54] The submission noted that the school has to put in place measures to assist young people to transition from their home community to the 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.[55]

Support for effective transition for Aboriginal and Torres Strait Islander children includes tailored programs to ensure children remain positively connected with their kin, community and culture while they are away at boarding school. It means building strong relationships between the school and the communities children come from so there is appropriate information sharing to support the needs of children and families. Mr Tony Considine, General Manager of Indigenous Education Review Implementation, Northern Territory Department of Education, talked about the transition support provided in the Northern Territory and the importance it places on building a relationship with the community to provide successful support:

> We always try to build relationships. Without relationships the whole deal fails. When we start off with any community, we send three officers in and there will always be one of those officers that maintains connection with community.[56]

Mr Selwyn Button, Assistant Director-General of Indigenous Education (State Schools), Queensland Department of Education, described Queensland's 'wrap-around' support provided to remote school students from Years 4 and 5, and those transitioning into boarding school from out-of-home care.[57] Mr Button further stated that the 'wrap-around' service in Queensland is about: 'supporting the student, it's understanding the family dynamic, it's understanding the context of the community, to make sure that information is relayed to the school and the school is better prepared to make sure that they can act to support them as well'.[58]

The statement in our *Harmful sexual behaviours of children in schools* case study by EAL and EAM, parents whose daughter, CLF, was abused at Shalom Christian College in Queensland as a new student, recommended orientation and proper information for the parents. EAL recommended:

> a 'parent day', where the school invites the parents to meet the principal, teachers, house parents and support team. The parents also need to have a tour of the whole school so that they know the conditions their child will be living in. The state that Shalom was in was not acceptable for an animal to live in. I would have never allowed [CLF] to stay there if I had seen that place.[59]

Ms Lorraine Bennett, Director, Roper-Gulf Remote Indigenous Parents Association, advocated for improved transition programs: 'We would like to see more orientation being presented at the boarding school as well, with the mums, with the parents and the guardians going along to be able to actually have a sense of the boarding school'. [60]

Ms Lois Peeler, the principal of Worawa Aboriginal College, a female boarding school in Victoria, said her school 'aims to achieve compliance within the requirements, but whilst maintaining cultural and spiritual practices'.[61] Ms Peeler said her students have intensive support through a wellbeing team, particularly at the transition stage.[62] All staff, including boarding and teaching, have had trauma-informed training.[63] The Uniting Church in Australia told us that effective liaison with communities, onsite health clinics and culturally sensitive protective behaviours programs are critical for boarders to feel safe at school.[64]

Resource constraints and insufficient information sharing were identified as impediments to providing such types of service models, especially those that focused on building relationships with the students' communities. Information gathering and sharing were also identified as challenges for students who move to different schools and across jurisdictions, as there are no standardised protocols across the country or within states.

We also heard about the need for supported transitions from boarding school to home community, with comprehensive follow-up and supports provided to students who experienced sexual abuse or engaged in harmful sexual behaviours while at boarding school. When students come from regional or remote communities, arrangements must take into consideration the limited availability of specialist services in many communities.[65]

Mr Button of the Queensland Department of Education told us of the transition support team actively supporting students on their 're-entry and re-engagement back into community' including access to additional services. We consider outreach into these communities, stronger collaboration between existing services and additional funding for services to be critical to the success of the implementation of the Child Safe Standards in schools (see Volume 9, *Advocacy, support and therapeutic treatment services*).

Reform of funding arrangements for Aboriginal and Torres Strait Islander boarding students

In the public hearing for the *Harmful sexual behaviours of children in schools* case study, the principal of Shalom Christian College, Mr Christopher England, gave evidence about the resource constraints that prevent Shalom from maintaining a child safe environment, and the limitations of Australian Government funding in the form of Abstudy as the primary source of boarding school funding for Aboriginal and Torres Strait Islander children.[66] We heard most of Shalom's funding came from the Australian Government and about 20 per cent from the Queensland Government.[67] Mr England gave evidence that 'the funding is completely inadequate, right across the board'.[68] He said that he did not believe the current level of resourcing was sufficient to provide the counselling services required and maintain a safe environment for his students. He said:

> When I arrived at Shalom … There was a staffing ratio of one to 20 in boarding … At the end of the 2014 year, we changed that ratio to one to 15 – one staff member to 15 students. That provided better coverage, but not sufficient. We would like it lower, but we can't get it lower. We can't get it lower because we would be taking more money from the education bundle that we get to educate the children in classes to put into boarding.
>
> Unlike other boarding schools, the fees that we charge our parents are nil, because they come with nothing. We provide a service to the poorest sector of the community … The amount of funding we get from Abstudy for the boarding we use effectively and efficiently, but we would like … to increase the student/staff member ratio, and one of the things we would like to have is a social worker in the boarding [sic] that works after hours … there is a great demand for the continued development, social and educational, of our students, let alone keeping them safe.[69]

We were satisfied that Shalom should have sufficient resources and funding to maintain a safe environment for the students.[70]

The Australian Government told us that they support families who choose for their children to stay at a boarding school or school hostel, through Abstudy and other means.[71] In doing so, the Government recognises the role boarding schools play in providing secondary education for students from remote communities.

> Often boarding away from home is the only way a student from a remote community will be able to access a secondary school. Boarding and hostel providers have been progressively improving their capacity to offer culturally safe and nurturing experiences for Aboriginal and Torres Islander children and young people while they study away from home.[72]

Mr Dan Cox, Chief Executive Officer of Boarding Australia, told us that the Australian Government-funded Abstudy program was 'a very blunt instrument' that 'creates a perverse incentive whereby selecting students with the least need is a much more financially attractive option'.[73] Mr Cox added:

> It tends to be when there is a cocktail of funding that the adequate levels of support are more likely to be offered. Solely relying on Abstudy funding does limit the scope for you to adequately meet the needs of complex students.[74]

We heard that needs-based funding would better support Aboriginal and Torres Strait Islander boarding students.[75] Mr Lindsay Luck, Principal of St John's Catholic College Darwin, said:

> it is not needs-based funding that comes with boarding, it is a standard fee for everyone … so it is a one-size-fits-all around resourcing, and I would encourage governments to look at that, because there are specific additional needs that require additional support.[76]

Noting the higher level of trauma and unique needs of students in boarding schools like Shalom Christian College, Dr Steve Florisson, Coordinator of Boarding Training Australia, also suggested improving the supervisor-to-boarder ratio and associated funding.[77]

We heard that many boarding schools find it difficult to attract and retain qualified staff members, particularly in rural and regional schools. Lutheran Church of Australia told us it is difficult to find skilled staff for the short-term contracts necessitated by uncertain funding.[78] Dr Florisson recommended 'boarding staff have a Certificate IV level qualification and/or a diploma level qualification' which would teach them to 'identify and respond to children and young people at risk'.[79]

At the time of writing, an Australian parliamentary inquiry was considering educational opportunities for Aboriginal and Torres Strait Islander students.[80] The interim report recounts stakeholder concerns about access to and implementation of Abstudy.[81] The report highlights that 'the absence of enforced standards has meant that a number of informal boarding arrangements operate with very little or no regulation'.[82]

The Northern Territory Department of Education commissioned a review of funding arrangements of non-government Indigenous boarding schools.[83] This review found that the funding provided by the Australian and Northern Territory governments in the seven schools examined is insufficient to meet current costs associated with operations of Indigenous boarding facilities.[84] The review states that due to the degree of disadvantage and isolation of

some Aboriginal and Torres Strait Islander boarding students in the Northern Territory, 'the duty of care and responsibility for the social, emotional and physical well-being of these boarders is at a far higher level than would be required in other jurisdictions of Australia'.[85]

We are of the view that government funding must be sufficient for boarding schools and hostels to provide safe environments for all Aboriginal and Torres Strait Islander boarding students.

Recommendation 13.4

The Australian Government and state and territory governments should ensure that needs-based funding arrangements for Aboriginal and Torres Strait Islander boarding students are sufficient for schools and hostels to create child safe environments.

Hostel accommodation for children and young people

There are also various unregulated accommodation arrangements for students who attend schools away from home. The nine secondary education hostels operated by Aboriginal Hostels Limited offered 80,038 bed nights in the 2015–16 financial year.[86] These hostels operate under a model similar to a boarding facility or a smaller group housing facility.[87] Many of the characteristics that contribute to higher risk of child sexual abuse in boarding schools are likely to exist in these accommodation arrangements.

Hostel accommodation and billeting arrangements for these students are not overseen by school registration authorities. Residency, building standards and health provisions of the relevant state or territory may apply to ensure basic safety of the accommodation for these students.[88] In Western Australia, a Special Inquiry into St Andrew's Hostel, which provided residential care to students of Katanning Senior High School until 2009, found that public officials had heard allegations or rumours about sexual misconduct at the hostel but decided to ignore them.[89]

We are concerned that boarding hostels for children and young people are not adequately addressing the risk of child sexual abuse, and that greater government oversight is needed. These institutions should implement the Child Safe Standards recommended in Volume 6, *Making institutions child safe*. The independent state or territory oversight body, or a sector regulator to which it delegates that responsibility, should ensure that boarding hostels for children and young people meet the Child Safe Standards.

Recommendation 13.5

Boarding hostels for children and young people should implement the Child Safe Standards identified by the Royal Commission. State and territory independent oversight authorities should monitor and enforce the Child Safe Standards in these institutions.

5.2.5 Preventing and responding to online child sexual abuse in schools

The importance of creating child safe online environments for children is reflected in our proposed Child Safe Standard 8: Physical and online environments minimise the opportunity for abuse to occur. The core components of Standard 8 are that:

- risks in the offline and online environment are identified and mitigated without compromising a child's right to privacy and healthy child development
- the online environment is used in accordance with the institution's code of conduct and relevant policies.

Institutions require more support to help prevent online abuse, and to respond effectively when online incidents occur. As outlined in Chapter 3, these issues include online grooming, the production or distribution of online child sexual exploitation material, and online image-based abuse and sextortion.

We have concluded that effective responses to children's online safety can only result from a highly coordinated and collaborative approach that involves a range of agencies and a number of key components, bringing together educational, technological and legislative solutions. Children and young people have told us that they need to be centrally engaged in designing and implementing solutions for their safety.[90] A balanced, informed response to online safety in the school setting needs to resonate with children and young people, acknowledging their rights to access the benefits of the online world.

This is discussed in Volume 6, *Making institutions child safe*, where we outline the current landscape for online safety initiatives, mechanisms and legislation; and challenges and opportunities for strengthening both the prevention of and response to online child sexual abuse in institutional settings.

We recommend the following initiatives to strengthen children's safety online and improve responses to online child sexual abuse and harmful sexual behaviours by children in all government and non-government schools:

- a nationally consistent approach to online safety education embedded in school curricula. This should be staged appropriately from Foundation year to Year 12, and content should be updated annually in response to evolving technologies and online behaviours (see Recommendation 6.19 in Appendix A)
- pre-service education and in-service staff and volunteer training in schools on children's online safety (see Recommendation 6.21 in Appendix A).

- the development of a school-based online safety framework and resources (see Recommendation 6.22 in Appendix A). The framework should provide guidance and support for schools in:
    - developing, implementing and reviewing their online codes of conduct, policies and procedures to help create an online culture that is safe for children
    - responding effectively to specific online incidents, in coordination with other agencies. This should include guidance in complaint handling, understanding reporting requirements, supporting victims to minimise further harm, and preserving digital evidence to support criminal justice processes
- centralised mechanisms in state and territory departments of education to support all schools in managing responses when online incidents occur and ensuring the appropriate level of escalation of issues to relevant agencies (see Recommendation 6.23).

5.3 Legal responsibilities of schools and their personnel

In several public hearings, we heard that school boards and school councils were both enablers and barriers to appropriate action in response to child sexual abuse.[91] In Chapter 4 we emphasise ineffective leadership as an important cause of inadequate school responses. In public hearings, survivors told us that in their view some schools had prioritised their own reputation over the welfare of victims.[92] Some school leaders protected the reputation of the school above the welfare of children, others prioritised the financial interests of the school in responding to allegations of child sexual abuse, and many were unaccountable under their governance structures for their inaction, including the failure to report allegations to the authorities, sometimes their own school governance structure. This is consistent with the findings of research we commissioned, which identified ways in which school leaders could be immersed in cultures that prioritise the organisation's image and seek to reduce its exposure to legal challenges, even where it leads to poor responses to disclosures of child sexual abuse.[93] This could particularly be the case in prestigious private schools.[94]

As AHISA acknowledged, the role of school leaders involves 'creating child safe environments that reduce the opportunity risk of abuse as well as creating responsive cultures should abuse occur'.[95] Good practice suggested by school representatives includes mandating child protection training for board and council members,[96] and having child protection as a regular agenda item in governance meetings.[97] We also heard of the value of having student representatives on school boards.[98]

The Truth, Justice and Healing Council told us:

> 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.[99]

The Australian Psychological Society submitted that school boards and other governance structures are a strong influence on culture:

> 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.[100]

The potential for institutions as legal entities and their leaders as individuals to be held legally accountable for damage occasioned by child sexual abuse has great potential to drive cultural change and motivate institutions to take child safety more seriously.

In the following sections, we outline recommendations for improving the accountability of schools and their personnel through civil liability and criminal law.

5.3.1 Civil liability

We have made a number of recommendations to reform aspects of civil litigation. These reforms are intended to make civil litigation a far more effective means of providing justice for survivors, particularly for those who are victims of institutional child sexual abuse in the future.

Most states and territories have already implemented the recommended reforms to remove limitation periods for personal injury claims resulting from institutional child sexual abuse (see Volume 17, *Beyond the Royal Commission*). This will facilitate damages claims by victims of institutional child sexual abuse, even if it takes years for them to be able to disclose the abuse and seek compensation.

In relation to the liability of institutions for institutional child sexual abuse, we recommend reforms in two areas. The difficulty in imposing liability on institutions has arisen because, while institutions are liable for the negligence of their members or employees, Australian courts have struggled to accept that they should be liable for deliberate criminal acts – such as sexual abuse – committed by their members or employees.

Firstly, we recommend that states and territories introduce legislation to impose a non-delegable duty on some types of institutions for child sexual abuse committed by members or employees of the institution, broadly defined. A non-delegable duty would impose liability on the institution without requiring proof that it was negligent. Thus these types of institutions would be liable for damage occasioned by child sexual abuse committed by their members or employees against children who are in the care, supervision or control of the institution, without requiring proof that the institution failed to exercise reasonable care.

We recommend that this non-delegable duty be placed only on certain types of institutions, including day and boarding schools (see Recommendations 89 and 90 from the *Redress and civil litigation* report in Appendix A).

Secondly, we recommend that the onus of proof be reversed for claims in negligence against any institution relating to child sexual abuse committed by the institution's members or employees so that the institution bears the onus to prove that it exercised reasonable care to prevent abuse. This means that if a survivor could prove that they were abused in an institution, it would be for the institution to prove that it took reasonable steps to prevent the abuse. We recommend that the reverse onus of proof apply to all institutions, including those that we recommend be excluded from the non-delegable duty.

We recommend that these changes to the duty of institutions apply only prospectively. That is, they should apply only to damages claims in relation to institutional child sexual abuse committed after the reforms are made. These recommendations are intended to provide those who suffer child sexual abuse in an institutional context in the future with a more effective avenue to obtain compensation for the abuse through civil litigation.

The recommendations are also intended to prevent child sexual abuse in an institutional context by encouraging leaders of institutions to facilitate a child safe environment, at risk of the institution being liable for the abuse if they do not. An aspect of facilitating a child safe environment would be through implementing the Child Safe Standards in institutions. Institutions that take steps to prevent abuse would reduce their potential liability. The more effective those steps are at preventing abuse, the more the institution's potential liability would be reduced.

Some states have taken steps to implement or further develop these recommended reforms (see Volume 17, *Beyond the Royal Commission*).

The reforms already made in response to our recommendations in relation to civil litigation, and any further reforms to implement our recommendations, are likely to make civil litigation a far more effective means of providing justice for survivors, particularly for those who are victims of institutional child sexual abuse in the future. This means that civil liability is likely to become a more important means of holding institutions to account for institutional child sexual abuse than it has been in the past, unless institutions take all reasonable steps to prevent abuse.

This is discussed further in our *Redress and civil litigation* report.[101]

5.3.2 Criminal law

As discussed in Chapter 4, many of our case studies revealed circumstances where steps were not taken to protect children in schools. These include examples where school personnel were allowed to continue to work with children after concerns were raised, and they continued to abuse children in their care. In some cases, perpetrators were moved between schools or other sites operated by the same institution.

In our *Criminal justice* report we recommend two new criminal offences that are targeted at the reporting and prevention of institutional child sexual abuse.[102] The offences are 'third-party' offences, in that they apply to persons other than the perpetrator of the abuse. In each case, the offence can be committed by an adult in the institution, rather than the institution itself.

The first is a 'failure to report' offence, which would require adults in the institution to report to police in circumstances where they know, suspect, or should have suspected that another adult associated with the institution was sexually abusing or had sexually abused a child. We discuss this offence in Chapter 16 of the *Criminal justice* report (see Recommendation 33 in Appendix A).[103]

The second is a 'failure to protect' offence, which would require an adult in the institution who knows there is a substantial risk that another adult associated with the institution will commit a child sexual offence, and who has the power or responsibility to reduce or remove the risk, to reduce or remove the risk. If they negligently fail to do so, they would commit the offence. The 'failure to protect' offence that we recommend is based on an offence introduced in Victoria in 2015. We discuss this offence in Chapter 17 of the *Criminal justice* report (see Recommendation 36 in Appendix A).[104]

For each offence, we recommend that relevant institutions be defined to include institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution, including schools.

We believe that these offences would reinforce rather than compete with regulatory and other measures designed to require institutions to be safe for children. They are designed to require adults in institutions to take responsibility for reporting and preventing child sexual abuse in institutional contexts.

See our *Criminal justice* report for more information.[105]

5.4 Improving institutional responses to, and reporting of, child sexual abuse in schools

In Volume 7, *Improving institutional responding and reporting* we make recommendations to enhance the reporting of child sexual abuse in institutional contexts to external authorities, improve institutional complaint handling policies and procedures, and ensure implementation of reportable conduct schemes that oblige designated institutions to report complaints of child sexual abuse made against employees and volunteers to an independent oversight body.

In this section, we outline considerations and recommendations for improving the responses to and reporting of child sexual abuse in schools. These apply to:

- a child-focused complaints process
- responses to complaints relating to children with harmful sexual behaviours
- reporting to external authorities
- providing educational support for all children involved
- oversight of institutional complaint handling

5.4.1 Child-focused complaints process

A child-focused complaints process helps children and others in institutions make complaints. In Chapter 4, we detailed what we heard about schools with either no policies or procedures, or inadequate ones, for responding to complaints of child sexual abuse. We also heard about schools with policies that were not followed because they were confusing or not clearly communicated to staff, with staff who were not adequately trained or with a culture where policies were seen as unimportant. Lack of communication with the victim, their families and the school community was also a common failure.

Child safe institutions respond to complaints by immediately protecting children at risk and addressing complaints promptly, thoroughly and fairly. Child Safe Standard 6 states that processes to respond to complaints of child sexual abuse are child focused. The core components of this standard are that:

- the institution has a child-focused complaint handling system that is understood by children, staff, volunteers and families
- the institution has an effective complaint handling policy and procedure which clearly outlines roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report
- complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment legal obligations are met.

Children's participation and empowerment are stated in Child Safe Standard 2: Children participate in decisions affecting them and are taken seriously. Effective communication with school students is the key to best practice. In Chapter 4 we outlined the ways in which schools have failed in their response to victims' complaints. We heard in our consultations that students could be overlooked in the complaint handling process at schools.[106] In some schools, there can be a focus on helping parents make a complaint but no explicit communication and information given directly to students about how they can make a complaint.[107]

Schools play a crucial role in communicating information to parents, carers and communities about keeping children safe. At our schools roundtable, a stakeholder told us that:

> the absence of communication … seems to cause a lot of issues, and from the parent body, the ability to communicate openly and transparently with the teachers that are actually engaging with their children and the leadership within that school is actually a vital consideration.[108]

Child Safe Standard 1 states that child safety is embedded in institutional leadership, governance and culture. A key principle of this standard is that 'staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children'. A code of conduct is closely linked to an institution's complaint handling policy as it sets out the kinds of behaviours that are not acceptable, and behaviours that must be reported. Institutions should specify penalties for staff who breach the code of conduct.

Volume 7, *Improving institutional responding and reporting* gives further guidance on how institutions should handle complaints about child sexual abuse. It recommends that institutions have a child-focused complaint handling policy and code of conduct, and outlines the key components of these policies (see Recommendations 7.7 and 7.8 in Appendix A).

5.4.2 Responding to complaints relating to children with harmful sexual behaviours

Our private sessions and case studies demonstrated that schools experience particular difficulties in responding to complaints of harmful sexual behaviours by children. We heard of critical failings in past responses to abuse, as well as contemporary abuse in schools.

During our *Harmful sexual behaviours of children in schools* case study we held four private hearings relating to an independent boarding school and three government primary schools. The hearings were heard in private because the allegations were recent. Some related to children who are still under 18 years of age. There was the potential to damage the children who had displayed harmful sexual behaviours as well as the children who were victims of the behaviours if the hearing was public.[109]

During the private hearing we heard about inadequate training for teachers and principals regarding how to respond to children with problematic or harmful sexual behaviours. For example, we heard about an incident at 'School 3' that involved three students who were on an overnight excursion organised by the school.[110] All three students were in the same year group, and were alone and away from staff supervision. Student 1 was allegedly subjected to harmful sexual behaviours by Student 2 and Student 3. We were satisfied that the Department of Education did not provide sufficient training and guidance to teaching staff in public schools to assist with the management of incidents involving problematic and harmful sexual behaviours.[111] We were also satisfied that the teaching staff at 'School 3' had not received any training to assist them to manage the potential consequences for a child who had been subjected to problematic or harmful sexual behaviours.[112]

During our consultations, a stakeholder described the elements of an appropriate response to a child with harmful sexual behaviours:

> It's vital that the school staff react appropriately to these kinds of situations, and that it is in a calm, discreet manner that neither underreacts nor overreacts to the problem but keeps the safety of all children, including the children displaying that behaviour, as the primary concern. It's particularly important that the child in question is not shamed or isolated, as this can negatively affect their emotional and social wellbeing and will not help address the behaviours. Staff need to understand that the behaviour can be acting out of trauma that is happening in the child's life. Overreacting can also, as has happened in this case, cause the child who was the target of the other child's behaviour – the victim child – to then feel much more distressed than they would have felt if the behaviour was reacted to appropriately.[113]

We believe that schools should develop policies for staff to follow when responding to a child who exhibits harmful sexual behaviours.[114] Problematic and harmful sexual behaviours by children can cause high levels of anxiety and confusion for staff, and staff require training to be able to respond appropriately.[115]

As discussed in Volume 7, *Improving institutional responding and reporting*, we believe that every institution that has contact with children should have a complaint handling policy that clearly explains how to manage a complaint about a child with harmful sexual behaviours (see Recommendation 7.7 in Appendix A). Policies should be simple, clear and accessible. They should clearly set out a range of matters, such as who will be responsible for handling a complaint; who will investigate the complaint; how the institution will communicate with affected parties; and the time frame for finalising the outcomes of the complaint handling process.

Volume 10, *Children with harmful sexual behaviours* provides detailed discussion of issues around children with harmful sexual behaviours that institutions should be aware of when developing policies. This includes a summary of the elements needed in an institution's complaint handling policy to address incidents involving children with harmful sexual behaviours.

Also in Volume 10 we outline our recommendations regarding timely expert assessment, therapeutic interventions, and referral pathways for children with problematic and harmful sexual behaviours (see Recommendations 10.2–10.5 in Volume 10).

We believe the Australian Government and state and territory governments should ensure relevant departments and agencies provide professionals in child-related roles with clear guidance on harmful sexual behaviours by children. Guidance should provide staff with an adequate level of knowledge to distinguish between healthy and harmful sexual behaviours for children who are in their care, and should equip staff to react and respond appropriately when they notice problematic or harmful sexual behaviours. The guidance should be widely

distributed and accessible online. A number of resources are currently freely available for this purpose and some examples are included at Appendix B of Volume 10, *Children with harmful sexual behaviours*. We also recommend improved training for teachers about children with harmful sexual behaviours (see Recommendation 6.2 in Volume 6).

Recommendation 13.6

Consistent with the Child Safe Standards, complaint handling policies for schools (see Recommendation 7.7) should include effective policies and procedures for managing complaints about children with harmful sexual behaviours.

5.4.3 Educational support for all children involved

For all schools, it is important that complaint handling policies and procedures for responding to child sexual abuse address the educational needs of all children involved. This includes incidents involving children with harmful sexual behaviours. Policies should:

- specify that maintaining engagement with education is a priority for children involved
- outline steps to ensure this takes place, including options where children cannot safely continue to access education at the school.

Ongoing educational support may also be required for some children. In Chapter 3, we discussed the long-term educational impacts that school-based sexual abuse can have on survivors' lives. We heard from survivors about unhappiness at school, academic difficulties, an inability to concentrate, behavioural problems, absences from school, discontinued education and/or a reluctance to engage with education later in life. Volume 5, *Private sessions* outlines what survivors told us about the impacts of child sexual abuse on their education.

In Volume 9, *Advocacy, support and therapeutic treatment services* we note that educational settings can play an essential role in healing and recovery for children and young people who have experienced trauma. However, we also heard that a lack of awareness of the way trauma affects behaviour and hinders learning experiences can 'inadvertently re-traumatise' children.

Consideration needs to be given to ensuring that children who are known to have experienced child sexual abuse receive the level of ongoing educational support they require in school, in tandem with other forms of support and therapeutic treatment that may be required (see also Volume 9 and Volume 10).

5.4.4 Reporting to external authorities

Voluntary reporting

We consider it important to make clear that persons who know or suspect that a child is being or has been sexually abused in an institutional context should report this to police – not necessarily as a legal obligation enforced by a criminal offence but because it is moral and ethical to do so.

Child sexual abuse is a crime which can and often does cause great harm to the child. It should be reported to police. There should be no doubt that police are the correct agency to which child sexual abuse should be reported.

In our *Criminal justice* report we recommend that any adult associated with an institution who knows or suspects or should have suspected that a child is being or has been sexually abused by another adult associated with the institution should report the abuse to police (see Recommendation 32 of our *Criminal justice* report in Appendix A).[116]

Mandatory reporting to child protection authorities

The principle that individuals who work closely with children should be obliged to report child sexual abuse to an external government authority is persuasive. School staff care for, and provide services to, millions of Australian children each year. This puts them in a unique position to detect, and receive disclosures of, both familial and institutional child sexual abuse.

As noted in Chapter 2, teachers are mandatory reporters to child protection authorities in every state and territory. The inclusion of additional groups of non-teaching staff as mandatory reporters varies across jurisdictions. School counsellors are mandatory reporters in the Australian Capital Territory, and also in the Northern Territory, where all citizens are mandatory reporters.

In Volume 7, *Improving institutional responding and reporting* we recommend that school counsellors should be mandatory reporters in every jurisdiction because they provide therapeutic treatment and support to children, and are therefore in a position of advantage to receive disclosures from children and look for indicators of child sexual abuse.

The main benefits of extending mandatory reporting to school counsellors in every jurisdiction are that:

- more individuals who work closely with children in school settings – and who therefore have a moral and professional imperative to report known or suspected child abuse and neglect to an external government authority – would be obliged to report to child protection authorities and also be protected in making a report. This should result in increased reporting of both institutional and familial child abuse and neglect, including child sexual abuse, thereby allowing child protection authorities to prevent or stop children from being abused in schools
- many mandated reporter groups receive training and education on their reporting obligations. Expanding the number of school counsellors who receive such training and education should increase awareness and understanding of child abuse and neglect, including child sexual abuse, in the sector.

Designating school counsellors as mandatory reporters to child protection authorities in the jurisdictions in which they do not yet have that responsibility would be unlikely to overburden governments and would promote greater national consistency in reporter groups. (See Volume 7, *Improving institutional responding and reporting* and Recommendation 7.1 in Appendix A.)

'Failure to report' offences

As discussed in Section 5.3, in our *Criminal justice* report, we consider whether a 'failure to report' offence should apply to institutional child sexual abuse and whether institutions, or officers of institutions, should be subject to reporting obligations backed by Crimes Act or Criminal Code offences.

We consider that there are good reasons for the criminal law to impose obligations on third parties to report child sexual abuse to the police. For example:

- It is often very difficult for the victim to disclose or report child sexual abuse to the police at the time or even reasonably soon after it occurred. If persons other than the victim do not report, the abuse – and the perpetrator – may go undetected for years.
- Children are likely to have fewer opportunities and be less able than adults to report the abuse to police or to take effective steps to protect themselves, leaving them particularly in need of the active assistance and protection of adults.
- Those who commit child sexual abuse offences could have multiple victims and offend against particular victims over long periods – perhaps more so than with other serious criminal offences. A failure to report child sexual abuse or to protect the child might leave that child exposed to repeated sexual abuse over time and expose other children to sexual abuse.

The purpose of a 'failure to report' offence differs from that of mandatory reporting to child protection authorities and reportable conduct schemes in that it focuses on catching, prosecuting and convicting offenders. Further, without a 'failure to report' offence that applies to a broad range of institutions, gaps would remain in reporting obligations that apply to institutions and their staff. We consider that a 'failure to report' offence is needed in addition to obligations to report externally under laws concerning mandatory reporting to child protection authorities and reportable conduct schemes.

We recommend that each state and territory government introduce legislation to create a 'failure to report' offence targeted at child sexual abuse in an institutional context. School staff and volunteers would be captured by this 'failure to report' offence.

We consider that the offence should apply not only where a person in the institution knows or suspects that a child is being or has been sexually abused by an adult associated with the institution but also where the person *should have* suspected abuse.

The standard of 'should have suspected' requires a person to report in any instance where a reasonable person in the same circumstances as the person would have suspected child sexual abuse. It allows for consideration of what the person knew and asks whether, with that knowledge and in those circumstances, a reasonable person would have suspected child sexual abuse was occurring. In line with the standard of criminal negligence, the offence would be committed on the basis that the person should have suspected only where the person greatly falls short of what would be expected of a reasonable person.

We discuss the 'failure to report' offence in more detail in our *Criminal justice* report (see Recommendation 33 in Appendix A).[117]

5.4.5 Oversight of institutional complaint handling

Complaint handling in schools should be subject to independent oversight. Independent oversight is important in addressing problems that arise in the way institutions handle complaints about child sexual abuse, and encourages improvements in institutional complaint handling through training, education and guidance. Further, it can assure the public that the institutions entrusted to care for children cannot minimise or ignore complaints, and that the leaders and employees of these institutions cannot operate with impunity.

In Volume 7, *Improving institutional responding and reporting* we recommend that such oversight operate through reportable conduct schemes legislated by every state and territory (see Recommendation 7.9 in Appendix A). Governments have a unique opportunity to achieve national consistency in reportable conduct schemes by using the New South Wales scheme as a model – as Victoria and the Australian Capital Territory have already done.

The handling of child sexual abuse complaints should be subject to the oversight of a reportable conduct scheme only where institutions:

- exercise a high degree of responsibility for children
- engage in activities that involve a heightened risk of child sexual abuse due to institutional characteristics, the nature of the activities involving children, or the additional vulnerability of the children the institution engages with.

In our view, institutions that provide education services for children meet these criteria. We heard that complaint handling in schools has been problematic, and that independent oversight may improve competency, transparency and accountability.

School representatives who come under the New South Wales reportable conduct scheme outlined some of the benefits of the scheme as:

- improving investigative practices[118]
- making schools more accountable[119]
- facilitating consistency across the three schools sectors[120]
- encouraging collaboration across school sectors on child protection practices.[121]

Some school stakeholders told us that they supported the introduction of a nationally consistent reportable conduct scheme.[122]

The New South Wales, Victorian and Australian Capital Territory schemes cover government and non-government schools.

In Volume 7, *Improving institutional responding and reporting* we recommend that reportable conduct schemes cover all institutions that provide education services for children, to include as a minimum government and non-government schools as well as technical and further education colleges, other institutions registered to provide senior secondary education or training, and courses for overseas students or student exchange programs (see Recommendation 7.12 in Appendix A).

5.5 Recordkeeping and information sharing

In Volume 8, *Recordkeeping and information sharing* we make recommendations to improve records and recordkeeping practices and information sharing by institutions.

5.5.1 Records and recordkeeping

Good recordkeeping is an important part of making and supporting institutions to be child safe. In Volume 8 we recommend that all institutions engaged in child-related work should implement five high-level principles for records and recordkeeping, responsive to the institution's risks (see Recommendation 8.4 in Appendix A).

The principles for records and recordkeeping are supplementary to our recommended Child Safe Standards and, in particular, Standard 1: Child safety is embedded in institutional leadership, governance and culture.

In relation to the disposal of records, we also recommend that all institutions engaged in child-related work (including schools) should retain records relating to child sexual abuse which has occurred or is alleged to have occurred for at least 45 years (see Recommendation 8.1 in Appendix A). This would allow for delayed disclosure of abuse by victims and take account of limitation periods for civil actions for child sexual abuse.

School recordkeeping obligations vary between jurisdictions and between government and non-government schools. Nevertheless, there are clear gaps in regulation relating to the records and recordkeeping of non-government schools.

Government and non-government schools have mandatory recordkeeping obligations including under schools registration requirements applicable to both sectors. However, government schools are subject to additional regulation, including through ministerial or education department directions and policy statements. Importantly, public records legislation regarding records creation, maintenance and disposal applies to government schools and education departments but not to non-government schools.

It is apparent from existing laws and policies that non-government schools do not have sufficiently clear or comprehensive obligations regarding records and recordkeeping. While some areas of recordkeeping, such as obligations to document 'critical incidents', are well developed,[123] more attention may be needed to ensure that all schools make records of risks, suspicions, allegations and incidents of child sexual abuse and that records are up to date, retrievable and preserved from degradation, loss, alteration or corruption.

In Volume 8 we recommend that non-government schools be required to comply, as a minimum, with standards applicable to government schools in relation to the creation, maintenance and disposal of records relevant to child safety and wellbeing, including child sexual abuse (see Recommendation 8.5 in Appendix A). Survivors of child sexual abuse in schools should not face any additional risks from poor records and recordkeeping by virtue of attending a non-government school.

5.5.2 Information sharing

Improved information sharing is a core component of our Child Safe Standard 1: Child safety is embedded in institutional leadership, governance and culture. Children may be put at risk of child sexual abuse where there is a lack of information sharing in the schools sector, as discussed in Chapter 4.

We recommend that Australian and state and territory governments implement a nationally consistent information exchange scheme in each jurisdiction (see Recommendations 8.6–8.8 in Appendix A). This scheme should allow for intra-jurisdictional and inter-jurisdictional exchange of information relevant to children's safety and wellbeing, including child sexual abuse in institutional contexts. We consider that this scheme should enable information sharing between a range of government and non-government bodies with responsibilities related to children's safety and wellbeing. This may include institutions that provide education services to children (including public, independent and systemic schools) and regulators (including teacher registration authorities). Our recommended information exchange scheme could facilitate information sharing about teachers, other school staff and students, both between schools, and between schools and other agencies or institutions – both intra-jurisdictionally and inter-jurisdictionally.

Volume 8 sets out our recommended information exchange scheme, as well as reforms to improve information sharing in the schools context (see Recommendations 8.9–8.16 in Appendix A). We have recommended some ways that information sharing about teachers could be improved, including through improvements to state and territory teacher registers. We have also made recommendations to improve the exchange of students' information, relevant to child sexual abuse, when a student transfers schools. More detail about the recommended reforms addressing information sharing in the schools sector is set out below.

Information sharing about teachers

Evidence and information before the Royal Commission illustrates the mobility of the teaching profession and the risks to children that arise when teachers' employers do not share, or do not have access to, information about child sexual abuse by teachers. We discuss these cases in Chapter 4. When information is not shared by and with schools (or other employers of teachers) and state and territory teacher registration authorities, this can enable teachers who have been the subject of a complaint to move between schools, systems and jurisdictions.

In Volume 8 we set out recommendations to improve the sharing of information about teachers that may be relevant to child sexual abuse. These recommendations largely address state and territory teacher registration laws. Teacher registration laws set out requirements concerning the information that is recorded on state and territory teacher registers. These laws also generally provide for teacher registration authorities to share information with their inter-jurisdictional counterparts, and with teacher employers.

There are two components to our recommendations concerning information sharing about teachers. The first concerns the need for improved and nationally consistent capture of information on teacher registers to provide a stronger platform for information sharing about teachers. The second component concerns legislative provisions about registration authorities sharing information with employers of teachers and with their inter-jurisdictional counterparts. These are discussed below.

Improved and nationally consistent capture of information on teacher registers

We recommend that the COAG Education Council consider the need for consistent state and territory legislative requirements about the types of information recorded on teacher registers (see Recommendation 8.9 in Appendix A). In particular, we recommend that the COAG Education Council consider the following information for inclusion on registers:

- Teachers' identifying information – The inclusion of former names on teacher registers may be useful. Not all jurisdictions provide that this information should be recorded.[124] The inclusion of aliases may also be useful. We have been told that 'the teacher's identity must be unambiguous because, in some instances, there is not enough information about the teacher to identify them, and the teacher can change their name'.[125]
- Teachers' employers – Not all jurisdictions provide that teachers' employers should be recorded on registers. Including employers' details may enable registration authorities to notify them of circumstances related to allegations or incidents of child sexual abuse by a teacher employee (this kind of information sharing is discussed further below). This may be particularly useful where a teacher works at more than one school – and, in some cases, in more than one school system – for example, as a casual teacher.
- Disciplinary and other information relevant to incidents or allegations of child sexual abuse by teachers – in particular
    - current and past disciplinary actions, such as conditions on, suspension of, and cancellation of registration
    - grounds for current and past disciplinary actions
    - pending investigations
    - findings or outcomes of investigations where allegations have been substantiated
    - resignation or dismissal from employment.

Legislative provisions about registration authorities sharing information

We consider that legislative provisions about registration authorities sharing information with employers of teachers and with their inter-jurisdictional counterparts should be consistent across jurisdictions. They should also be improved to facilitate more effective information sharing about child sexual abuse. This may ensure that registration authorities can provide their inter-jurisdictional counterparts, and teachers' employers, with:

- consistent and adequate access to information on teacher registers
- notification of specified circumstances that relate to teachers and allegations or incidents of child sexual abuse.

We therefore recommend that the COAG Education Council consider the need for nationally consistent provisions in state and territory teacher registration laws in relation to information sharing by registration authorities (see Recommendations 8.10 and 8.11 in Appendix A).

An alternative option to address this second component of our reforms would be to rely on our recommended scheme as the legislative basis for information sharing by registering authorities (see Recommendation 8.11 in Appendix A). This approach would not require any further legislative change. This approach is discussed in detail in Volume 8.

We have heard from stakeholders of the need for strong safeguards in relation to information sharing about teachers.[126] The COAG Education Council should consider what safeguards are necessary as an aspect of any reforms (see Recommendation 8.12 in Appendix A). In Volume 8 we discuss some existing safeguards for teachers' information, including:

- provisions in Queensland teacher registration legislation providing for guidelines for personal information
- provisions in some teacher registration laws making it an offence to disclose personal information except in certain circumstances
- the application of privacy laws.

Additionally, where teachers' information is shared under our recommended information exchange scheme, the safeguards attached to that scheme will offer some important protections.

Information sharing about school staff other than teachers

Schools need to address the potential child protection risks posed by school staff other than teachers, who may include school counsellors, office administrators, boarding housemasters and principals.[127]

Sharing information about non-teaching staff may be necessary where they pose a risk of sexual abuse to children. This may enable their employers to take action to address the risk to students. It may also prevent the staff member from moving between schools.

Our recommended information exchange scheme could facilitate information sharing about non-teaching staff between schools (including schools in different systems and jurisdictions) and between schools and other agencies. Information that could be shared under this scheme could include risks of child sexual abuse posed by non-teaching staff members. This is discussed further in Volume 8.

Information sharing about students

As discussed in Chapter 4, we have heard about inadequate sharing of information about students, relevant to child sexual abuse, between schools and other institutions or agencies. Our recommended information exchange scheme may facilitate information sharing about students between schools and other bodies with responsibilities for children's safety and wellbeing.

Sharing information about students between schools may be necessary when a transferring student has displayed harmful sexual behaviours. This would enable a student's new school to address these behaviours and protect other students. Information sharing may also enable schools to support students who have been sexually abused, including in institutions (see Chapter 4).

Our recommended information exchange scheme could provide a strong framework for policies about sharing information relevant to students' safety and wellbeing between schools upon student transfer (see Recommendations 8.6–8.8 in Appendix A). Our recommended scheme could facilitate the exchange of information about a student's specific educational and support needs, including those arising from a history of child sexual abuse. It could also facilitate information sharing about risks, due to a student's harmful sexual behaviours, to the safety and wellbeing of other children who attend the student's new school. Volume 8 sets out several recommendations concerning sharing students' information between schools, addressing both intra-jurisdictional and inter-jurisdictional information sharing (see Recommendations 8.13, 8.14 and 8.16 in Appendix A).

We have heard that families might be reluctant to consent to the transfer of a student's information to a new school, in cases where the student may pose risks to others. This can be due to fears that the student will not be accepted in the new school.[128] Additionally, students who have experienced sexual abuse may not wish for that information to travel with them to a new school – even for the purpose of providing them with support.

We recognise the potential unintended adverse consequences of sharing information about students' experiences of sexual abuse or about students' harmful sexual behaviours. Appropriate safeguards are therefore critical. In this respect, there is an advantage in underpinning policies about sharing information relevant to transferring students' safety and wellbeing with our recommended information exchange scheme. This advantage is that the safeguards attached to that scheme, discussed in Volume 8, would apply. Additionally, we recommend specific safeguards that should also apply to the exchange of student information between schools (see Recommendation 8.15 in Appendix A).

5.6 Education, training and registration for teachers

Child Safe Standard 7 requires that staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training. In implementing the Child Safe Standards in schools, teachers play a central and crucial role in preventing and responding effectively to child sexual abuse in schools. Growing school and community expectations are placing greater demands on teachers to fulfil roles outside of traditional teaching domains. More training, support and stronger connections to other services are needed to help teachers keep children safe in schools.

We recommend that states and territories provide guidance and support to help teachers and principals prevent and respond to child sexual abuse. We also recommend strengthening teacher registration requirements to ensure that only appropriate people are able to work as teachers.

5.6.1 Pre-service education on prevention and response to child sexual abuse

We heard that education, training and professional learning on child safety in institutions should begin in tertiary education.[129] However, prospective teachers are not consistently taught about effective prevention and response to child sexual abuse.[130] The Truth, Justice and Healing Council submitted that:

> The fundamental issues of understanding, identifying and responding to child abuse and harm are the same across Australia. However, there is no consistent approach to university and pre-service teacher training in child protection. The legislative and resulting policy requirements for each state and territory are different.[131]

Schools representatives told us they were concerned that inexperienced teachers would not gain the skills in intervention in child sexual abuse without prior education, training and continued support from mentors, professional bodies and government.[132] Loreto Normanhurst, a Catholic school in New South Wales, submitted that a lack of pre-service education has meant that student teachers and newly registered teachers 'seem ill prepared to deal with difficult situations in the area of Child Protection'.[133]

We heard that prospective teachers should receive education on prevention and response to child sexual abuse.[134] Protective Behaviours Western Australia considered that 'pre-service teachers … should receive meaningful and professional training in identifying and responding to child sexual abuse by professionals in the field of child abuse prevention'.[135] The Association of Independent Schools of New South Wales told us that tertiary education programs should include issues such as the nature and cause of child abuse and neglect, characteristics of perpetrators, how to report concerns, professional misconduct and professional boundaries.[136]

The Truth, Justice and Healing Council stated that:

> Education in child protection should commence during university as an integral part of teacher education. Ideally every university teaching degree should contain a unit of child protection training which is compulsory for all students and is a minimum requirement for entering the profession. Beginning teachers will thus be adequately informed of issues prior to commencing working with children in school contexts. Their knowledge will then be enhanced through further workplace training and professional learning.[137]

In one jurisdiction, we heard that the teacher registration authority works closely with educational institutions to ensure that child protection is built into the curriculum.[138] The Truth, Justice and Healing Council told us that 'a harmonised, national approach requiring child protection training as a minimum requirement for entering the [teaching] profession would be more efficient and effective' than the current inconsistent approach taken across the states and territories.[139]

We recommend a national strategic approach to preventing child sexual abuse. This must encompass pre-service teacher education to increase teachers' awareness and understanding of the prevention of child sexual abuse and potentially harmful sexual behaviours exhibited by children and young people. This includes education to increase understanding of child sexual abuse that is facilitated online. Learning about child sexual abuse before teachers enter the profession would better prepare them to recognise indicators of abuse in schoolchildren, intervene where there are children with problematic or harmful sexual behaviours, and report adult perpetrators who groom and exploit children. (See Recommendations 6.2 and 6.21 in Appendix A. Volume 6, *Making institutions child safe* provides further discussion of pre-service training for tertiary students such as prospective teachers.)

5.6.2 Guidance for teachers and principals on preventing and responding to child sexual abuse

Throughout our inquiry, we heard about many teachers and principals who failed to identify and respond to incidents of child sexual abuse at schools, and the difficulties that teachers faced in deciding whether to report a concern about child safety. Barriers to appropriate responses by teachers to incidents include a lack of understanding of child sexual abuse, fears of making an error of judgment in relation to their concerns, uncertainty about the appropriate authorities to which reports should be made, and the likely detrimental effects on a colleague's reputation. (See Chapter 4 for further discussion.)

There is a clear need to provide teachers and principals with adequate guidance and support in this area to ensure the best outcomes where concerns arise. School representatives emphasised that support is needed for principals and teachers. As one stakeholder said in our consultations, 'my main point is how do we make sure that we support the people who we are asking to do the right thing about this?'[140]

Written guidance

Currently, compliance requirements and/or written guidance in this area for teachers and principals exist at the national, state and territory, and school system, levels. At the national level, teachers must meet the Australian Professional Standards for Teachers as part of the state and territory teacher registration processes.[141] However, the standard to 'maintain student safety' does not provide guidance for teachers on the prevention and identification of, and responses to, child sexual abuse.[142]

At the state and territory level, the national standards are supplemented by codes of conduct and guidelines. For example, Victoria has a code of conduct for all registered teachers which sets out specific conduct that would violate a teacher's professional relationship with a student.[143] Similarly, the Queensland College of Teachers has issued a guideline on professional boundaries.[144] The guideline includes questions teachers can ask themselves to help assess situations, such as, 'Am I dealing with a particular student differently from the way I deal with other students under the same circumstances?' and 'Would I modify my behaviour with a student if a colleague were present?'[145] The Queensland guideline supports the clear position outlined by the Pennsylvania Department of Education in the US:

> Every decision made by a teacher with respect to his or her student should be prefaced with the question: Whose needs are being met by my course of action? There can only be one acceptable, honest answer to this question: the needs of the student.[146]

Additional written guidance may exist at the school system level. Our commissioned *Audit of primary school-based sexual abuse prevention policy and curriculum* report noted substantial variation in the amount of information provided in school policy documents in relation to school system responses where a school employee, volunteer or member of the clergy was suspected of sexually abusing children.[147] Twenty-six of the 32 school systems audited provided some degree of specific guidance in this area. In the remaining six, the audit found no information regarding institutional responses to child sexual abuse in any document.[148]

Specific written guidance on institutional responses to child sexual abuse was most detailed in New South Wales school systems, but these were described as being 'comparatively, very complex, multifaceted and lacking in clarity'.[149] In particular, a number of agencies had responsibility for receiving reports depending on the nature of the allegations and the identity of the alleged perpetrator, making it difficult for school staff to determine the correct pathway for reports.[150]

Dedicated services for guidance and advice

Some state and territory education authorities have units dedicated to providing guidance and advice to teachers on how to respond to child abuse and neglect.

For example, in New South Wales, Child Wellbeing Units (CWUs) operate in the four government agencies that account for most mandatory reports to the Department of Family and Community Services (FACS) Child Protection Helpline: FACS, the NSW Police Force, NSW Health, and the NSW Department of Education.[151] The CWU in the NSW Department of Education advises and supports teachers and principals in responding to allegations of child abuse and neglect, including by helping them to identify whether a risk of harm to a child or young person warrants a mandatory report.[152]

We have heard that similar services to the New South Wales CWUs are available in some other Australian jurisdictions, but are usually operated by government agencies and do not service, or are not used by, non-government schools. It is difficult to find a rationale for this delineation of services beyond the distinct hierarchies and complex historical funding arrangements under which government and non-government schools operate in a federated system of government.[153]

Some teacher unions and non-government school associations also offer dedicated guidance and advice services to their member teachers and schools. For example, the New South Wales Teachers Federation has four professional support officers to guide and advise its member teachers on how to respond to allegations of child abuse and neglect.[154]

Support for principals

The Royal Commission acknowledges that school principals require specialised support to effectively prevent and respond to child sexual abuse. As noted by AHISA, the principal has 'primary responsibility for establishing and maintaining healthy school cultures'.[155] Other school stakeholders recognised the special responsibility principals have to keep children safe at school and of the attendant need to support them in discharging their responsibility.[156] One stakeholder stated, 'there is enormous pressure on the leader' and yet there was a lack of policies on sexual abuse and student wellbeing which 'wrap around the leader, the principal, to make sure that they have the supports they need to continue to do the right thing'.[157] In this regard, AHISA suggested that free access to national online staff training modules on child protection and examples of best practice would be helpful for principals.[158]

Stakeholders discussed the particular difficulties facing principals in regional and remote Australia in dealing with child sexual abuse in their schools.[159] AHISA noted the lack of face-to-face training available in regional areas.[160]

Achieving nationally consistent guidance for teachers and principals

As we have noted above, there is a clear need to provide teachers and principals in all school sectors with adequate guidance and support in this area. We are of the view that state and territory governments should provide practical and nationally consistent guidance to teachers and principals on preventing and responding to child sexual abuse in all schools.

In Recommendation 13.2 we recommend that state and territory school registration authorities be responsible for the implementation of the Child Safe Standards in schools. This responsibility includes building the capacity of schools and supporting them to meet the standards. As the Child Safe Standards are nationally consistent, and we know that teachers, principals and schools systems operate across jurisdictions, it follows that practical guidance on their implementation should also be consistent between jurisdictions. The guidance should be made available to both government and non-government schools, and should be provided in an easily accessible form, such as an information and advice telephone hotline, an online portal and training resources.

These resources should be provided to both government and non-government schools. This will help mitigate problems arising from the divided nature of the schooling system, which inhibits effective cross-sector responses to preventing and responding to child sexual abuse. Providing nationally consistent guidance and advice to both government and non-government schools will help ensure that children are afforded equal protection regardless of their location or school sector.

This guidance should include practical support for handling complaints about sexual abuse involving adults and children with harmful sexual behaviours at school. Existing state and territory codes and guidelines are helpful and governments may draw on these resources to collaboratively develop and provide nationally consistent information and advice. Guidance should be developed in consultation with the oversight body that administers any applicable state or territory reportable conduct scheme to ensure it aligns with the requirements of such schemes.

Recommendation 13.7

State and territory governments should provide nationally consistent and easily accessible guidance to teachers and principals on preventing and responding to child sexual abuse in all government and non-government schools.

5.6.3 Teacher training on mandatory reporting

Even though teachers are mandatory reporters in all states and territories, no national requirements exist for them to receive pre-service or in-service training on their reporting responsibilities. We heard that teacher training on mandatory reporting is approached differently across jurisdictions and school sectors.[161]

Training on mandatory reporting is required in only two Australian states and territories, via different mechanisms: teacher registration and school registration. In South Australia, teachers are required to be trained in mandatory reporting before they are registered and re-registered as teachers.[162] All teachers must undertake Mandatory Notification Training, an initial seven-hour face-to-face training.[163] They must then complete online refresher courses within each term of registration, which is up to three years.[164] The training is jointly developed by the government, Catholic and Independent school sectors in South Australia.[165] In Victoria, it is a condition of registration for all schools to ensure teachers are aware of their mandatory reporting obligations.[166]

We heard that some teachers undertake training on their mandatory reporting responsibilities as part of their workplace induction, with subsequent regular refresher training.[167] For example, in the *Perth independent school* case study, we were told by the school headmaster that all staff must complete one training session on their obligations regarding mandatory reporting to child protection authorities[168] and that staff are reminded of their mandatory reporting responsibilities at the professional development day that takes place at the start of each year.[169]

In our view, prospective teachers and registered teachers in all Australian jurisdictions should receive training on mandatory reporting obligations. Training helps to equip teachers with knowledge about their obligations and enables them to better identify, respond to and report risks and incidents of child sexual abuse. Training also assists to improve the quality of mandatory reports made by teachers.

State and territory governments should consider options for requiring teachers to undertake pre-service and in-service training on mandatory reporting that reflects current legislative requirements. Such training should empower teachers with the knowledge, skills and attitude to report concerns in line with their mandatory reporting obligations.[170]

The model used in South Australia could be helpful in this respect because teachers in this jurisdiction must undertake mandatory reporting training before they are registered and re-registered as teachers with the Teachers Registration Board of South Australia.[171]

Volume 7, *Improving institutional responding and reporting* contains further discussion on improving training, education and guidance for mandatory reporters. See Section 5.4 and Chapter 2 in this volume for information on other applicable reporting obligations.

5.6.4 Teacher registration

Teacher registration is a key regulatory mechanism for ensuring that all teachers in all states and territories meet minimum quality standards, including the suitability of a person to work with children and be a teacher. In Chapter 2 we provided an overview of current requirements for teachers in Australia to be registered.

Although there are a number of nationally consistent elements of teacher registration, each state and territory differs in how these elements are applied in practice. Our commissioned research found there was substantial variation in the regulation of teachers relating to child protection and child sexual abuse.[172] Inconsistencies in teacher registration across jurisdictions create uneven protection for school students, depending on the jurisdiction in which they attend school. These inconsistencies also create difficulties for sharing information about teachers across jurisdictions.

During our inquiry, we heard of issues with teacher registration in some jurisdictions that could affect the safety of children. Research we commissioned found that in all jurisdictions except New South Wales and the Australian Capital Territory, teachers must be assessed as fit or suitable to work as a teacher to receive registration. For example, in Victoria, registration can be refused on a number of grounds, including that the character of the applicant is such that it would not be in the public interest to allow the applicant to teach in a school.[173] In New South Wales and the Australian Capital Territory, teachers are subject only to a Working With Children Check or a Working with Vulnerable People Check.[174] The New South Wales Government told us that in the absence of a broader test of whether a person is 'fit and proper', it has limited capacity to reject applications for teacher registration.[175]

We also heard about differences in how disciplinary matters are dealt with across jurisdictions. Depending on the jurisdiction and the particular circumstances, disciplinary investigations might be undertaken by a teacher's employer (including an education department), a registering authority (or its appointees), a tribunal, or another person or body.[176]

We consider that the COAG Education Council or one of its agencies should consider these issues in further detail.

Recommendation 13.8

The Council of Australian Governments (COAG) should consider strengthening teacher registration requirements to better protect children from sexual abuse in schools. In particular, COAG should review minimum national requirements for assessing the suitability of teachers, and conducting disciplinary investigations.

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APPENDICES

Appendix A Relevant recommendations from other volumes and reports

Volume 6: Making institutions child safe

Creating child safe communities through prevention

Recommendation 6.1

The Australian Government should establish a mechanism to oversee the development and implementation of a national strategy to prevent child sexual abuse. This work should be undertaken by the proposed National Office for Child Safety (see Recommendation 6.16 and 6.17 in Volume 6), and be included in the National Framework for Child Safety (see Recommendation 6.15 in Volume 6).

Recommendation 6.2

The national strategy to prevent child sexual abuse should encompass the following complementary initiatives:

a. Social marketing campaigns to raise general community awareness and increase knowledge of child sexual abuse, to change problematic attitudes and behaviour relating to such abuse, and to promote and direct people to related prevention initiatives, information and help-seeking services.

b. Prevention education delivered through preschool, school and other community institutional settings that aims to increase children's knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. The education should be integrated into existing school curricula and link with related areas such as respectful relationships education and sexuality education. It should be mandatory for all preschools and schools.

c. Prevention education for parents delivered through day care, preschool, school, sport and recreational settings, and other institutional and community settings. The education should aim to increase knowledge of child sexual abuse and its impacts, and build skills to help reduce the risks of child sexual abuse.

d. Online safety education for children, delivered via schools. Ministers for Education, through the Council of Australian Governments, should establish a nationally consistent curriculum for online safety education in schools. The Office of the eSafety Commissioner should be consulted on the design of the curriculum and contribute to the development of course content and approaches to delivery (see Recommendation 6–19 in Volume 6).

e. Online safety education for parents and other community members to better support children's safety online. Building on their current work, the Office of the eSafety Commissioner should oversee the delivery of this education nationally (see Recommendation 6–20 in Volume 6).

f. Prevention education for tertiary students studying university, technical and further education, and vocational education and training courses before entering child-related occupations. This should aim to increase awareness and understanding of the prevention of child sexual abuse and potentially harmful sexual behaviours in children.

g. Information and help-seeking services to support people who are concerned they may be at risk of sexually abusing children. The design of these services should be informed by the Stop It Now! model implemented in Ireland and the United Kingdom.

h. Information and help seeking services for parents and other members of the community concerned that:

    i. an adult they know may be at risk of perpetrating child sexual abuse

    ii. a child or young person they know may be at risk of sexual abuse or harm

    iii. a child they know may be displaying harmful sexual behaviours.

Recommendation 6.3

The design and implementation of these initiatives should consider:

a. aligning with and linking to national strategies for preventing violence against adults and children, and strategies for addressing other forms of child maltreatment

b. tailoring and targeting initiatives to reach, engage and provide access to all communities, including children, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, people with disability, and regional and remote communities

c. involving children and young people in the strategic development, design, implementation and evaluation of initiatives

d. using research and evaluation to:

    i. build the evidence base for using best practices to prevent child sexual abuse and harmful sexual behaviours in children

    ii. guide the development and refinement of interventions, including the piloting and testing of initiatives before they are implemented.

What makes institutions safer for children

Recommendation 6.4

All institutions should uphold the rights of the child. Consistent with Article 3 of the United Nations Convention on the Rights of the Child, all institutions should act with the best interests of the child as a primary consideration. In order to achieve this, institutions should implement the Child Safe Standards identified by the Royal Commission.

Recommendation 6.5

The Child Safe Standards are:

1. Child safety is embedded in institutional leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child sexual abuse are child focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the institution is child safe.

Recommendation 6.6

Institutions should be guided by the following core components when implementing the Child Safe Standards:

Standard 1: Child safety is embedded in institutional leadership, governance and culture

a. The institution publicly commits to child safety and leaders champion a child safe culture.
b. Child safety is a shared responsibility at all levels of the institution.
c. Risk management strategies focus on preventing, identifying and mitigating risks to children.

d. Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children.

e. Staff and volunteers understand their obligations on information sharing and recordkeeping.

Standard 2: Children participate in decisions affecting them and are taken seriously

a. Children are able to express their views and opportunities are provided to participate in decisions that affect their lives.

b. The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated.

c. Children can access sexual abuse prevention programs and information.

d. Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns.

Standard 3: Families and communities are informed and involved

a. Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child.

b. The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible.

c. Families and communities have a say in the institution's policies and practices.

d. Families and communities are informed about the institution's operations and governance.

Standard 4: Equity is upheld and diverse needs are taken into account

a. The institution actively anticipates children's diverse circumstances and responds effectively to those with additional vulnerabilities.

b. All children have access to information, support and complaints processes.

c. The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.

Standard 5: People working with children are suitable and supported

a. Recruitment, including advertising and screening, emphasises child safety.

b. Relevant staff and volunteers have Working With Children Checks.

c. All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations.

d. Supervision and people management have a child safety focus.

Standard 6: Processes to respond to complaints of child sexual abuse are child focused

a. The institution has a child-focused complaint handling system that is understood by children, staff, volunteers and families.

b. The institution has an effective complaint handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report.

c. Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.

Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

a. Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse.

b. Staff and volunteers receive training on the institution's child safe practices and child protection.

c. Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures.

Standard 8: Physical and online environments minimise the opportunity for abuse to occur

a. Risks in the online and physical environments are identified and mitigated without compromising a child's right to privacy and healthy development.

b. The online environment is used in accordance with the institution's code of conduct and relevant policies.

Standard 9: Implementation of Child Safe Standards is continuously reviewed and improved

a. The institution regularly reviews and improves child safe practices.

b. The institution analyses complaints to identify causes and systemic failures to inform continuous improvement.

Standard 10: Policies and procedures document how the institution is child safe

a. Policies and procedures address all Child Safe Standards.

b. Policies and procedures are accessible and easy to understand.

c. Best practice models and stakeholder consultation inform the development of policies and procedures.

d. Leaders champion and model compliance with policies and procedures.

e. Staff understand and implement the policies and procedures.

Improving child safe approaches

State and territory governments

Recommendation 6.8

State and territory governments should require all institutions in their jurisdictions that engage in child-related work to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.

Recommendation 6.9

Legislative requirements to comply with Child Safe Standards should cover institutions that provide:

a. accommodation and residential services for children, including overnight excursions or stays
b. activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children, including through their families
c. childcare or minding services
d. child protection services, including out-of-home care
e. activities or services where clubs and associations have a significant membership of, or involvement by, children
f. coaching or tuition services for children
g. commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions
h. services for children with disability
i. education services for children
j. health services for children
k. justice and detention services for children, including immigration detention facilities
l. transport services for children, including school crossing services.

Recommendation 6.10

State and territory governments should ensure that

a. an independent oversight body in each state and territory is responsible for monitoring and enforcing the Child Safe Standards. Where appropriate, this should be an existing body.

b. the independent oversight body is able to delegate responsibility for monitoring and enforcing the Child Safe Standards to another state or territory government body, such as a sector regulator.

c. regulators take a responsive and risk-based approach when monitoring compliance with the Child Safe Standards, and where possible, utilise existing regulatory frameworks to monitor and enforce the Child Safe Standards.

Recommendation 6.11

Each independent state and territory oversight body should have the following additional functions:

a. provide advice and information on Child Safe Standards to institutions and the community

b. collect, analyse and publish data on the child safe approach in that jurisdiction and provide that data to the National Office for Child Safety

c. partner with peak bodies, professional standards bodies and/or sector leaders to work with institutions to enhance the safety of children

d. provide, promote or support education and training on Child Safe Standards to build the capacity of institutions to be child safe

e. co-ordinate ongoing information exchange between oversight bodies relating to institutions' compliance with the Child Safe Standards.

Local government

Recommendation 6.12

With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

a. developing child safe messages in local government venues, grounds and facilities

b. assisting local institutions to access online child safe resources

c. providing child safety information and support to local institutions on a needs basis

d. supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.

Australian Government

Recommendation 6.13

The Australian Government should require all institutions that engage in child-related work for the Australian Government, including Commonwealth agencies, to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.

Recommendation 6.14

The Australian Government should be responsible for the following functions:

a. evaluate, publically report on, and drive the continuous improvement of the implementation of the national Child Safe Standards and their outcomes

b. coordinate the direct input of children and young people into the evaluation and continuous improvement of the national Child Safe Standards

c. coordinate national capacity building and support initiatives and opportunities for collaboration between jurisdictions and institutions

d. develop and promote national strategies to raise awareness and drive cultural change in institutions and the community to support child safety.

National Office for Child Safety

Recommendation 6.16

The Australian Government should establish a National Office for Child Safety in the Department of the Prime Minister and Cabinet, to provide a response to the implementation of the Child Safe Standards nationally, and to develop and lead the proposed National Framework for Child Safety. The Australian Government should transition the National Office for Child Safety into an Australian Government statutory body within 18 months of this Royal Commission's Final Report being tabled in the Australian Parliament.

Recommendation 6.17

The National Office for Child Safety should report to Parliament and have the following functions:

a. develop and lead the coordination of the proposed National Framework for Child Safety, including national coordination of the Child Safe Standards

b. collaborate with state and territory governments to lead capacity building and continuous improvement of child safe initiatives through resource development, best practice material and evaluation

c. promote the participation and empowerment of children and young people in the National Framework and child safe initiatives

d. perform the Australian Government's Child Safe Standards functions set out at Recommendation 6.14

e. lead the community prevention initiatives as set out in Recommendation 6.2.

Preventing and responding to online child sexual abuse in institutions

Recommendation 6.19

Ministers for education, through the Council of Australian Governments, should establish a nationally consistent curriculum for online safety education in schools. The Office of the eSafety Commissioner should be consulted on the design of the curriculum and contribute to the development of course content and approaches to delivery. The curriculum should:

a. be appropriately staged from Foundation year to Year 12 and be linked with related content areas to build behavioural skills as well as technical knowledge to support a positive and safe online culture

b. involve children and young people in the design, delivery and piloting of new online safety education, and update content annually to reflect evolving technologies, online behaviours and evidence of international best practice approaches

c. be tailored and delivered in ways that allow all Australian children and young people to reach, access and engage with online safety education, including vulnerable groups that may not access or engage with the school system.

Recommendation 6.20

Building on its current work, the Office of the eSafety Commissioner should oversee the delivery of national online safety education aimed at parents and other community members to better support children's safety online. These communications should aim to:

a. keep the community up to date on emerging risks and opportunities for safeguarding children online

b. build community understanding of responsibilities, legalities and the ethics of children's interactions online

c. encourage proactive responses from the community to make it 'everybody's business' to intervene early, provide support or report issues when concerns for children's safety online are raised.

d. increase public awareness of how to access advice and support when online incidents occur.

Recommendation 6.21

Pre-service education and in-service staff training should be provided to support child-related institutions in creating safe online environments. The Office of the eSafety Commissioner should advise on and contribute to program design and content. These programs should be aimed at:

a. tertiary students studying university, technical and further education, and vocational education and training courses, before entering child-related occupations; and could be provided as a component of a broader program of child sexual abuse prevention education (see Recommendation 6.2)

b. staff and volunteers in schools and other child-related organisations, and could build on the existing web-based learning programs of the Office of the eSafety Commissioner.

Recommendation 6.22

In partnership with the proposed National Office of Child Safety (see Recommendation 6.16 and 6.17), the Office of the eSafety Commissioner should oversee the development of an online safety framework and resources to support all schools in creating child safe online environments. This work should build on existing school-based e-safety frameworks and guidelines, drawing on Australian and international models.

The school-based online safety framework and resources should be designed to:

a. support schools in developing, implementing and reviewing their online codes of conduct, policies and procedures to help create an online culture that is safe for children

b. guide schools in their response to specific online incidents, in coordination with other agencies. This should include guidance in complaint handling, understanding reporting requirements, supporting victims to minimise further harm, and preserving digital evidence to support criminal justice processes.

Recommendation 6.23

State and territory education departments should consider introducing centralised mechanisms to support government and non-government schools when online incidents occur. This should result in appropriate levels of escalation and effective engagement with all relevant entities, such as the Office of the eSafety Commissioner, technical service providers and law enforcement.

Consideration should be given to:

a. adopting the promising model of the Queensland Department of Education and Training's Cyber Safety and Reputation Management Unit, which provides advice and a centralised coordination function for schools, working in partnership with relevant entities to remove offensive online content and address other issues

b. strengthening or re-establishing multi-stakeholder forums and case-management for effective joint responses involving all relevant agencies, such as police, education, health and child protection.

Volume 7: *Improving institutional responding and reporting*

Reporting institutional child sexual abuse

Recommendation 7.1

State and territory governments should amend laws concerning mandatory reporting to child protection authorities to achieve national consistency in reporter groups. At a minimum, state and territory governments should also include the following groups of individuals as mandatory reporters in every jurisdiction:

a. out-of-home care workers (excluding foster and kinship/relative carers)
b. youth justice workers
c. early childhood workers
d. registered psychologists and school counsellors
e. people in religious ministry.

Recommendation 7.4

Institutions and state and territory governments should provide mandatory reporters with access to experts who can provide timely advice on child sexual abuse reporting obligations.

Improving institutional responses to complaints

Recommendation 7.7

Consistent with Child Safe Standard 6, institutions should have a clear, accessible and child-focused complaint handling policy and procedure that sets out how the institution should respond to complaints of child sexual abuse. The complaint handling policy and procedure should cover:

a. making a complaint
b. responding to a complaint
c. investigating a complaint
d. providing support and assistance
e. achieving systemic improvements following a complaint.

Recommendation 7.8

Consistent with Child Safe Standard 1, institutions should have a clear code of conduct that:

a. outlines behaviours towards children that the institution considers unacceptable, including concerning conduct, misconduct or criminal conduct

b. includes a specific requirement to report any concerns, breaches or suspected breaches of the code to a person responsible for handling complaints in the institution or to an external authority when required by law and/or the institution's complaint handling policy

c. outlines the protections available to individuals who make complaints or reports in good faith to any institution engaging in child-related work (see Recommendation 7.6 on reporter protections).

Oversight of institutional complaint handling

Recommendation 7.9

State and territory governments should establish nationally consistent legislative schemes (reportable conduct schemes), based on the approach adopted in New South Wales, which oblige heads of institutions to notify an oversight body of any reportable allegation, conduct or conviction involving any of the institution's employees.

Recommendation 7.10

Reportable conduct schemes should provide for:

a. an independent oversight body

b. obligatory reporting by heads of institutions

c. a definition of reportable conduct that covers any sexual offence, or sexual misconduct, committed against, with, or in the presence of, a child

d. a definition of reportable conduct that includes the historical conduct of a current employee

e. a definition of employee that covers paid employees, volunteers and contractors

f. protection for persons who make reports in good faith

g. oversight body powers and functions that include

    i. scrutinising institutional systems for preventing reportable conduct and for handling and responding to reportable allegations, or reportable convictions

    ii. monitoring the progress of investigations and the handling of complaints by institutions

    iii. conducting, on its own motion, investigations concerning any reportable conduct of which it has been notified or otherwise becomes aware

iv. power to exempt any class or kind of conduct from being reportable conduct

v. capacity building and practice development, through the provision of training, education and guidance to institutions

vi. public reporting, including annual reporting on the operation of the scheme and trends in reports and investigations, and the power to make special reports to parliaments.

Recommendation 7.11

State and territory governments should periodically review the operation of reportable conduct schemes, and in that review determine whether the schemes should cover additional institutions that exercise a high degree of responsibility for children and involve a heightened risk of child sexual abuse.

Recommendation 7.12

Reportable conduct schemes should cover institutions that:

a. exercise a high degree of responsibility for children

b. engage in activities that involve a heightened risk of child sexual abuse, due to institutional characteristics, the nature of the activities involving children, or the additional vulnerability of the children the institution engages with.

At a minimum, these should include institutions that provide:

a. accommodation and residential services for children, including

   i. housing or homelessness services that provide overnight beds for children and young people

   ii. providers of overnight camps

b. activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children

c. childcare services, including

   i. approved education and care services under the Education and Care Services National Law

   ii. approved occasional care services

d. child protection services and out-of-home care, including

   i. child protection authorities and agencies

   ii. providers of foster care, kinship or relative care

   iii. providers of family group homes

   iv. providers of residential care

e. disability services and supports for children with disability, including
    i. disability service providers under state and territory legislation
    ii. registered providers of supports under the National Disability Insurance Scheme
f. education services for children, including
    i. government and non-government schools
    ii. TAFEs and other institutions registered to provide senior secondary education or training, courses for overseas students or student exchange programs
g. health services for children, including
    i. government health departments and agencies, and statutory corporations
    ii. public and private hospitals
    iii. providers of mental health and drug or alcohol treatment services that have inpatient beds for children and young people
h. justice and detention services for children, including
    i. youth detention centres
    ii. immigration detention facilities.

Volume 8: *Recordkeeping and information sharing*

Records and recordkeeping

Minimum retention periods

Recommendation 8.1

In order to allow for delayed disclosure of abuse by victims and take account of limitation periods for civil actions for child sexual abuse, institutions that engage in child-related work should retain for at least 45 years records relating to child sexual abuse which has occurred or is alleged to have occurred.

Records and recordkeeping principles

Recommendation 8.4

All institutions that engage in child-related work should implement the following principles for records and recordkeeping, to a level that is responsive to the institution's risks.

Principle 1: Creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture.

Institutions that care for or provide services to children must keep the best interests of the child front of mind in all aspects of their conduct, including recordkeeping. It is in the best interest of children that institutions foster a culture in which the creation and management of accurate records is an integral part of the institution's operations and governance.

Principle 2: Full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse.

Institutions must ensure that records are created to document any identified incidents of grooming, inappropriate behaviour (including breaches of institutional codes of conduct) or child sexual abuse and all responses to such incidents.

Records created by institutions should be clear, objective and thorough. They should be created at, or as close as possible to, the time that the incidents they document occur, and clearly indicate the author (whether individual or institutional) and the date created.

Principle 3: Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately.

Records relevant to child safety and wellbeing, including child sexual abuse must be maintained in an indexed, logical and secure manner. Associated records should be collocated or cross-referenced to ensure persons using those records are aware of all relevant information.

Principle 4: Records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy.

Records relevant to child safety and wellbeing, including child sexual abuse, must only be destroyed in accordance with records disposal schedules or published institutional policies.

Records relevant to child sexual abuse should be subject to minimum retention periods that allow for delayed disclosure of abuse by victims, and take account of limitation periods for civil actions for child sexual abuse.

Principle 5: Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.

Individuals whose childhoods are documented in institutional records should have a right to access records made about them. Full access should be given unless contrary to law. Specific, not generic, explanations should be provided in any case where a record, or part of a record, is withheld or redacted.

Individuals should be made aware of, and assisted to assert, their existing rights to request that records containing their personal information be amended or annotated, and to seek review or appeal of decisions refusing access or amendment.

Records of non-government schools

Recommendation 8.5

State and territory governments should ensure that non-government schools operating in the state or territory are required to comply, as a minimum, with standards applicable to government schools in relation to the creation, maintenance and disposal of records relevant to child safety and wellbeing, including child sexual abuse.

Strengthening information sharing arrangements

Recommendation 8.6

The Australian Government and state and territory governments should make nationally consistent legislative and administrative arrangements, in each jurisdiction, for a specified range of bodies (prescribed bodies) to share information related to the safety and wellbeing of children, including information relevant to child sexual abuse in institutional contexts (relevant information). These arrangements should be made to establish an information exchange scheme to operate within and across Australian jurisdictions.

Recommendation 8.7

In establishing the information exchange scheme, the Australian Government and state and territory governments should develop a minimum of nationally consistent provisions to:

a. enable direct exchange of relevant information between a range of prescribed bodies, including service providers, government and non-government agencies, law enforcement agencies and regulatory and oversight bodies, which have responsibilities related to children's safety and wellbeing

b. permit prescribed bodies to provide relevant information to other prescribed bodies without a request, for purposes related to preventing, identifying and responding to child sexual abuse in institutional contexts

c. require prescribed bodies to share relevant information on request from other prescribed bodies, for purposes related to preventing, identifying and responding to child sexual abuse in institutional contexts, subject to limited exceptions

d. explicitly prioritise children's safety and wellbeing and override laws that might otherwise prohibit or restrict disclosure of information to prevent, identify and respond to child sexual abuse in institutional contexts

e. provide safeguards and other measures for oversight and accountability to prevent unauthorised sharing and improper use of information obtained under the information exchange scheme

f. require prescribed bodies to provide adversely affected persons with an opportunity to respond to untested or unsubstantiated allegations, where such information is received under the information exchange scheme, prior to taking adverse action against such a person, except where to do so could place another person at risk of harm.

Recommendation 8.8

The Australian Government, state and territory governments, and prescribed bodies should work together to ensure implementation of the information exchange scheme is supported with education, training and guidelines. Education, training and guidelines should promote understanding of, and confidence in, appropriate information sharing to better prevent, identify and respond to child sexual abuse in institutional contexts, including by addressing:

a. impediments to information sharing due to limited understanding of applicable laws

b. unauthorised sharing and improper use of information.

Sharing information about teachers and students

Recommendation 8.9

The Council of Australian Governments (COAG) Education Council should consider the need for consistent state and territory legislative requirements about the types of information recorded on teacher registers. Types of information that the council should consider, with respect to a person's registration and employment as a teacher, include:

a. teachers' former names and aliases

b. the details of former and current employers

c. where relating to allegations or incidents of child sexual abuse:

    i. current and past disciplinary actions, such as conditions on, suspension of, and cancellation of registration

    ii. grounds for current and past disciplinary actions

    iii. pending investigations

    iv. findings or outcomes of investigations where allegations have been substantiated

    v. resignation or dismissal from employment.

Recommendation 8.10

The COAG Education Council should consider the need for nationally consistent provisions in state and territory teacher registration laws providing that teacher registering authorities may, and/or must on request, make information on teacher registers available to

a. teacher registering authorities in other states and territories
b. teachers' employers.

Recommendation 8.11

The COAG Education Council should consider the need for nationally consistent provisions

a. in state and territory teacher registration laws; or
b. in administrative arrangements, based on legislative authorisation for information sharing under our recommended information exchange scheme

providing that teacher registering authorities may or must notify teacher registering authorities in other states and territories and teachers' employers of information they hold or receive about the following matters where they relate to allegations or incidents of child sexual abuse:

a. disciplinary actions, such as conditions or restrictions on, suspension of, and cancellation of registration, including with notification of grounds
b. investigations into conduct, or into allegations or complaints
c. findings or outcomes of investigations
d. resignation or dismissal from employment.

Recommendation 8.12

In considering improvements to teacher registers and information sharing by registering authorities, the COAG Education Council should also consider what safeguards are necessary to protect teachers' personal information.

Recommendation 8.13

State and territory governments should ensure that policies provide for the exchange of a student's information when they move to another school, where:

a. the student may pose risks to other children due to their sexually harmful behaviours or may have educational or support needs due to their experiences of child sexual abuse, and

b. the new school needs this information to address the safety and wellbeing of the student or of other students at the school.

State and territory governments should give consideration to basing these policies on our recommended information exchange scheme (Recommendations 8.6–8.8).

Recommendation 8.14

State and territory governments should ensure that these policies:

a. provide that the principal (or other authorised information sharer) at the student's previous school, is required to share information with the new school in the above circumstances; and

b. apply to schools in government and non-government systems.

Recommendation 8.15

State and territory governments should ensure that policies about the exchange of a student's information (as above in Recommendations 8.13 – 8.14) provide the following safeguards, in addition to any safeguards attached to our recommended information exchange scheme:

a. information provided to the new school should be proportionate to its need for that information, to assist it in meeting the student's safety and wellbeing needs, and that of other students at the school

b. information should be exchanged between principals, or other authorised information sharers, and disseminated to other staff members on a need-to-know basis.

Recommendation 8.16

The COAG Education Council should review the Interstate Student Data Transfer Note and Protocols in the context of implementation of our recommended information exchange scheme (Recommendations 8.6–8.8).

Improving assessment and therapeutic intervention

Recommendation 10.2

The Australian Government and state and territory governments should ensure timely expert assessment is available for individual children with problematic and harmful sexual behaviours, so they receive appropriate responses, including therapeutic interventions, which match their particular circumstances.

Recommendation 10.3

The Australian Government and state and territory governments should adequately fund therapeutic interventions to meet the needs of all children with harmful sexual behaviours. These should be delivered through a network of specialist and generalist therapeutic services. Specialist services should also be adequately resourced to provide expert support to generalist services.

Recommendation 10.4

State and territory governments should ensure that there are clear referral pathways for children with harmful sexual behaviours to access expert assessment and therapeutic intervention, regardless of whether the child is engaging voluntarily, on the advice of an institution or through their involvement with the child protection or criminal justice systems.

Recommendation 10.5

Therapeutic intervention for children with harmful sexual behaviours should be based on the following principles:

a. a contextual and systemic approach should be used
b. family and carers should be involved
c. safety should be established
d. there should be accountability and responsibility for the harmful sexual behaviours
e. there should be a focus on behaviour change
f. developmentally and cognitively appropriate interventions should be used
g. the care provided should be trauma-informed
h. therapeutic services and interventions should be culturally safe
i. therapeutic interventions should be accessible to all children with harmful sexual behaviours.

Redress and civil litigation report

Recommendation 89

State and territory governments should introduce legislation to impose a non-delegable duty on certain institutions for institutional child sexual abuse despite it being the deliberate criminal act of a person associated with the institution.

Recommendation 90

The non-delegable duty should apply to institutions that operate the following facilities or provide the following services and be owed to children who are in the care, supervision or control of the institution in relation to the relevant facility or service:

a. residential facilities for children, including residential out-of-home care facilities and juvenile detention centres but not including foster care or kinship care

b. day and boarding schools and early childhood education and care services, including long day care, family day care, outside school hours services and preschool programs

c. disability services for children

d. health services for children

e. any other facility operated for profit which provides services for children that involve the facility having the care, supervision or control of children for a period of time but not including foster care or kinship care

f. any facilities or services operated or provided by religious organisations, including activities or services provided by religious leaders, officers or personnel of religious organisations but not including foster care or kinship care.

Recommendation 91

Irrespective of whether state and territory parliaments legislate to impose a non-delegable duty upon institutions, state and territory governments should introduce legislation to make institutions liable for institutional child sexual abuse by persons associated with the institution unless the institution proves it took reasonable steps to prevent the abuse. The 'reverse onus' should be imposed on all institutions, including those institutions in respect of which we do not recommend a non-delegable duty be imposed.

Recommendation 92

For the purposes of both the non-delegable duty and the imposition of liability with a reverse onus of proof, the persons associated with the institution should include the institution's officers, office holders, employees, agents, volunteers and contractors. For religious organisations, persons associated with the institution also include religious leaders, officers and personnel of the religious organisation.

Recommendation 93

State and territory governments should ensure that the non-delegable duty and the imposition of liability with a reverse onus of proof apply prospectively and not retrospectively.

Criminal justice report

Moral or ethical duty to report to police

Recommendation 32

Any person associated with an institution who knows or suspects that a child is being or has been sexually abused in an institutional context should report the abuse to police (and, if relevant, in accordance with any guidelines the institution adopts in relation to blind reporting under Recommendation 16).

'Failure to report' offence

Recommendation 33

Each state and territory government should introduce legislation to create a criminal offence of failure to report targeted at child sexual abuse in an institutional context as follows:

a. The failure to report offence should apply to any adult person who:
    i. is an owner, manager, staff member or volunteer of a relevant institution – this includes persons in religious ministry and other officers or personnel of religious institutions
    ii. otherwise requires a Working With Children Check clearance for the purposes of their role in the institution

but it should not apply to individual foster carers or kinship carers.

b. The failure to report offence should apply if the person fails to report to police in circumstances where they know, suspect, or should have suspected (on the basis that a reasonable person in their circumstances would have suspected and it was criminally negligent for the person not to suspect), that an adult associated with the institution was sexually abusing or had sexually abused a child.

c. Relevant institutions should be defined to include institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution. Foster and kinship care services should be included (but not individual foster carers or kinship carers). Facilities and services provided by religious institutions, and any services or functions performed by persons in religious ministry, should be included.

d. If the knowledge is gained or the suspicion is or should have been formed after the failure to report offence commences, the failure to report offence should apply if any of the following circumstances apply:

    i. A child to whom the knowledge relates or in relation to whom the suspicion is or should have been formed is still a child (that is, under the age of 18 years).

    ii. The person who is known to have abused a child or is or should have been suspected of abusing a child is either:

        - still associated with the institution
        - known or believed to be associated with another relevant institution.

    iii. The knowledge gained or the suspicion that is or should have been formed relates to abuse that may have occurred within the previous 10 years.

e. If the knowledge is gained or the suspicion is or should have been formed before the failure to report offence commences, the failure to report offence should apply if any of the following circumstances apply:

    i. A child to whom the knowledge relates or in relation to whom the suspicion is or should have been formed is still a child (that is, under the age of 18 years) and is still associated with the institution (that is, they are still in the care, supervision or control of the institution).

    ii. The person who is known to have abused a child or is or should have been suspected of abusing a child is either:

        - still associated with the institution
        - known or believed to be associated with another relevant institution.

‘Failure to protect’ offence

Recommendation 36

State and territory governments should introduce legislation to create a criminal offence of failure to protect a child within a relevant institution from a substantial risk of sexual abuse by an adult associated with the institution as follows:

a. The offence should apply where:
    i. an adult person knows that there is a substantial risk that another adult person associated with the institution will commit a sexual offence against:
        - a child under 16
        - a child of 16 or 17 years of age if the person associated with the institution is in a position of authority in relation to the child
    ii. the person has the power or responsibility to reduce or remove the risk
    iii. the person negligently fails to reduce or remove the risk.

b. The offence should not be able to be committed by individual foster carers or kinship carers.

c. Relevant institutions should be defined to include institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution. Foster care and kinship care services should be included, but individual foster carers and kinship carers should not be included. Facilities and services provided by religious institutions, and any service or functions performed by persons in religious ministry, should be included.

d. State and territory governments should consider the Victorian offence in section 49C of the *Crimes Act 1958* (Vic) as a useful precedent, with an extension to include children of 16 or 17 years of age if the person associated with the institution is in a position of authority in relation to the child.

Appendix B Practical guidance for implementing the Child Safe Standards

This appendix describes initiatives, actions and practices to implement the Child Safe Standards. While it is a general guide for institutions, the information is not exhaustive and institutions should make their own decisions about implementing the standards. We acknowledge some actions listed below may not be practicable or necessary for some institutions.

Standard 1: Child safety is embedded in institutional leadership, governance and culture

A child safe institution is committed to child safety. This commitment should be supported at all levels of the institution and be embedded in an institution's leadership, governance and culture, and all aspects of the institution's business and practice.

Institutional culture consists of the collective values and practices that guide the attitudes and behaviour of staff and volunteers. It guides the way things are done and the way issues are managed, dealt with and responded to. A positive, child-focused culture could help to protect children from sexual abuse and facilitate the identification of and proper response to child sexual abuse.

The standard's core components

We consider the core components of leadership, governance and culture in a child safe institution to be the following:

a. The institution publicly commits to child safety and leaders champion a child safe culture.

b. Child safety is a shared responsibility at all levels of the institution.

c. Risk management strategies focus on preventing, identifying and mitigating risks to children.

d. Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children.

e. Staff and volunteers understand their obligations on information sharing and recordkeeping.

Implementing the core components

The institution publicly commits to child safety and leaders champion a child safe culture

The institution:

- explains in publicly available information how the institution is meeting its commitment to child safety and welcomes feedback
- addresses child safety in duty statements and performance agreements for all staff, including senior leaders and board members
- raises staff awareness about obligations to protect the safety and wellbeing of children within a broader context of supporting children's rights
- establishes and maintains a workplace culture of respect for children, regardless of their individual characteristics, cultural backgrounds and abilities
- lists child safety as a standing meeting agenda item.

Child safety is a shared responsibility at all levels of the institution

To embed this responsibility in the institution's culture:

- children's cultural safety is addressed in the institution's policies and procedures
- information about child safety is accessible, regularly promoted, and staff, volunteers, children and families are encouraged to raise safety issues without fear of retribution
- staff, volunteers, children and families report that they know that child safety is everyone's responsibility and they feel empowered to have a say in and influence decisions about child safety.

Leaders of the institution:

- inform themselves about all aspects of child safety
- model and foster a commitment to child safe practices
- set accountabilities for child safe principles at all levels of the institution's governance structure
- understand the problem of child sexual abuse
- foster a culture that supports anyone to disclose safely their concerns about harm to children
- appoint to the institution's board a Child Safe Trustee or Children's Champion who is willing and able to advocate on behalf of children, and a Child Protection Coordinator who reports to the executive about the institution's child safe performance.

Staff are made aware of their responsibilities through:

- duty statements that identify roles and responsibilities (including child safety) for all positions
- an organisational chart that shows lines of authority, reporting and accountability for each position.

Risk management strategies focus on preventing, identifying and mitigating risks to children

Risk management strategies support a structured approach to identifying and assessing the characteristics of an institution that may heighten the risk of child sexual abuse. They are an important tool to help keep children safe.

The institution's risk management strategy:

- is developed from a clear, evidence-informed concept of potential intentional and unintentional risks to children in an institution's specific setting. For sexual abuse, it requires knowing the characteristics of abusers and victims, and how, when and where abuse tends to occur
- has a prevention focus that addresses child safety
- has appropriate controls to identify, assess and address risks
- considers increased risk with specific roles and activities, and children with heightened vulnerability, but does not discourage positive relationships between adults and children, and healthy child development
- attends more closely to risk in situations where staff have roles that involve working alone with children or without supervision; in private settings; in intimate care routines or situations with children (for example, bathing, dressing, or counselling and guidance); and in leading or supervising others in child safety roles.

For more information, see Standard 6 below, and Volume 7, *Improving institutional responding and reporting*.

Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children

A code of conduct sets out clear behavioural standards, practices or rules that are expected of individuals in an institution. This includes standards of behaviour that are expected between adults and children.

The institution's code of conduct:

- applies to all staff and volunteers, including senior leaders and board members
- clearly describes acceptable and unacceptable behaviour of employees and volunteers towards children (for example, by illustrating behaviours with relevant examples)
- is communicated effectively to all staff
- requires signed acknowledgement by all staff and volunteers
- is published, accessible to everyone within the institution (including children and families) and communicated throughout the institution using a range of modes and mechanisms
- if breached, requires a prompt response and includes clearly documented response mechanisms, on a continuum from remedial education and counselling through to suspension, termination and official reports.

For more information, see Standard 6 below, and Volume 7, *Improving institutional responding and reporting*.

Staff and volunteers understand their obligations on information sharing and recordkeeping

Within the institution:

- staff and volunteers are aware of and understand their obligations in relation to data collection, information sharing and recordkeeping
- records are stored in accordance with best practice principles for access and use.

Standard 2: Children participate in decisions affecting them and are taken seriously

Children are safer when institutions acknowledge and teach them about their rights to be heard, listened to and taken seriously. Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) details the rights of a child to express their views and participate in decisions that affect their lives. Enabling children and young people to understand, identify and raise their safety concerns with a trusted adult and to feel safe within the institution is important.

A child safe institution is one that seeks the views of children and considers their age, development, maturity, understanding, abilities and the different formats and means of communication they may use. It provides children with formal and informal opportunities to share their views on institutional issues. Children can access sexual abuse prevention programs and information, and feel confident to complain, for example, by using helplines. Staff are aware of signs of harm, including unexplained changes in behaviour, and routinely check children's wellbeing.

The standard's core components

We consider the core components of children's participation and empowerment within an institution to be the following:

a. Children are able to express their views and are provided opportunities to participate in decisions that affect their lives.

b. The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated.

c. Children can access sexual abuse prevention programs and information.

d. Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns.

Implementing the core components

Children are able to express their views and are provided opportunities to participate in decisions that affect their lives

The institution:

- asks children to participate and talk about the things that affect their lives, including their safety
- embeds children's participation into institutional practices, for example, by providing opportunities for children to participate in decisions that affect their lives
- matches participation methods to the age, capabilities and cultural background of the children, and the type of institution
- creates opportunities for children to be involved in institutional governance, while also being honest with children about the extent of their involvement and giving children feedback on how their views have been actioned by the institution
- plans formal and informal times and activities for information sharing and discussion with children about broad institutional issues and/or decisions
- provides opportunities for children to give feedback to the institution, including anonymous surveys and/or suggestion boxes.

The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated

The institution:

- recognises the importance of children's friendships and peer support in helping children feel safe and be less isolated
- actively supports children to develop and sustain friendships (for example, a 'buddy system')
- provides children with education about safe and respectful peer relationships, including through social media.

Children can access sexual abuse prevention programs and information

The institution:

- provides children with access and referral to educational programs on child protection appropriate to their age, ability and level of understanding
- openly displays contact details for independent child advocacy services and child helpline telephone numbers, and explains their use to children
- arranges appropriate referrals or support for children.

Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns

The institution:

- establishes mechanisms that enable children to raise any complaints safely
- provides staff with resources and/or training opportunities to support children's participation
- requires staff to be vigilant to signs of harm and routinely check to see if children are okay
- provides child-focused and inclusive complaint-handling processes
- allows sufficient time, opportunity and appropriate support for children with disability to raise concerns
- draws on a culturally diverse workforce to nurture and support children's diverse needs and cultural safety
- ensures sufficient time to build healthy relationships between staff, volunteers and children.

Standard 3: Families and communities are informed and involved

A child safe institution observes Article 18 of the UNCRC, which states that parents, carers or significant others with caring responsibilities have the primary responsibility for the upbringing and development of their child. Families and caregivers are engaged with the child safe institution's practices and are involved in decisions affecting their children. Families and caregivers are recognised as playing an important role in monitoring children's wellbeing and helping children to disclose any complaints.

A child safe institution engages with the broader community to better protect the children in its care. Institutions are more likely to foster a child safe culture if the surrounding community values children, respects their rights, and ensures that their rights are fulfilled.

The standard's core components

We consider the core components of family and community involvement in a child safe institution to be the following:

a. Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child.

b. The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible.

c. Families and communities have a say in the institution's policies and practices.

d. Families and communities are informed about the institution's operations and governance.

Implementing the core components

Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child

The institution:

- supports families to take an active role in monitoring children's safety across institutions
- clearly describes the roles and responsibilities of parents and carers to ensure the safe participation of children
- keeps families informed of progress and actions relating to any complaint, and discusses matters with families and carers in accordance with the law
- if it has specific expertise, may take a leadership role in raising community awareness of child sexual abuse in institutional contexts.

The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible

The institution:

- ensures families have seen/read information stating the institution's commitment to child safety and detailing actions it will take to meet this commitment
- ensures families know where to find the institution's code of conduct and child safe policies and procedures (these may be transmitted in fact sheets, information sessions or apps)
- ensures families know how, when and to whom complaints should be made
- uses multiple strategies and modes for communicating institutional policies and activities with families
- ensures institutional communications are publicly available, current, clear, timely, and delivered in multiple modes and formats as appropriate to a diverse stakeholder audience, taking into account cultural relevance and different levels of English language skills
- allows sufficient time to establish a rapport with families and communities, particularly for children with heightened vulnerability
- identifies barriers to communication and enacts specific strategies to overcome them.

Families and communities have a say in the institution's policies and practices

The institution:

- consults families and communities on the development of institutional policies and practices
- consults families and communities on institutional decisions, where feasible and appropriate.

Families and communities are informed about the institution's operations and governance

The institution:

- ensures families are aware of the institution's leadership team and their roles
- ensures families are aware of the roles and responsibilities of the staff delivering services directly to their children.

Standard 4: Equity is upheld and diverse needs are taken into account

Equity and non-discrimination are central tenets of the UNCRC. Article 2 emphasises non-discrimination and a commitment to fulfil children's rights 'irrespective of … [their] race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status'. Just as the safety of children should not depend on where they live, their right to safety should not depend on their social or economic position, their cultural context or their abilities and impairments.

A child safe institution pays attention to equity by taking into account children's diverse circumstances. It recognises that some children are more vulnerable to sexual abuse than others, or find it harder to speak up and be heard, and makes the necessary adjustments to equally protect all children. A child safe institution would tailor standard procedures to ensure these children have fair access to the relationships, skills, knowledge and resources they need to be safe, in equal measure with their peers.

The standard's core components

We consider the core components of upholding equity and meeting diverse needs of children in an institution to be the following:

a. The institution actively anticipates children's diverse circumstances and backgrounds and responds effectively to those with additional vulnerabilities.

b. All children have access to information, support and complaints processes.

c. The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.

Implementing the core components

The institution actively anticipates children's diverse circumstances and backgrounds and responds effectively to those with additional vulnerabilities

The institution:

- learns about circumstances and experiences that increase a child's vulnerability to harm or abuse in institutional contexts
- understands barriers that prevent children from disclosing abuse or adults from recognising children's disclosures, with particular attention to children's cultural contexts, languages, cognitive capabilities and communication needs
- takes action to minimise barriers to disclosure
- focuses particular attention on safety in closed or segregated environments, such as out-of-home care, boarding schools, youth detention, some religious institutions, specialist education facilities and disability support settings
- consults with a range of stakeholders from diverse backgrounds and with the necessary expertise (including children, families and communities) in developing institutional strategies for addressing all of the Child Safe Standards.

All children have access to information, support and complaints processes

The institution:

- recognises and respects diverse backgrounds, identities, needs and preferences
- provides culturally safe and culturally responsive child-friendly services
- uses translation services and bicultural workers with knowledge of child abuse issues, particularly to facilitate disclosure, reporting and complaint handling
- provides accessible information in multiple formats for individuals with different levels of English literacy and proficiency, modes of communication, languages and cognitive abilities
- accesses external expert advice when required, such as cultural advice or disability support.

The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds

The institution:

- strives for a workforce that reflects diversity of cultures, abilities and identities
- implements awareness training as part of induction and ongoing staff education, with specific content related to Aboriginal and Torres Strait Islander children, children with disability, children from culturally and linguistically diverse backgrounds, and others with particular experiences and needs

- makes clear reference in its policies and procedures to additional considerations related to Aboriginal and Torres Strait Islander cultures, disability, culturally and linguistically diverse backgrounds, and other experiences and needs
- implements and monitors the outcomes of specific strategies tailored to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds, to ensure their safety and participation in the organisation.

Standard 5: People working with children are suitable and supported

Human resource management, through screening, recruitment and ongoing performance review, can play an important role in protecting children from harm.

Child-focused human resource practices help screen out people unsuitable for working with children or discourage their application. Such practices make sure child safety is prioritised in advertising, recruiting, employment screening, and selecting and managing staff and volunteers. During induction processes, all staff and volunteers should be given clear conduct and behavioural guidelines, such as a code of conduct. Child safe institutions recognise that Working With Children Checks can detect only a subset of people who are unsuitable to work with children, and that these checks should be part of a suite of screening practices.

The standard's core components

We consider the core components of human resource management in a child safe institution to be the following:

a. Recruitment, including advertising and screening, emphasises child safety.

b. Relevant staff and volunteers have Working With Children Checks.

c. All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations.

d. Supervision and people management have a child safety focus.

Implementing the core components

Recruitment, including advertising and screening, emphasises child safety

Employment advertising packages include:

- the organisation's statement of commitment to being a child safe institution
- the institution's code of conduct, and child safe policy and procedures
- specific selection criteria concerning attitudes to and application of child safety measures to which applicants must respond
- job descriptions and duty statements that set clear expectations about child safety, including induction and training.

Recruitment, selection and screening procedures:

- show clearly documented recruitment procedures and processes
- verify applicants' identity, qualifications and professional registration
- involve children and/or families where feasible and appropriate
- include thorough, structured interviews
    - providing clear information to applicants about the institutional commitment to child safety
    - assessing the values, motives and attitudes of job applicants who will work directly with children
    - establishing why the applicant is leaving their current job
    - thoroughly assessing the applicant's professional experience, qualifications and competence to work with children
- include stringent and careful reference checks
    - involving direct conversations with at least two professional referees
    - including the applicant's current or most recent employer
    - ascertaining, where possible, the applicant's attitudes and behaviours in previous child-related roles
    - ascertaining whether the applicant has ever been involved in any complaint processes
- check that staff have formal qualifications commensurate with their role and responsibilities, or are informed they will be expected to engage with and qualify in relevant study

- encourage a culturally diverse workforce to nurture and support children's cultural safety
- ensure human resources staff and interview panels have the appropriate education and training to dispense their obligations appropriately and effectively
- are followed by recruitment agencies, labour suppliers, contractors and volunteers.

Relevant staff and volunteers have Working With Children Checks

The institution:

- requires staff and volunteers to undertake screening procedures including criminal history checks to assess a person's fitness to work with children as specified in law (for example, Working With Children Checks)
- builds in allowance for revalidation.

All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations

The institution's induction for new staff and volunteers:

- is a documented process and tracked through a register for new staff and volunteers
- occurs immediately after appointment and, ideally, before work with children begins
- provides instruction on
    - children's rights
    - respect for children, regardless of their individual characteristics, cultural backgrounds, and abilities
    - the code of conduct and child safe policies and procedures
    - strategies that identify, assess and minimise risk to children
    - how to respond to a disclosure from a child
    - complaints processes, including how to respond to a complaint about behaviour towards children
    - reporting obligations (including mandatory reporting) and procedures including format, content and destinations for reports
    - protections for whistleblowers
- is more detailed for staff working in roles and situations with higher risk, for example, with children who may be more vulnerable to maltreatment
- is reviewed regularly.

Supervision and people management have a child safety focus

The institution's people management includes:

- a probationary employment period for new staff and volunteers, to allow time to assess suitability to the position
- regular reviews of staff and volunteer performance, including adherence to the code of conduct and child safe policies and procedures
- opportunities to formally or informally raise concerns about harm or risk of harm to children
- appropriate responses to concerns about performance in the institution's code of conduct
- feedback on staff performance from children and/or families, where feasible and appropriate
- a structure and process for professional supervision and support.

Standard 6: Processes to respond to complaints of child sexual abuse are child focused

A child-focused complaints process is an important strategy for helping children and others in institutions to make complaints. Child safe institutions respond to complaints by immediately protecting children at risk and addressing complaints promptly, thoroughly and fairly.

A child safe institution has clear and detailed policies and procedures about how to respond to complaints. Staff and volunteers understand their responsibility for making a complaint promptly if they become aware of concerning behaviours, as well as their reporting obligations to external authorities. Complaint processes specify steps that need to be taken to comply with requirements of procedural fairness for affected parties, have review mechanisms, and ensure any disciplinary action that is taken withstands external scrutiny in accordance with relevant employment law and other employer responsibilities.

The standard's core components

We consider the core components of complaint handling in a child safe institution to be the following:

a. The institution has a child-focused complaint-handling system that is understood by children, staff, volunteers and families.

b. The institution has an effective complaint-handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report.

c. Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.

Implementing the core components

The institution has a child-focused complaint-handling system that is understood by children, staff, volunteers and families

The institution:

- ensures children, staff, volunteers and families know who to talk to if they are worried or are feeling unsafe
- takes all complaints seriously and responds promptly and appropriately, as detailed in clear procedures
- has an open culture that supports safe disclosure of risks of harm to children
- provides information in accessible, age-appropriate and meaningful formats to children and families who use the service, mindful of their diverse characteristics, cultural backgrounds and abilities
- offers a variety of avenues for children to make complaints
- provides information about its complaint-handling process, including how to make a complaint and what to expect.

The institution has an effective complaint-handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report

The institution's complaint-handling policy includes:

- approaches to dealing with different types of complaints, including concerns, suspicions, disclosures, allegations and breaches
- links to the code of conduct and definitions of various forms of abuse, including sexual abuse and sexual misconduct
- actions to be taken where the subject of a complaint is a staff member, volunteer, parent, another child or person otherwise associated with the institution. In the case of a staff member, for example, this may include supervision, removal of contact with children or being stood down
- detailed guidance on how institutional members (including senior management, supervisors, staff and volunteers) should respond to allegations, including steps for reporting externally as required by law and/or the complaint-handling policy
- communication, referral and support mechanisms for staff, volunteers, children and their families

- approaches to dealing with situations in which a child may cause abuse-related harm to another child
- a clear commitment that no one will be penalised or suffer adverse consequences for making a complaint.

Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met

When a complaint is made, the institution can show that:

- children are consulted and have input into the design of a complaint process and access to a support person at all times
- responses are quick and thorough and relevant people are kept informed of the progress, outcomes and resolution of the complaint
- cooperation occurs with investigating authorities, including police
- personal information arising from complaints is treated in accordance with the law
- effective recordkeeping practices are used in accordance with the law
- all complaints are documented regardless of whether the complaint meets statutory reporting thresholds.

Given the significant issues that we have heard regarding complaint handling, further guidance is available in Chapter 3 of Volume 7, *Improving institutional responding and reporting.*

Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

A child safe institution promotes and provides regular ongoing development opportunities for its staff and volunteers through education and training, beginning with induction. Child safe institutions are 'learning institutions', where staff and volunteers at all levels are continually building their ability and capacity to protect children from harm.

This standard is premised on all staff and volunteers receiving comprehensive and regular training, including induction on the institution's child safe strategies and practices, as well as broader training on child protection.

The standard's core components

We consider the core components of staff education and training in a child safe institution to be the following:

a. Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse.

b. Staff and volunteers receive training on the institution's child safe practices and child protection.

c. Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures.

Implementing the core components

Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse

Training has the following features:

- Training is culturally responsive to the needs of Aboriginal and Torres Strait Islander, migrant, refugee and multi-faith communities and to the needs of people with disability; for example, by being delivered jointly by bilingual and/or bicultural workers and interpreters.
- Training is evidence based and provided by expert trainers relevant to the institutional context.
- Training resources and tools are consistent, simple, accessible and easy to use. Materials are tailored to meet the needs of the particular institution with respect to individual characteristics, cultural backgrounds and abilities, and the roles of workers and volunteers.
- Training covers specific topics including
    - children's rights and children's perceptions of what makes an institution safe
    - respect for children, regardless of their individual characteristics, cultural backgrounds and abilities
    - the indicators of child sexual abuse
    - how to respond to indicators and disclosures of child sexual abuse
    - definitions and examples of child sexual abuse and grooming/manipulation
    - the characteristics of victims, offenders, and risky environments and situations
    - combating stereotypes of both victims and offenders
    - understanding and responding to harmful behaviours by a child towards another child.

- Methods used in training include presentation of information, interactive discussion, values clarification, worked examples, role play and feedback.
- Training programs are regularly and externally reviewed including in response to the emerging evidence base.

Staff and volunteers receive training on the institution's child safe practices and child protection

Training on the institution's policies and practices:

- is provided to all staff on induction and through frequent refresher training (for example, annually)
- includes records of participation to ensure all personnel attend training sessions
- covers institutional risk management, code of conduct, child safe policies and procedures, including specific information on reporting obligations, complaints mechanisms and protections
- includes examples of where, when, how, to whom and by whom child sexual abuse can occur in institutional settings.

Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures

The institution:

- provides more detailed training for staff working in roles and situations with higher risk, such as closed or segregated settings or with children who may be more vulnerable to maltreatment
- provides training that empowers staff with the knowledge and competencies to identify risks, prevent sexual abuse, report complaints and respond appropriately
- trains senior leaders, supervisors and staff engaged in recruitment processes to be alert to signs of unusual attitudes towards children (for example, if applicants profess to have 'special relationships' with children, disagree with the need for rules about child protection, or have a desire to work with children that seems focused on meeting their own psychological or emotional needs)
- provides advanced training for senior leaders and supervisors and children's champions
- briefs all staff and volunteers on how to respond to children who disclose through a variety of mechanisms
- provides training that prepares staff to respond to critical incidents, such as complaints of child sexual abuse.

Standard 8: Physical and online environments minimise the opportunity for abuse to occur

Certain physical and online environments can pose a risk to children. Institutions seeking to be child safe could improve safety by analysing and addressing these risks, reducing opportunities for harm and increasing the likelihood that perpetrators would be caught.

A child safe institution designs and adapts its physical environment to minimise opportunities for abuse to occur. The institution finds a balance between visibility and children's privacy and their capacity to engage in creative play and other activities. It consults children about physical environments and what makes them feel safe.

Child safe institutions address the potential risks posed in an online environment, educating children and adults about how to avoid harm and how to detect signs of online grooming. The institution articulates clear boundaries for online conduct, and monitors and responds to any breaches of these policies.

The standard's core components

We consider the core components of a child safe physical and online environment to be the following:

a. Risks in the online and physical environment are identified and mitigated without compromising a child's right to privacy and healthy development.

b. The online environment is used in accordance with the institution's code of conduct and relevant policies.

Implementing the core components

Risks in the online and physical environment are identified and mitigated without compromising a child's right to privacy and healthy development

To minimise risks, the institution would have the following features:

- effective natural surveillance with few out-of-the-way places, taking into account children's right to privacy
- routine movements of responsible adults to provide formal and informal line-of-sight supervision

- rooms with large, unobstructed windows or observation panels (including for sensitive places such as principals', chaplains' or counsellors' rooms).
- surveillance equipment (for example, CCTV) installed in high-risk environments where natural surveillance is not feasible, taking into account children's right to privacy and complying with sector standards
- consultation with children about physical and online environments and what makes them feel safe
- consideration of the age, gender mix and vulnerabilities of children in the setting
- random checks of obstructed and out-of-the-way locations (for example, dressing rooms, first-aid rooms or sporting grounds away from main buildings)
- open discussions of children's safety, the nature of organisational activities, the quality of equipment and the physical environment
- a strong prevention and awareness focus, by educating children, parents, staff, volunteers and the institution's stakeholder community about online safety and security.

The online environment is used in accordance with the institution's code of conduct and relevant policies

The institution:

- routinely monitors the online environment, reporting breaches of its code of conduct or child safe policies in accordance with the institution's complaint-handling processes
- reports serious online offences to police in accordance with mandatory reporting obligations
- provides education and training about the online environment that is consistent with its code of conduct and child protection and other relevant policies, and addresses the use of mobile phones and social media.

Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved

Child safe institutions know it is a significant challenge to maintain a safe environment for children in a dynamic organisation. The institution's leadership maintains vigilance by putting in place systems to frequently monitor and improve performance against the Child Safe Standards. An open culture encourages people to discuss difficult issues and identify and learn from mistakes. Complaints are an opportunity to identify the root cause of a problem and improve policies and practices to reduce the risk of harm to children. Where appropriate, the institution seeks advice from independent specialist agencies to investigate failures and recommend improvements.

The standard's core components

We consider the core components of continuous review and improvement of child safe practices to be the following:

a. The institution regularly reviews and improves child safe practices.

b. The institution analyses complaints to identify causes and systemic failures to inform continuous improvement.

Implementing the core components

The institution regularly reviews and improves child safe practices

The institution:

- regularly reviews and records its implementation of the Child Safe Standards, including improvement mechanisms
- is regularly audited for all of the Child Safe Standards, either internally or externally by an independent, specialist agency
- maintains a culture of awareness to ensure that policies and practices are implemented and routinely reviewed, even though staffing may change.

The institution analyses complaints to identify causes and systemic failures to inform continuous improvement

The institution:

- undertakes a careful and thorough review to identify the root cause of the problem, any systemic issues (including failures), remaining institutional risks and improvements to institutional policies and practices. This is undertaken as soon as a complaint is made, and again when it is finalised
- may consider employing an external expert or agency to offer an independent case review, which should be underpinned by the following key features
    - a preventive, proactive and participatory approach to ensure everyone understands, and has confidence in, the institution's child safety approach
    - accountability for maintaining child safe policies and practices that are communicated, understood and accepted at all levels of the institution
- can show the ways in which policies and practices have changed, when the need for improvement is identified

- if serving children who are at risk, more vulnerable or hard to reach, gives attention to the evolving evidence base in relation to the safety of all children, being mindful of their individual characteristics, cultural backgrounds and abilities
- if employing staff in roles that involve working either alone or without supervision with children, or in intimate care situations with them, gives attention in the institution's review and continuous improvement process to the evolving evidence base in relation to effective risk management in these contexts.

Standard 10: Policies and procedures document how the institution is child safe

A child safe institution has localised policies and procedures that set out how it maintains a safe environment for children. Policies and procedures should address all aspects of the Child Safe Standards. The implementation of child safe policies and procedures is a crucial aspect of facilitating an institution's commitment to them.

The standard's core components

We consider the core components of policies and procedures in a child safe institution to be the following:

a. Policies and procedures address all Child Safe Standards.

b. Policies and procedures are accessible and easy to understand.

c. Best practice models and stakeholder consultation inform the development of policies and procedures.

d. Leaders champion and model compliance with policies and procedures.

e. Staff understand and implement the policies and procedures.

Implementing the core components

Policies and procedures address all Child Safe Standards

The institution's policies and procedures incorporate the intent of all Child Safe Standards to ensure the best interests of children are placed at the heart of their operation and central to their purpose.

Policies and procedures are accessible and easy to understand

The institution's child safe policies and procedures are:

- readily and publicly accessible (for example, there is a link to them from the institution's website home page that is no more than three clicks from the home page, or available on public noticeboards)
- downloadable or available as a single Word or PDF document
- provided to staff and volunteers at induction, and communicated further via education and training
- ideally available in multiple modes for individuals with different levels of English literacy and proficiency, modes of communication and access to digital technologies (for example, multiple languages/dialects, visual aids/posters, audio and audio visual resources)
- ideally available in child-friendly and developmentally appropriate formats that pay attention to children's diverse characteristics, cultural backgrounds and abilities
- provided to staff and volunteers at induction, and communicated further via education and training.

Best practice models and stakeholder consultation inform the development of policies and procedures

In institutions working primarily or exclusively with children, policies and procedures are subject to regular external review.

Specific administrative details appear on the policies and procedures document, including:

- the effective date, review date, author(s), and executive approval details
- a list of related documents or policies that must be read in conjunction with the child safe policies and procedures (including relevant legislation, regulations).

The policies and procedures document:

- states the underlying institutional child safety values or principles
- defines terms used in the policy
- specifies to whom the policy applies and the responsibilities of staff and volunteers
- defines the different types of child maltreatment covered by the policy
- lists indicators of possible abuse and how to respond
- specifies legal reporting obligations for staff and volunteers
- includes a diagram that shows reporting chains (for example, a decision tree)
- describes what actions to take if a child is at imminent risk of harm
- clearly identifies when reports are to be made and the relevant authority to whom they should be directed (including reporting child sexual abuse to the police)
- sets out child safe education and training requirements (including frequency) for staff and volunteers.

Leaders champion and model compliance with policies and procedures

Leaders in the institution:

- can access appropriate experts/mentors when dealing with complaints
- develop collaborative relationships with other relevant organisations and stakeholders to share knowledge about implementing practical child safety measures.

Staff understand and implement the policies and procedures

Staff and volunteers in the institution:

- are aware of, have read, understand and intend to follow the child safe/child protection policies and procedures and can provide examples in which they have done this
- receive adequate training and education regarding the policies and procedures and how to implement them
- know that they are required to comply with reporting obligations concerning suspected or known child sexual abuse
- know who to approach with concerns or questions.



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ISBN 978-1-925622-70-6
Published December 2017