

Department of Education Response to Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse

Background

On 27 August 2020, the Tasmanian Government announced an Independent Inquiry into the Tasmanian

Department of Education's (DoE) Responses to Child Sexual Abuse (Inquiry). The purpose of the Inquiry was to:

- examine what, if any, additional actions and/or changes to the current systems applicable to, or utilised by, DoE should be made to minimise the risk of child sexual abuse within Tasmanian government schools; and
- complement, not substitute, the work of the Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA).

The Inquiry represents the Tasmanian Government's ongoing commitment to ensuring that all children and young people in schools, libraries and Child and Family Learning Centres are safe and supported to reach their full potential.

On 12 July 2021, Ms Ginna Webster, Secretary, Department of Justice (DoJ) provided Mr Tim Bullard, Secretary, DoE with a copy of the Final Report of the 'Inquiry into the Department of Education's Responses to Child Sexual Abuse' (Inquiry Report).

The Inquiry Report makes 21 recommendations. DoE has considered 20 recommendations from the Inquiry Report, noting that Recommendations 11 and 15 are duplicates.

DoE accepts all 20 recommendations in full and has immediately commenced implementation.

Immediate action

The Department of Education takes all allegations of misconduct very seriously and is acutely aware of the need to ensure our current practices provide the best possible safeguards for children and young people.

Appropriate action has been taken by the Secretary of the Department of Education to review and action any immediate risks to children and young people in Tasmanian government schools that were identified by the Report.

This included reviewing all known historic allegations of child sexual abuse made against current employees identifiable in the report, to ensure appropriate action has been taken.

Actions have included commencing code of conduct investigations, with staff under investigation being suspended from duty pending an outcome, and ensuring all relevant matters have been referred to Tasmania Police, as well as other appropriate bodies.

Importantly, there are established processes in place to support keeping children safe in our schools, and the Tasmanian Government has enhanced processes in place across the State Service in relation to employee standdowns, including public disclosure.

DoE Commitment to Child Safety

DoE deeply apologises to the victims and survivors of the abuse that happened in our schools. We are fully committed to making our schools safe and establishing ourselves as an exemplary child safe organisation that provides the strongest possible safeguards from harm for children and young people.

The safety and wellbeing of all children and young people in our care underpins all aspects of our work.

With 62,000 students across all government schools and significant interaction with families and the community through Libraries Tasmania and Child and Family Learning Centres, we are one of the largest providers of services to children and young people in Tasmania.

Under our 2018-2021 Strategic Plan, *Learners First: Every Learner, Every Day* (Strategic Plan) we are committed to inspiring and supporting all learners to succeed as connected, resilient, creative and curious thinkers. This includes keeping the best interests of the child as the primary consideration.

We recognise that being safe and well is a critical precondition to learning for children and young people. This is reflected in the Strategic Plan and the system goal of Wellbeing, that 'learners are safe, feel supported and are able to flourish, so they can engage in learning'.

We also recognise that children and young people's safety at school, in libraries and in Child and Family Learning Centres is a critical outcome, as an end in itself, if the community is to have full confidence in DoE as a child safe organisation.

There is an opportunity for DoE to lead the way for other institutions in Tasmania by providing child safe services in line with national leading practice. We have embarked on this journey through ongoing implementation of the RCIRCSA recommendations since 2018, including a commitment to the nationally agreed National Principles for Child Safe Organisations, which give effect to the Child Safe Standards defined by RCIRCSA.

We welcome the findings of the Inquiry as an expert-led and independent assessment of the organisation, which provides practical steps for us to continue to improve, in a way that complements the ongoing implementation of the RCIRCSA recommendations.

We have made significant progress in implementing the RCIRCSA recommendations accepted by the Tasmanian Government, and have finalised the implementation of many recommendations, including all those in relation to record keeping, information sharing and guidance for staff on effectively responding to child sexual abuse.

New pre-employment safeguards have also been created, under which a candidate for employment must declare if they have been subject to criminal allegations of any nature. This has been established to ensure all staff employed by DoE are of good character and have a strong record of safely and respectfully working with children and young people.

Response to DoE Inquiry recommendations

DoE has taken immediate action to implement Recommendation 5 from the Inquiry Report, to 'establish a new SES role of Director of Safeguarding', in recognition that this position will set the foundations for further work to progress specific recommendations from the Inquiry.

Ms Elizabeth Jack has been appointed as Executive Director Safeguarding Children and Young People in a newly created Senior Executive Service role.

The creation of this role is in recognition of the importance of the safety and wellbeing of all children and young people in DoE's schools, libraries and Child and Family Learning Centres, and the need to have a clear and immediate focus on our work to protect all children and young people in our care.

The purpose of the role is to safeguard children and young people from the harm of abuse in all DoE settings by leading and providing strategic advice and direction in relation to DoE's culture, systems, practices, processes, procedures and professional learning.

The Executive Director is leading the development of a whole-of-department strategy and policy framework to ensure DoE creates the conditions to meet the Child Safe Standards and embed them in our organisational culture and ways of working.

The Executive Director is overseeing the full implementation of the Inquiry recommendations and RCIRCSA recommendations and will oversee any further recommendations arising from the Commission of Inquiry. Work has already commenced on a review of current policies and procedures to ensure that expectations for staff behaviour and conduct in relation to student safeguarding are clear and in line with national best practice, and guidance for staff in relation to their responsibilities is clear.

The Executive Director is building a team to undertake this and all other related work, in partnership with DoE leaders, schools, libraries, Child and Family Learning Centres and business units.

The Executive Director reports to the Secretary DoE.

The work of the Office of the Executive Director complements work underway in other DoE business units that focus on child wellbeing and safety, as well as supporting the current response to child safety matters being led by Legal Services, Industrial Relations, Human Resources and Learning Services.

While the work of the Office of the Executive Director is focused on fully implementing the Inquiry recommendations, RCIRCSA recommendations and any further recommendations arising from the Commission of Inquiry, a broader, longer-term and important piece of ongoing work for the Office of the Executive Director is to embed all underlying safeguarding principles into the DoE culture.

Progress on implementation of recommendations

Of the 20 recommendations in the report (noting one is a duplicate), two have been completed in full.

Work has commenced to implement all but two of the remaining recommendations. Implementation for the remaining two will be commenced in 2022 in recognition of the scale and complexity of implementation required across all schools.

One further recommendation is expected to be complete in 2021, 12 in 2022 and five in 2023.

A summary of the recommendations and planned timeline for implementation is attached to this document.

Closing statement

Inappropriate behaviour of any nature towards children and young people is neither condoned nor accepted within DoE.

We recognise and regret our past failings, and the lasting, negative impact these failings have had on the lives of victims and survivors—and for this we are truly sorry. We will continue to work hard to correct the wrongs of the past and put in place measures to safeguard and protect the children in our care.

By implementing the recommendations of the Inquiry Report, we will strengthen our systems, policies, processes, and procedures, and embed a culture in which child safety is everybody's responsibility; where no child or young person is put at risk of the pain, suffering and trauma that has been inflicted on victims and survivors in the past.

While the Inquiry Report acknowledges that DoE's culture and leadership has 'changed for the better, particularly over the last decade', DoE is committed to continuing to build previous improvements and embedding positive cultural change that will protect all children and young people in DoE settings from future harm of abuse.

Attachment I – Planned implementation timeframe of all Inquiry Report recommendations

Recommendation	Implementation timeframe
Safeguarding Records	
1. All sexual abuse concerns, complaints, responses and outcomes be systematically recorded by DoE and that these records are periodically analysed to monitor patterns and trends.	Complete in 2023
Best interests of students	
2. DoE's Learners First philosophy be extended to all aspects of student safeguarding, so that the principle of 'acting in the best interests of students' is embedded in all considerations, decisions and actions concerning student safeguarding.	Complete in 2022
Embedding prevention	
3. DoE's student safeguarding systems are designed to prevent student sexual abuse from occurring, as well as to respond promptly, sensitively, and effectively to known concerns or allegations.	Complete in 2022
Student Safeguarding Policy	
4. DoE develop and implement a comprehensive, integrated Student Safeguarding Policy.	Complete in 2022
Director of Safeguarding	
5. DoE establish a new permanent full-time position of Director of Safeguarding, to report directly to the Secretary, DoE to lead the development, coordination, monitoring and evaluation of a comprehensive student safeguarding system.	Complete
Local Safeguarding Assessments	
6. Every government school principal be required to undertake a safeguarding risk assessment and to develop a risk management plan. DoE to develop guidelines and resources to assist schools for this purpose. ¹	Complete in 2023
School Safeguarding Officers	
7. Every government school principal be required to appoint a school staff person as the school Student Safeguarding Officer. The induction and training for persons appointed to these roles be overseen by the Director of Safeguarding. ²	Complete in 2023
Teacher Training	
8. DoE enter into negotiations with the School of Education, UTAS, to introduce into the BEd and MTeach programs substantive content and assessment of understanding, preventing and responding to sexual abuse in schools.	Complete in 2022
9. Information about understanding, preventing, identifying and responding to sexual abuse be included in inductions, and in annual training, for all principals, teachers and teacher aides.	Complete in 2023

¹ Implementation for this recommendation will be commenced in 2022 in recognition of the scale and complexity of implementation required across all schools.

² Implementation for this recommendation will be commenced in 2022 in recognition of the scale and complexity of implementation required across all schools.

Early Intervention		
10.	DoE develop instructions, guidelines and training for teachers and student support staff for the purposes of responding to, reporting and recording concerns about staff and student behaviour that may be relevant to preventing sexual abuse, but that falls below the threshold required by DoE's Mandatory Reporting Procedures.	Complete in 2022
11.	DoE's Mandatory Reporting Procedures, and particularly its training in these procedures, should situate mandatory reporting within the wider context of a comprehensive safeguarding system – one that aims to prevent, and not just respond to, sexual and other abuse.	Complete in 2022
Code of Conduct		
12.	A formal Code of Conduct for DoE personnel be introduced to elevate the status of safeguarding obligations for DoE employees and volunteers and so create schools-specific disciplinary measures.	Complete in 2023
Integrating Safeguarding Policies		
13.	The Duty of Care policy be reviewed so as to more explicitly include safeguarding as a central duty of care consideration, and to better integrate this policy with DoE's other safeguarding policies and procedures.	Complete in 2022
14.	The Conditions of Use Policy for all Users of Information and Communications Technology be reviewed so as to more explicitly include student safeguarding as a key consideration, and to better integrate this policy with DoE's other safeguarding policies and procedures.	Complete in 2022
15.	Mandatory Reporting Procedures, and particularly the annual staff training in these procedures, should situate mandatory reporting within the wider context of a comprehensive safeguarding system – one that aims primarily to prevent, and not just respond to, sexual and other abuse.	Complete in 2022
REPEAT OF RECOMMENDATION 11		
Response Protocols		
16.	DoE develop and implement a suite of protocols for responding to concerns or complaints about a) teacher-student abuse; b) student-student abuse; c) staff involved in non-school abuse; e) abuse involving the Internet and related technologies; and f) abuse incidents involving visitors or strangers.	Complete in 2022
17.	DoE enter into negotiations with Tasmania Police to develop a Memorandum of Understanding (MoU) for preventing and responding to sexual abuse in government schools. The MoU to include agreements on respective roles and responsibilities; information gathering, exchange, and recording; and how outcomes for child complainants and their guardians are to be monitored.	Complete in 2022
Partnership with Department of Communities		
18.	DoE enter into negotiations with the Department of Communities to develop an MoU for preventing and responding to sexual abuse in government schools. The MoU to include agreements on respective roles and responsibilities; information gathering, exchange, and recording; and how outcomes for child complainants and their guardians are to be monitored.	Complete in 2022
Accessibility of Policies		
19.	DoE review and re-organise its official website so as to improve public accessibility to relevant information about student safeguarding. ³	Complete

³ The DoE website now includes pages and information related specifically to Safeguarding Children and Young people. While this action has been completed, we will continually update the site with new information and additional policies and procedures as they are reviewed and refined.

Response Protocols		
20.	DoE review its complaints and grievances procedures and processes so as to improve access by students, their parents, or other concerned persons.	Complete in 2022
Systems Reviews		
21.	Systems reviews be conducted at the earliest appropriate opportunity following all significant sexual abuse incidents or episodes. The aim should be to identify strengths and weaknesses in abuse prevention and response systems at school level and at department level and where appropriate to revise and improve these systems.	Complete by end- 2021