

DECEMBER 2019 UPDATE

SUMMARY

The Department of Education (DoE) is now compliant with the following recommendations: 6.23, 7.7, 8.1, 8.2, 8.3, 8.13, 8.14, 8.15, 13.4, 13.5, 13.6 and 13.7.

DoE and the Department of Justice (the Lead Agency) will work with the Office of the Education Registrar (OER) and non-government schools in 2020 to support compliance with these recommendations in that sector.

Work continues nationally (in consultation with senior DoE staff members), on the following recommendations: 8.9, 8.10, 8.11, 8.12, 8.13, 8.16, 13.7 and 13.8.

DoE has prioritised work on the following recommendations for 2020: 8.4, 8.5, 13.1, 13.2, 13.3 (DoE will work with the non-government sector on recommendation 8.5 to support record preservation compliance in the non-government schools; with the OER on recommendations 13.2 to ensure monitoring and enforcement of Child Safe Standards in non-government school, and also on recommendation 13.3, to ensure boarding schools in the non-government sector comply with the Child Safe Standards. DoE does not have boarding schools, so this recommendation does not apply to DoE).

DETAILS

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.*

Preliminary work set out in the May 2019 update has continued with exhaustive consultation within Department of Education (DoE), external agencies such as Tasmania Police, Department of Communities and the eSafety Commission (in consultation with the Australian Federal Police) to develop guidance for DoE staff when they become aware of online child sexual abuse material.

The [guidance](#) is now completed and will be shortly uploaded on the [DoE Online Safety in Tasmanian Government Schools website](#).

Recommendation 7.7 - *Consistent with Child Safe Standard 6: Processes to respond to complaints of child sexual abuse are child focused, 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*
- achieving systemic improvements following a complaint.*

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.*

Work on Recommendation 7.7 and 13.7 is now finalised following exhaustive consultation within DoE and with external agencies such as Tasmania Police, State Service Management Office and Department of Communities, which informed the development of a [Flowchart](#) which gives clear complaint handling information for DoE. This will complement the Reportable Conduct Scheme work being led by the Department of Justice.

Recommendation 8.1 – *Record Keeping and Information Sharing - 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 that has occurred or is alleged to have occurred.*

Recommendation 8.2 - *The National Archives of Australia and state and territory public records authorities should ensure that records disposal schedules require that records relating to child sexual abuse that has occurred or is alleged to have occurred be retained for at least 45 years.*

Recommendation 8.3 - *The National Archives of Australia and state and territory public records authorities should provide guidance to government and non-government institutions on identifying records*

which, it is reasonable to expect, may become relevant to an actual or alleged incident of child sexual abuse; and on the retention and disposal of such records.

The State Archivist has issued the disposal schedule in line with Recommendation 8.1, 8.2 and 8.3 with a [Royal Commission Toolkit](#).

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 harmful sexual 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 to 8.8).

Recommendation 8.14 - *State and territory governments should ensure that policies for the exchange of a student's information when they move to another school:*

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 circumstances described in Recommendation 8.13 and 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 in Recommendations 8.13 and 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 those of other students at the school information should be exchanged between principals, or other authorised information sharers, and disseminated to other staff members on a need-to-know basis.

These recommendations align with requirements under Section 20 (4) and (5) of the *Education Act 2016* which provide:

20. Withdrawal from, or cancellation of, enrolment of school-aged child;

(4) If the principal of a school (the old principal) is notified that a school-aged child is withdrawing from enrolment at that school and is to be enrolled at another school, the old principal is to notify the principal of the other school (the new principal), in writing, of the intention of the parent of the child to enrol him or her at the other school.

(5) If a new principal receives notice from the old principal that a school-aged child is to be enrolled at his or her school –

(a) the new principal is to request the provision of information relating to the child, including personal and educational information, from the old principal; and

(b) the old principal is to provide that information to the new principal.

Further, Section 6.1 of the Department of Education (DoE) [Enrolment Process](#) also supports this requirement. This Section provides:

6. Closing an Enrolment

PROCESS FOR CLOSING AN ENROLMENT

The school the child is leaving MUST leave the student enrolled on EduPoint with the appropriate attendance marked until notified in writing (including electronic) by another Government school, or the parent/guardian that the student has:

- enrolled in another Tasmanian Government school*
- left the state*
- enrolled in a non-Government school*
- been granted Provisional Home Education Registration status from the Registrar, Education*
- an Exemption from Enrolment Certificate or Exemption from Participation in an Approved Learning Program*
- completed the legal requirements for school enrolment.*

The enrolling school MUST:

- notify the previous school, in writing (including electronic), once the student has enrolled.*

[Ministerial Instruction 7](#) and the [Respectful Student Behaviour Policy](#) are also relevant.

The Registrar Education (OER) has established a process that her office will facilitate for non-government schools to advise OER if a student is leaving their school. The OER will notify the incoming destination school (including DoE) on their behalf.

Recommendations 13.4 and 13.5, see [May 2019 Update](#). 13.6 – see [June 2019 Update](#).

DOE 2020 PRIORITIES

Recommendation 8.4 - *All institutions that engage in child-related work should implement the following principles for records and recordkeeping, to a level that responds to the risk of child sexual abuse occurring within the institution.*

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 uppermost 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 are integral parts 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 should 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 the incidents occurred and clearly show 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, should be maintained in an indexed, logical and secure manner.

Associated records should be collocated or cross-referenced to ensure that people 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, amendment or annotation."*

Recommendation 13.1 - *All schools should implement the Child Safe Standards identified by the Royal Commission.*

With the implementation of the National Principles for Child Safe Organisations earlier this year, DoE continues working with the Department of Justice to consider the implementation of this recommendation within Tasmanian schools.

COLLABORATION WORK

RCIRCSA Project has been part of a team working on the Teachers Registration Amendment Bill which has been tabled in Parliament

and will enable an automatic cancellation or suspension of a teacher's registration if their Registration to Work with Vulnerable People has been cancelled or suspended. Further updates will keep you posted on the progress of this Bill.

RCIRCSA Project recently attended the Hobart workshop on the National Centre for the Prevention of Child Sexual Abuse. This was attended by key stakeholders who all input into what the National Centre could do to benefit Tasmanian children and all organisations involved with them to prevent Child Sexual Abuse. Contributions from participants will inform further modelling of the Centre and work it will undertake. It is anticipated input from Tasmania will be ongoing.

RCIRCSA Project also participated in interviews conducted by Russell Kennedy Lawyers commissioned by the Australian Institute for Teaching and School Leadership (AITSL) which focussed on Teacher Registration and Child Safety to undertake a comparative research project on teacher registration and child safety. The objective of the Project is twofold:

- Compare child safety aspects of existing teacher regulation frameworks across all Australian jurisdictions; and

- Provide advice and options for a nationally consistent approach to the implementation of recommendations relevant to registration of teachers arising from the Royal Commission into Institutional Responses to Child Sexual Abuse and AITSL's One Teaching Profession Review (the Recommendations).

Work will continue nationally in this space and form part of the implementation of the RCIRCSA recommendations by DoE over time.

RCIRCSA Project has updated the DoE Mandatory Reporting Procedure to reflect the new [Strong Families, Sage Kids Advice and Referral Line \(ADL\)](#) which is the first point of contact for anyone with a concern about the safety and wellbeing of a child. The ADL operates 8.30am to 5.06pm Monday to Friday (calls outside these times will be automatically diverted to the Child Safety Emergency After Hours Service which focus on immediate risk issues). The Procedure reinforces the message that all DoE staff are Mandatory Reporters and gives clear guidance on this issue.

RCIRCSA Project and the Deputy Secretary Corporate and Business Services (representing DoE on the Inter-Agency Steering Committee chaired by the Secretary Department of Justice-the Lead Agency - DoJ) continue to support the work lead by DoJ within Tasmania to progress the implementation of RCIRCSA recommendations.