

## **Royal Commission into Institutional Responses to Child Sexual Abuse Project Update March 2019**

The Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA) Project has two main streams of work for 2019:

- 1: The National Redress Scheme claims management
- 2: Implementation of the RCIRCSA recommendations

### **The National Redress Scheme (the Scheme) claims management**

The Scheme is in response to the RCIRCSA and provides support to people who experienced institutional child sexual abuse. The Scheme:

- acknowledges that many children were sexually abused in Australian institutions
- holds institutions accountable for this abuse, and
- helps people who have experienced institutional child sexual abuse gain access to counselling and psychological services, a direct personal response and a monetary payment.

The Scheme has now commenced in Tasmania with the Redress Team within the Department of Justice (the Head Agency) liaising between the National Scheme and each Agency. The Department of Education (DoE) is working with the Head Agency to respond to claims.

Full details of the Scheme can be found [here](#).

### **Implementation of the RCIRCSA recommendations**

On 20 June 2018 the Tasmanian response to the RCIRCSA recommendations was tabled in the Tasmanian Parliament. Full details of this response can be found [here](#).

The Tasmanian Action Plan which details activity to date by the Tasmanian Government and work to be done also contains an implementation timetable of activity to be undertaken by each Agency. Full details can be found [here](#).

DoE has identified 25 of the RCIRCSA recommendations, that are DoE specific, need implementation in a timely manner.

So far, RCIRCSA Project is finalising implementation on:

*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; and*

*Recommendation 13.6 – Schools - 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*

## Recommendation 8.1

To ensure that all staff were aware of the impact of Recommendation 8.1, the Secretary sent a message to all staff on 30 October 2018 with detailed instructions about record management together with advice on where to find help and advice if needed.

Further support is available for schools through Information Support Services (ISS) with site visits so far conducted at Elizabeth College, Kingston Primary, Albura Street Primary and Cambridge Primary. ISS have also given presentations at a School Business Managers Network meeting and a Senior Professional Support Staff meeting.

The State Archivist is working with his National counterparts to develop a disposal schedule that ensures no records are disposed of that may disclose child sexual abuse. This schedule is to be completed by April 2019.

ISS and RCIRCSA Project are providing information sessions and school visits over March and April 2019 to Queenstown, Burnie Launceston, Bicheno, Oatlands, Sorell, Huonville and Hobart to ensure the widest possible sharing of information to ensure the recommendation is fully implemented across all divisions of DoE. Full details of the sessions are below.

### ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE (RCIRCSA)

Information Support Services and RCIRCSA project officer are running state-wide information sessions which will outline staff responsibilities and changes to student recordkeeping arising from the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA).

Catherine Saunders from Legal Services is currently working on implementing the RCIRCSA recommendations relevant to the Department of Education together with managing claims through the Redress Scheme set up by the Australian Government.

Lisa Baker and Danni Lockley from Information Support Services will outline the changes to School and College recordkeeping.

All employees who manage or create student records are invited to attend a session at one of the following locations. RSVP's not required.

Location	Venue	Date	Time
Queenstown	Queenstown Library	18 <sup>th</sup> March 2019	1.30pm – 3pm
Burnie	Burnie Library	19 <sup>th</sup> March 2019	11.30am – 1pm
Launceston	Launceston Library	20 <sup>th</sup> March 2019	12.30pm – 2pm
Sorell	Sorell School	2 <sup>nd</sup> April 2019	10.30am – 12pm
Bicheno	Beachfront Bicheno	4 <sup>th</sup> April 2019	11.30am – 1pm
Oatlands	Midlands Memorial Community Centre	5 <sup>th</sup> April 2019	11.30am – 1pm

Huonville	Huonville Library	8 <sup>th</sup> April 2019	11am – 12.30pm
Hobart	Professional Learning Institute	10 <sup>th</sup> April 2019	10.30am – 12pm 1.30pm – 3pm

### Recommendation 13.6

DoE considered it had in place effective policies and procedures for managing complaints about children with harmful sexual behaviours, however the Executive nominated Working Group for this recommendation advised that new or inexperienced staff faced with this behaviour or situation may not know where to find all the resources available. A flowchart was developed which gives detailed guidance and contains all policies, procedures and resources available in one place for managing complaints about children with harmful sexual behaviours.

This flowchart (pending approval by the Executive) will be embedded across DoE publications such as the Accountabilities Toolkit, Principal Induction Program, Infostream and will also have a web presence that enables it to be easily found using key words: *harmful sexual behaviours*.

### Priority Actions for DoE in 2019/2020 are implementing the following Recommendations:

**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 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.*

**Recommendation 8.5** - State and territory governments should ensure that non-government schools operating in the state or territory are required to comply, at 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.

**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.

**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.

Work has also commenced on recommendations referred to Council of Australian Governments (COAG) Education Council. These recommendations are:

**Recommendation 8.9** - The Council of Australian Governments (COAG) Education Council should consider the need for nationally 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. the person's 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 registration authorities may, and/or must on request, make information on teacher registers available to:

- a. teacher registration authorities in other states and territories 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 registration authorities may or must notify teacher registration 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 registration authorities, the COAG Education Council should also consider what safeguards are necessary to protect teachers' personal information.

**Recommendation 8.16** - The COAG Education Council should review the Interstate Student Data Transfer Note and Protocol in the context of the implementation of our recommended information exchange scheme (Recommendations 8.6 to 8.8).

**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.

**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.

The Executive has nominated key staff with expertise specific to each recommendation to work on implementing all aspects of the recommendation. This work is coordinated by RCIRCSA Project and reported quarterly to the Executive and annually to the Lead Agency and the Tasmanian Parliament.