

Queensland Catholic Education Commission

Creating Student Safety in Communities of Care

Date: 18 May 2005

Time: Proceedings start at 8:45am. The Commissioner will address participants from 9.10 am to 9.30 am. The following 15 minutes are allocated to question time.

Venue: Xavier Province Centre, Kate Street Indooroopilly
Drive in at the entrance to the Riverglen Conference Centre, look for the clock tower, the Xavier Province Centre is underneath this

Organisation: Queensland Catholic Education Commission (QCEC)

Name of event: Professional Development Day for Student Protection

Title of presentation: *Creating Student Safety in Communities of Care – The vision of the Commission for Children and Young People and Child Guardian with particular reference to risk assessment and management strategies in school communities*

Audience:

- Approximately 70 people
- Representatives of the Catholic school authorities from: Brisbane, Toowoomba, Rockhampton, Townsville and Cairns; Edmund Rice Education; and Religious Institute schools (eg. Christian Brothers, Marist Brothers, Sisters of St Joseph, Brigidine Colleges, Villanova, Padua College).
- This includes: leaders of religious institutes who may not have a close connection with the day-to-day running of the school; members of the governing boards and bodies; and support people dedicated to student protection matters (in the Brisbane Catholic Education offices there are three people dedicated to student protection issues in schools [Sue Nichols heads this team], in other areas staff undertake this role in a part-time capacity).
- Principals of religious institute schools
- Teachers in positions with student protection responsibility

All these people have a particular interest in student protection matters due to the legal responsibility of schools.

Special acknowledgements: Leona Elmslie will telephone Mike Wilkinson (0412 340 280, 3336 9387) on Monday 16 May (after RSVP date of 13 May) to confirm if any additional acknowledgements are required.

- **Dr Bill Sultmann**, Executive Director Edmund Rice Education / Chair of the QCEC Student Protection Working Party (General Chair for the day)
- **Mr Joe McCorley**, Executive Director QCEC (Joe will introduce the Commissioner)
- **Mr Mike Wilkinson**, Executive Secretary to the QCEC and the Executive Secretary to the Student Protection Working Party that has organised this event
- **Members of the working party** who have organised this 'Professional Development Day for Student Protection'

Introduction

[Slide 1 – Title slide - Creating student safety in communities of care]

Acknowledgements:

- **Dr Bill Sultmann**, Executive Director Edmund Rice Education / Chair of the QCEC Student Protection Working Party (General Chair for the day)
- **Mr Joe McCorley**, Executive Director QCEC (Mr McCorley will introduce the Commissioner)
- **Mr Mike Wilkinson**, Executive Secretary QCEC and the Executive Secretary to the Student Protection Working Party; and
- **Members of the QCEC working party** who have organised this ‘Professional Development Day for Student Protection’.

Good morning. Thank you for inviting me here to speak with you about the important task of creating safe environments for the students in your schools.

As Commissioner for Children and Young People and Child Guardian, I would like to begin by commending the Queensland Catholic Education Commission for its ongoing commitment to the critical issue of child safety.

I would also like to acknowledge and praise the QCEC for the initiative it's shown by developing a Manual for Student Protection¹ - "*Creating Student Safety in Communities of Care*".

This is a valuable resource for Catholic School Authorities in Queensland when developing student protection policies and procedures.

I understand this manual could not have been developed without the efforts of Bev Patterson who works for the Christian Brothers and St. Francis Xavier Province, the significant work of Sister Berneice Loch, who compiled the original Manual, and the resources provided by Brisbane Catholic Education and Edmund Rice Education.

It's also important to acknowledge the work of the many people in the field employed by Catholic School Authorities in Queensland who have made this resource real in their schools.

The leadership you've shown in the field of student protection is highly commendable.

While we hope to share ideas with you today about how to promote safe environments for children, I believe we have as much to learn from you, as you do from us.

[Slide 2 – Overview of session]

Like everyone here today, the Commission is committed to creating safe environments for children and young people that promote their wellbeing.

¹ QCEC's Manual for Student Protection was developed as a resource to be adapted for specific use by any of the Catholic School Authorities operating in Queensland. This manual is in the process of being passed by the Accreditation of Non-State Schools Board.

We are currently working to inform those affected by our new legislation why services face increased requirements to protect children from harm.

This morning, I'd like to talk about new blue card requirements for people who work in schools, as well as the need to develop and implement an annual risk management strategy.

But I want to acknowledge the work you have already done to develop student protection frameworks, policies and procedures, which essentially involves risk assessment and management in schools.

However, I hope we can help you consider how this new requirement fits with your current approach, and decide whether there's anything you need to do to build on or strengthen your systems.

Once I've discussed the new risk management requirements, Jan Gilles and Anne Jamieson from the Commission will take you through two workshops to explain strategies and planning tools which can help you manage risks, and our Employment Screening Manager, Michelle Miller, is here to answer any questions on blue cards.

At the Commission, we're currently working out how to help organisations gain the knowledge and tools they need to develop an effective child protection risk management strategy.

We hope to get feedback today about our new workshops, and would appreciate any suggestions on how best to get this information out to appropriate organisations.

You can either provide feedback verbally today, or by filling out the feedback form we'll provide, and sending it back to us.

I think it's important to recognise that creating child-safe environments can't be achieved by an individual or an organisation on their own.

No one measure can create student safety.

Only the combined efforts and strategies of the 'communities of care that surround children'², can comprehensively enhance student safety.

This means **each** of us must take responsibility and work **together** to create safe and supportive learning environments for children and young people.

[Slide 3 – Child safety a Government priority]

Why do we need to be vigilant about child safety?

As a society, we've become increasingly aware of the devastating impact of child abuse on individuals and the community as a whole.

Harm to a child's physical, psychological or emotional wellbeing³ has an indelible impact on their life chances.

² Wise, S. (1999). *Creating a 'child-friendly' social environment: A strategy to reclaim our children from risk?* Paper presented at the Making it Happen for Australia's Children Conference, September 1999, Canberra. Retrieved June 6, 2001, from <http://www.aifs.org.au/>

It affects a young person's thoughts and feelings about themselves and others, and can set children on a pathway to poor outcomes.

These can include problems in physical health, mental health, relationships, employment and the law, which have significant costs for governments and the community in the long-term.

Also, as we all know, children who are not safe are not learning.

This often results in a lack of success at school, a key risk factor which makes children vulnerable to negative influences through their early years and into adulthood.

The incidence of child harm in Australia, and particularly in Queensland, is very concerning.

In recent years, all key measures of child protection in Queensland – that is, notifications of harm to children, substantiations of harm, children admitted to protective orders and children in out-of-home care – have shown large increases.

Added to these concerns, the 2004 Crime and Misconduct Commission inquiry into the abuse of children in foster care highlighted systemic problems in the child protection system and the need to be vigilant in protecting children from harm.

This has resulted in child safety being identified as one of the 7 Queensland Government priorities for this term of government (*'Protecting our children and enhancing community safety'*).

The Commission plays a key role in advancing child safety in Queensland.

In response to the CMC inquiry, the Commission's legislative mandate, roles and responsibilities have been expanded to further child safety.

[Slide 4 – Commission for Children and Young People and Child Guardian]

Commission functions and outcomes

The Commission was established to “promote and protect the rights, interests and wellbeing of children in Queensland”⁴, and in particular those children who are most vulnerable.

[Slide 5 – CCYPCG key outcomes sought]

More specifically, the outcomes we are seeking at the Commission include:

- an effective child protection system
- a targeted prevention and early intervention strategy for vulnerable young people; and
- safe service environments for children and young people in which risks are managed.

[Slide 6 – Key functions of the Commission]

³ *Child Protection Act 1999*, s 9.

⁴ *Commission for Children and Young People and Child Guardian Act 2000*, p. 13.

To achieve these outcomes the Commission has three key functional responsibilities.

These are the:

1. **Child Guardian** role, which includes:

- legislative responsibility to oversee services and reforms impacting on child protection and juvenile justice
- a range of strategies (including a Complaints service; Community Visitor Program; systemic monitoring, investigations, audit, and the review of child deaths), and
- the capacity to appeal administrative decisions of the Department of Child Safety to the Children Services Tribunal.

2. **Policy, research and communications**, which includes:

- examining the impacts of, and providing advice on, laws, policies and practices relevant to the safety and wellbeing of children and young people, and
- identifying emerging issues and raising awareness of relevant research.

3. **Creating safe service environments:**

- helping organisations create safe environments for children and young people through employment screening and risk management strategies.

I would like to spend the time I have remaining to outline the Commission's activities in this area and how this can support your work at the QCEC.

[Slide 7 – The aims of risk management]

Risk management is about creating safe service environments for children and young people.

The aims of risk management are:

- to prevent things from going wrong and children being harmed
- to limit the degree of harm, and
- to reduce an organisation's liability if a risk does eventuate.

Without a risk management plan or strategy in place, harm to children may go undetected or be mishandled.

As stated by Linda Graff, a Canadian expert in risk management "An organisation cannot manage the risks it does not identify"⁵.

Employment screening

⁵ Graff, L. complete

A critical component of a risk management strategy is to protect children from harm from an employee or volunteer in an organisation.

[Slide 8 – About paedophiles]

It is a disturbing but important message to keep in mind that:

“People who sexually abuse children often choose to work at, or frequent places where they have easy access to children such as schools, youth groups or the Internet.

They often have hobbies and interests that appeal to children and young people.

In addition, they may win over the trust of a child’s parents over a period of time before they abuse”⁶.

[Slide 9 – Employment screening function]

The Commission plays a key role in screening people who work with children in Queensland.

On 17 January this year, changes to employment screening legislation in Queensland impact on people working in schools, as they include the retrospective screening of non-teaching staff.

We aim to reduce the risk of harm to children by reviewing the criminal history of people working in certain child-related employment covered by the Commission’s Act.

In this way, we try to ensure that people who work with children in the areas we screen, do **not** have a criminal history that could indicate they may harm children.

The *Working with Children Check* or *blue card*, aims to assist employers, volunteer organisations and members of the public to manage this risk where there are no other formal screening practices in place.

For example, in Queensland, teachers are screened by the Board of Teacher Registration, not the Commission.

The Board carries out a criminal history check and may consider additional Queensland Police Service information and any interstate, overseas or previous teacher registration⁷ information to determine whether a person is of ‘good character’.

This formal screening process means teachers do **not** need a blue card to carry out their duties as a registered teacher.

[Slide 10 – People requiring a blue card in schools]

Blue card requirements in schools

However, many other people who work or volunteer in schools must have a blue card.

⁶ Project Axis fact sheet. *Information for Queensland families about Paedophiles*. Retrieved May 10, 2005, from <http://www.communities.qld.gov.au/projectaxis/peadophilia.html>

⁷ Education Queensland (2003). *Education information: Education and Other Legislation (Student Protection) Amendment Act 2003: What it means for registered teachers at non-state schools*. Brisbane: Queensland Government, Department of Education.

They include:

- all non-teaching staff (regardless of when they started work) if they work, or are likely to work regularly with children or young people (as defined under the Act)⁸
- all regular workers, such as school cleaners and school crossing supervisors
- all volunteers (other than volunteer parents of a child attending the school) regardless of how often they work with children – volunteers must now hold a blue card **before** they start voluntary work
- all parents working in schools in paid positions (subject to the frequency test)
- all private tutors and sports coaches (subject to the frequency test) unless they are carrying out work as part of their duties as a registered teacher
- all business operators who involved in providing sport and active recreation activities such as sports camps
- Homestay providers, both businesses or volunteers (including parents of a child attending the school)
- boarding school staff who are not registered teachers
- all religious representatives working in schools
- all school Board members, including registered teachers, who must have a blue card **before** they start as board members, and
- University students and students of other education providers placed as part of their course in one of the categories of employment regulated by the Act, who must have a blue card **before** they begin their placement.

(The education provider **or** the employer with whom the student is placed can apply for a blue card on the student's behalf. However, the **employer** is responsible for ensuring students comply with the Act.)

Greater exchange of disciplinary and investigative information and criminal history changes

There are a range of other changes to blue card screening as a result of the legislative amendments which may be of interest.

⁸ Paid employees must apply for a blue card if they work, or are likely to work, in regulated employment for at least:

- 8 consecutive days, or
- once a week, each week, over 4 weeks, or
- once a fortnight, each fortnight, over 8 weeks, or
- once a month, each month, over six months.

When deciding if a person should receive a blue card, the Commission is now able to check not only a person's criminal history, but other disciplinary information held by certain professional organisations.

Information from police investigations into allegations of serious child-related sexual offences can also be considered, even where no charges were laid where a child was unwilling or unable to proceed.

Blue card holders are required to advise their employer of any changes in their criminal history. Since 17 January this year, this obligation has been extended to include non-teaching staff employed before 1 May 2001.

The employer must not allow that person to continue working in regulated employment unless they have lodged a fresh blue card application.

People should not think they can get away with not informing the Commission of a change in their criminal history, as when a blue card applicant or holder is charged with a criminal offence, the Commission is notified by police within 24 hours.

We immediately take steps to review that person's right to hold a blue card.

This means that we can act quickly to protect children and young people from exposure to anyone who may have committed an offences that put them at risk of harm.

As Commissioner, I can now notify employers that their employees (whether paid or voluntary) are having their blue card reassessed, where the change in criminal history is relevant to child-related employment.

Where a blue card holder is charged with an excluding offence (which is a serious child-related sexual offence or child pornography offence⁹) the Act now allows automatic suspension of their blue card.

An employer will be notified by the Commission if an employee's blue card is suspended.

The employer must not continue to employ this person in regulated employment. Failure to comply with this obligation is a punishable offence.

Where the Commission issues a negative notice or suspends a person's blue card, we can now notify the Non-State School Accreditation Board of this decision.

We have information kits available to explain these changes (which we've provided for you today), which outline the new categories of regulated employment that need to be screened and phase-in periods for compliance.

This information is also available on the Commission's website (at www.bluecard.qld.gov.au – the address is shown on the final slide).

If you have any other questions about the blue card, there will be the opportunity to ask Michelle about them later this morning.

⁹ *Commission for Children and Young People and Child Guardian Act 2000*. s 99E.

Comprehensive risk management

While employment screening is critical for creating safe environments for children, it is **very** important to remember that it is only one element of a comprehensive risk management strategy.

Blue cards do not guarantee against future offending, and can never replace vigilance on the part of parents, families and communities.

Those who work with children and young people must uphold their duty of care by having effective policies and procedures in place to protect children from the risks of harm.

So, to complement the blue card system and help organisations consider how their policies and procedures promote safe environments for children, the Commission has been providing the *Working with Children Kit and Training Program* since 2003.

[Slide 11 - Risk management strategy requirement]

The need for training has now been taken a step further with the recent change to the Commission's blue card legislation, which requires employers and people carrying on regulated businesses to develop and implement an annual risk management strategy to protect children from harm.

Failure of an employer to comply with this obligation is a punishable offence.

Commission supports development of a Risk Management Strategy

The Commission is committed to supporting employers to develop risk management strategies, and has developed a framework to help with this.

The framework includes many of the same elements as in the QCEC framework for student protection.

For example, understanding the legislative requirements for student protection, such as:

- the *Education [Accreditation of Non-State Schools] Regulation 2001*, which sets out accreditation requirements for the 'Health, Safety and Conduct of Staff and Students'¹⁰; and
- the *Education [General Provisions] Act 1989*, which sets out requirements for mandatory reporting of child abuse.

Jan Gillies and Anne Jamieson will talk about all aspects of a risk management framework later this morning, but for now I would like to introduce the key elements.

[Slide 12 – Key elements of risk management]

We believe these are:

¹⁰ *Education (Accreditation of Non-State Schools) Regulation 2001*. Queensland Parliament, s. 10. This requires non-State schools to have "written processes about the appropriate conduct of [their] staff and students, that accord with legislation applying in the State about the care or protection of children". These must include processes for responding to staff or student reports of inappropriate staff behaviour as well as to incidences of actual or suspected harm to students.

1. being committed to children's wellbeing and safety and making this explicit in a shared vision and values,
2. building the knowledge of people in schools about child abuse and child protection and how to respond appropriately to this, and
3. developing the support systems that provide processes and documentation for managing risks to students.

[Slide 13 – Creating safe environments in partnership]

Creating safe environments in partnership

Everyone here today shares the objective of creating safe environments for children and young people, but none of us can do this on our own.

A child safe environment can only truly be achieved within a 'community of care that surrounds children'.

It takes a community of people with commitment, capabilities and systems to effectively promote safe environments for children.

A plan for a safe and supportive school environment can not be created through an add-on to school policy but must be grounded in the vision and goals of the school, with a comprehensive plan to realise it¹¹.

In their document, *Every child learning: Safe and supportive schools*¹², the US based Learning First Alliance states that:

*"schools which students experience as safe and supportive will be more successful at promoting student achievement and developing such qualities as good character and citizenship"*¹³.

Conclusion

Today, as you consider your student protection policies and procedures to promote more effective child protection practice in Catholic schools, it would be easy to focus on rules and regulations.

I would like to leave you, however, with a reminder that child safety is not really about rules, but about children.

We are charged with working together to build a community in which children are more highly valued, better protected and listened to.

We need rules to do this, but rules are just 'tools'.

¹¹ Learning First Alliance. (2001). *Every child learning: safe and supportive schools*. Retrieved April 22, 2005. from <http://www.ourpublicschools.org/research/learningfirst.pdf> p. vii.

¹² Learning First Alliance. (2001). *Every child learning: safe and supportive schools*. Retrieved April 22, 2005. from <http://www.ourpublicschools.org/research/learningfirst.pdf>

¹³ Learning First Alliance. (2001). *Every child learning: safe and supportive schools*. Retrieved April 22, 2005. from <http://www.ourpublicschools.org/research/learningfirst.pdf> p. vi-vii.

More than this, we need understanding and commitment from all involved – staff, volunteers, parents, carers, the QCEC and the Commission.

I encourage each of you to take an active role in ‘Creating student safety within communities of care’ and ask you to act as a partner with us in the business of child safety.

[Slide 14 – Our contact details]