

# New South Wales Legislative Council General Purpose Standing Committee No. 2 Inquiry into Child Protection

## Answers to Questions on Notice from the Public Hearing held Monday 26 September 2016

Respondent: Catholic Education Commission New South Wales

1. Provide an example of the type of things you have had to report because the threshold has been adjusted, which perhaps before the threshold was adjusted you would not have had to report? What is the nature of the cases that have been captured by the adjustment of the threshold?

The wording of the question suggests a misunderstanding of the change to the threshold for making risk of significant harm (ROSH) reports. The parliamentary reforms in 2009 following the Woods Special Inquiry raised, rather than lowered, the threshold. This means that fewer, rather than more, cases would be captured. Despite this, the number of reports made to the Helpline still appears to overwhelm Family and Community Services (FACS). The issue for the NSW Catholic schools sector is not necessarily the threshold per se, but the response expectations placed on schools.

2. Is it correct to say that 67 per cent (39 plus 28) of all ROSH reports made by your organisations are not responded to by the Helpline? Are these cumulative or are they figures which should be dealt with in a different context?

Department of Family and Community Services data indicates that approximately 28% of ROSH cases receive a response and 39% are closed due to competing priorities. This data was reported in the NSW Ombudsman's Submission on Child Protection, section 2.2.2, and were based on the *'Review of the NSW Child Protection System; Are things Improving?'* The figures were mentioned in CECNSW's opening address to illustrate that a significant proportion of reports which meet the threshold for ROSH do not receive an intervention and hence schools are often required to intervene to keep children and young people safe. As per the Ombudsman's report, of the 100% of reports that meet the threshold for ROSH by the Helpline, only 28% of those referred to the Community Service Centres (CSC) receive an intervention and 39% are closed due to competing priorities.

CECNSW is unable to calculate the percentage of reports not responded to by the Helpline or the percentage of ROSH reports closed due to competing priorities in the Catholic sector. The experience of Catholic schools suggests that a report involving an adolescent is more likely to be closed due to competing priorities than any other type of report made to the Department. Matters involving educational neglect, mental health concerns and homelessness are also reports that are often closed without assessment.

3. How many ROSH reports do you make a year?

Catholic Schools Offices (CSOs) and Catholic Education Offices (CEOs) across NSW do not record how many ROSH reports are made per year by each Catholic school. Each diocese collects its own data using different measures at the local level. CECNSW estimates that in excess of 1,000 ROSH reports were made by the NSW Catholic school sector in 2015.

4. Would you have data about repeat reports in relation to particular students?

Not all Catholic schools have a reporting process in place that easily captures data in regards to repeat reports made to the Child Protection Helpline of children or young people at risk of significant harm. Field evidence suggests that approximately 25% of reports made to the Child Protection Helpline have been in regard to students that have had an earlier report in the same calendar year.

5. Have you got an analysis of the responses? Is there a distinct difference in the response from diocese to diocese?

The level of service and consistency provided by each CSC to Catholic schools across NSW appears to be somewhat divergent. Catholic Schools Offices and Catholic Education Offices report a variation of service experienced across both metropolitan and regional areas. It is difficult to indicate the reasons why this might be the case, but this is the reported experience of many schools and Offices across NSW.

6. It would be interesting to know the statistics about where you are left holding the baby. It would be very handy to have that as part of our decisions.

Numerical data on this is not available. If a Catholic school has made a report to FACS due to ROSH and FACS closes that report due to competing priorities, it is in these circumstances that the school is "left holding the baby". As the risk of significant harm for the student reported does not go away, the school is left to ensure that appropriate measures are put in place to keep the child or young person safe, however this is not easily achievable.

Using the statistics available from the NSW Ombudsman and FACS, 39% of reports are closed due to competing priorities. This, then, is indicative of the frequency with which Catholic schools are left to manage the ROSH concern of a student independently.

7. I would like to know what your solution is to that (when left 'holding the baby').

As per the evidence provided to the Committee at the Public Hearing, the CECNSW submission provides examples of case studies where a Catholic school has been left to manage the situation where a case is closed due to competing priorities. It is very difficult, complex and time-consuming for the school to initiate a response of this nature. What most likely occurs is that the school, with the assistance of child protection or wellbeing support staff, attempt to support the family as much as possible by referring the family to the school counselling service or referring them to a more specialised service, if necessary. If the concerns continue to escalate another report is made to the Child Protection Helpline or in some circumstances a police report may also be made.

8. Is it possible for you to provide us with a summary of the training programs that you provide your staff such as teachers, counsellors, principals and people who are connected?

Each diocese manages the training needs of its staff differently. The minimum requirement in schools is to comply with the section 5.6.1 of the *BOSTES Manual*, which states that a registered non-government school must have in place policies and procedures to ensure that it meets its legislative obligations in relation to child protection. The requirement covers mandatory reporting, reportable conduct, and employment screening. This requirement includes an expectation that staff are informed annually of these obligations. Professional development and training of staff is one way in which this requirement is met.

Numerous dioceses across NSW utilise the SALT online training package (Self-Administered Legal Training). This training includes five modules covering understanding mandatory reporting, social media use, maintaining professional boundaries with young people, identification of inappropriate images and reporting to the NSW Ombudsman.

Many dioceses also offer face to face training delivered annually to all school staff and relevant professional staff based in Catholic Schools Offices and Catholic Education Offices. Topics include:

- Promoting Child Safety: Managing Risk of Significant Harm and Wellbeing Concerns
- Promoting Child Safety: Addressing Allegations Against Staff
- Dealing with problematic sexualised behaviour at schools
- Addressing self-harm/mental health issues of students
- Setting professional boundaries with students
- Calmer Classrooms – engaging children affected by trauma
- How to handle disclosures of a child protection nature
- Practical case studies/scenarios and the Child Protection Helpline
- Neglect – a closer look at neglect as a category of abuse
- Physical abuse – a closer look at physical harm as a category of abuse
- Sexual abuse – a closer look at sexual harm as a category of abuse
- Psychological harm – a closer look at psychological harm as a category of abuse
- Sexting – looking at the problem of sexting and young people
- Legal issues and safeguarding

Further to this, school counsellors participate in a wide range of child protection training to enable them to support the needs of students at risk. In 2016, some of the training undertaken by school counsellors included training in non-violent crisis intervention, responding to students at risk of suicide and non-suicidal self-injury, school refusal, and supporting students with complex grief and loss.

9. Any views you have about additional training that you think would be beneficial to you and to the sector in general.

**Beneficial additional training:**

- Training for FACS personnel to foster collaboration with Catholic schools in order to clarify the role of schools in responding to child protection matters: what is and is not appropriate for schools to do
- Training for school personnel in reporting and monitoring students at ROSH and support for schools using FACS' new ChildStory portal
- Training in trauma-informed care and practice for all school staff to minimise harm to vulnerable students
- Training for school staff on how to support students with complex needs and the impact of mental health issues on learning and behaviour
- More training on the difference between Risk of Harm (ROH) and Risk of Significant Harm (ROSH)

- More training for staff, students and parents in regards to peer-on-peer sexual abuse
- PDHPE review of curriculum around protective behaviours in schools
- Education around dynamics of domestic violence

10. Finally, at the risk of this being the opportunity for you to provide a wish list, could you provide a wish list and tell us how to fund it and where there are possible savings that you have spotted as well?

CECNSW is able to provide a list of desirable initiatives or actions for moving forward under relevant headings. These include:

#### Relationships with Catholic schools

- Development of a realistic interagency model which fully acknowledges the particular roles and skills base of each particular agency so that school personnel are not expected to operate beyond their level of expertise or their statutory authority by undertaking statutory casework; schools must be allowed to focus on their core business of educating students
- Provision of access for non-government schools to essential child protection support services such as a Child Wellbeing Unit, the Home School Liaison Service and Out-of-Home Care Co-ordinators
- Establishment of a FACS liaison officer to bridge the knowledge gap between FACS and Catholic schools in order to enhance co-operation and sharing of information
- Improved case management in schools, especially in secondary schools, where FACS rarely responds to ROSH cases
- Greater input from the out-of-home care team when children have education difficulties

#### Processes

- Implementation of internal FACS assessment processes in respect of responses to reports of students at risk of significant harm that are transparent and appealable
- More caseworkers in CSC's to respond face-to-face to ROSH matters
- FACS while taking a more holistic approach to ROSH as opposed to incident-based responses
- Reduction in out-of-home care placements for children once removed

#### Communication

- Enhancing communication between the Child Protection Helpline, CSC's and reporters in order to improve efficiency, effectiveness and consistency, including reduced waiting times when reporting to the Child Protection Helpline as well as ensuring availability of E-Reporting, including access for Mac users, and, more detailed, timely and active responses from FACS to educational neglect cases
- FACS initiating more case conferences/meetings with ROSH reporters
- Provision of direct phone numbers to case workers for ease of communication

#### Resourcing

- Appropriate resourcing of mental health services for children and young people in areas such as early intervention services, headspace, drop-in services and extra refuge placements for adolescents who cannot live at home

- Outreach services for vulnerable families, which might include mandated support services for families who are incapable of engaging with voluntary support services
- Practical support for families at risk (e.g. food, clothing and accommodation) so that family concerns do not escalate to being ROSH
- Increased intensive family support services e.g. PANOC, IFBS, within FACS or other Government departments, including Health
- Greater financial support (longer than 12 months) for new services in order to allow for a full and proper evaluation of their effect and impact
- Closing of service gaps in rural and regional areas
- More culturally appropriate support available for Aboriginal and Torres Strait Islander children and families
- Appropriate resourcing of post-ROSH response services, such as more refuge placements for victims of domestic violence and sexual assault while also providing extra support services to address the needs of perpetrators of domestic violence and sexual assault, with particular emphasis on services for young offenders

How these might be funded and where there are possible savings are less obvious and beyond the remit of this organisation. It is envisaged, however, that appropriate funding of many of the initiatives listed above would most likely result in fewer children and young people entering the statutory child protection system, which would likely be an overall financial benefit to the Government.

#### 11. Do you have counsellors at every school? Could you give us a breakdown of that?

Typically, all Catholic schools have a school counsellor or access to a school counsellor. Most secondary schools generally have a counsellor available at the school on a daily basis. Primary schools usually have a number of days per week on which counselling services are provided based on the size of the school and the needs of the students. Primary school counsellors are generally allocated to schools on particular days, such that they are not necessarily present at any given school on any particular day of the week. There is some flexibility at the local level swap days between schools in order to best meet the needs of the students, particularly those identified as being 'at risk'.

In addition to the school counselling service, the larger dioceses across NSW (including Sydney, Parramatta, Broken Bay, Wollongong, and Maitland-Newcastle) have Child Protection Units and Wellbeing Teams based at the diocesan Catholic Schools Office or Catholic Education Office. These units are staffed with experienced specialists and professionals who advise and assist Catholic schools to manage child protection matters and wellbeing concerns in their diocese. All smaller dioceses also have allocated staff based at the Catholic Schools Office or Catholic Education Office who are charged with overseeing child protection and wellbeing. In cases of critical incident management and in child protection matters, all dioceses have the capacity to provide adequate levels of school counselling services, as required.

12. And what criteria you use to determine whether you should have a counsellor at a school or not. It might be the number of students or whatever. Can you also give us some information about the central unit, if you like, that you run? The full scope of the resource you have in this area and where it is deployed would be useful. Any recommendations you have in relation to the more effective use of resources or what you need over and above what you already provide and the cost to you of providing that service would be useful as well.

In several dioceses across NSW, Centacare and CatholicCare organisations are externally contracted to deliver school counselling, (student wellbeing) services. Each individual Catholic Education Office or Catholic Schools Office has a formal MOU with the contracted Centacare or CatholicCare organisation in its diocese. These regions include Wollongong, Bathurst, South West NSW, Canberra and Goulburn, New England North West and Sydney. Each school counselling program has emerged in isolation and has distinct, best practice frameworks, policies and models of service provision.

All the Catholic systemic schools in these regions receive school counselling support, yet the level of support varies from school to school. In the Diocese of Wollongong, secondary schools receive nine days of school counselling support per fortnight. In primary schools in the Diocese of Wollongong, the days allocated for school counselling are largely based on need. Data is collected and analysed each year on a number of areas: presenting issues in counselling, demographics and school counsellor outputs. This data helps to inform decisions regarding the amount of school counselling support to primary schools; hence, some primary schools receive considerably more service than others.

In regions other than those listed above, the relevant Catholic Schools Office or Catholic Education Office generally appoints school counsellors internally to one or more schools based on local needs. There is not a central unit that co-ordinates this across the state.

13. Are counsellors in your terms the same as chaplains and, if not, could you provide how many chaplains you have across your area as well? Not only National School Chaplaincy Program, but self-funded as well.

Counsellors are not the same as chaplains. Chaplains in schools may provide pastoral support as part of a student wellbeing and pastoral care team, but if a student is at risk of significant harm (ROSH), the clinical skills of the school counsellor are employed to best meet the needs of the student concerned. The number of chaplains in NSW Catholic schools varies across the state. NSW Catholic schools that are recipients of funding under the National Schools Chaplaincy Program (NSCP) total 111. These are spread across the 11 NSW Catholic dioceses. In addition to this, there are likely to be local self-funded arrangements in place in many schools, but CECNSW does not have access to this information. For both the NSCP and self-funded chaplains, there is a very clear distinction between pastoral activities in the school's daily operations and the clinical role of school counsellors in child protection matters.

14. Concerns have been raised with my office about the potential parallel role of Canon Law in the operation of schools. Could you take on notice what the role of Canon Law is and whether or not and in what circumstances it empowers non-professional educators and non-professional administrators like priests and others to have a role and have authority when it comes to child protection matters and the running of schools?

In regard to the 543 systemic Catholic schools in NSW, the responsibility for the conduct and operation of the schools is with the Executive Director of Schools/Director of Education of the eleven diocesan systems operating in NSW. Each Director has delegated authority from the Bishop of the diocese to manage schools and to ensure that procedures are in place to address students' safety and wellbeing, including child protection matters. All Catholic systemic schools in NSW have publicly available professional standards and safeguarding policies and procedures.

In regard to the 45 non-systemic schools – those conducted by religious institutes – the administrative structures are established by each institute. Responsibility for child protection rests with the Principal of the school.

On behalf of the NSW Catholic schools sector, CECNSW has signed a Centralised Mandatory Reporting Memorandum of Understanding (MOU) with the Department of Family and Community Services (FACS), which means Catholic school-based mandatory reporters make their Risk of Significant Harm (ROSH) reports to the FACS Child Protection Helpline through the school principal. Nothing in the MOU precludes any personnel employed within an education setting coordinated and represented by CECNSW from reporting directly to FACS.