

21 April 2017

Memorandum

To: Contact Officer,
Legislative Council Inquiry into Students with a Disability or Special Needs in NSW
(gpscno3@parliament.nsw.gov.au)

From: Ian Baker, Director – Education Policy and Programs

Subject: CECNSW “Questions on Notice” arising from the Public Hearing held
Monday 27 March 2017 from 3pm

On Monday 27 March 2017, CECNSW together with AISNSW attended a session of the Students with Disability or Special Needs Inquiry’s Public Hearings. Commission attendees were:

- Ian Baker, CECNSW
- Geraldine Gray, CECNSW
- Tony Fitzgerald, Mater Dei Special School Camden

As highlighted in the transcript text provided to CECNSW following the hearing, the hearing resulted in a set of ‘Questions on Notice’ being identified for CECNSW response by COB Friday 21 April 2017.

Of the questions for further advice:

- 1) Two related to Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse proceedings: these questions are addressed, refer attachment 1.
- 2) One related to how the Inquiry might progress its objectives, refer attachment 2.
- 3) Three related to the ‘Arrowsmith Program’: these questions have been addressed by Sydney Catholic schools, refer Attachment 3. The Inquiry is advised that only one of the eleven NSW Diocesan School Authorities is involved with this program, being the Archdiocese of Sydney.

In addition, one question related to the 2016 Productivity Commission Report on Government Services in respect of childcare, schooling and training. The CEC secretariat has reviewed this Report. The relevant section of the Productivity Commission report is available at <http://www.pc.gov.au/research/ongoing/report-on-government-services/2016/childcare-education-and-training/school-education/rogs-2016-volumeb-chapter4.pdf>

Relevant Report data includes:

p4.9 says

Students with disability are educated in both mainstream and special schools. Nationally in 2014, the proportion of students with disability for all schools was 5.3 per cent, and significantly higher in government schools (6.1 per cent) than in non-government schools (3.9 per cent) (figure 4.2).

P4.74 supports the CECNSW statement that datasets differ

Nationally consistent data on students with disability is under development for future reporting.

...so does P4.77

Students included in the annual system reports to the Department of Education and Training. The definitions of students with disabilities are based on individual State and Territory criteria, so data are not comparable across jurisdictions.

Table 4A.31 shows how many funded students with a disability each sector (19,073 in non-govt schools, out of 67,665) and proportion (6.4% in govt schools, 4.7% in non-govt schools)

Table 4A.33 shows proportion of SWDs increasing in non-government schools (from 3.9% in 2010 to 4.7% by 2014).

With respect to this data, CECNSW notes that:

- (a) It is dated, being 2014 data (Cited in a 2016 report)
- (b) The Productivity Commission itself recognises (p 4.74) that relevant datasets differ (Mr Baker's point at the hearing) and that "data (sets) are not comparable across jurisdictions" (p 4.77)
- (c) Both CECNSW and the Productivity Commission are in agreement that jurisdictional and sector comparisons of SWD enrolment data and trends will only be possible once the Australian Department of Education and Training 'Nationally Consistent Collection of Data on School Students with Disability (NCCD)' has been fully implemented (p 4.74)

With respect Royal Commission into Institutional Responses to Child Sexual Abuse matters, the following response points are made:

- (i) The responses set out in Attachment 1 derive from one NSW Diocesan School System but are illustrative of state-wide response processes.

- (ii) All NSW Catholic schools are compliant with the School Registration provisions of section 47 (g) of the NSW Education Act 1990 being:

(g) a safe and supportive environment is provided for students by means that include:

- (i) school policies and procedures that make provision for the welfare of students, and*
- (ii) persons who are employed at the school being employed in accordance with Part 2 of the Child Protection (Working with Children) Act 2012, and*
- (iii) school policies and procedures that ensure compliance with relevant notification requirements imposed in relation to persons employed at the school by Part 3A of the Ombudsman Act 1974 and the Child Protection (Working with Children) Act 2012, and*
- (iv) maintaining a student enrolment and attendance register,*

- (iii) CECNSW is currently working with the Office of NSW Children’s Guardian consultation for the finalisation of a set of NSW ‘Principles for Child Safe Organisations’, in response to Royal Commission criteria for child-safe institutions. <https://www.kidsguardian.nsw.gov.au/child-safe-organisations> In this context, CECNSW supports the independent oversight of child protection planning by schools, noting the current involvement of NESAs, the NSW Ombudsman and the Office of the NSW Children’s Guardian.

Also CECNSW wishes to remind the Inquiry that NSW Catholic Schools are currently fully engaged with the NSW Ombudsman’s Inquiry into ‘Evidence – based behaviour management in government and non-government schools’ (Refer CECNSW submission to the current Legislative Inquiry at section 5c)

Finally, with respect to question 2 above, “how the Inquiry might progress its objectives”, the Commission restates the advice set out in section 7 of its submission that:

- i. The conduct and purpose of the separate State (SWD) and National (NCCD) data collections needs to be clarified by the Australian Education Council, refer section 3.*
- ii. The non-government schools sectors need to be included in the membership of all relevant NSW NDIS planning committees, refer section 3.3.*
- iii. Student identification data suggests that disability services access is still an equity issue for rural schools, refer section 4.4.*
- iv. The National NCCD collection is not yet reliable or robust enough to be used as a funding tool at any level of decision making, refer section 4.*
- v. The existing parent complaint processes established and oversights by NESAs should be better advised to parents by NESAs, refer section 5.*
- vi. Existing NSW Supervisor subsidy grant eligibility should be reformed so that it is based on assessed student need only, rather than on both student need and the type of school a student attends, which are the present criteria, refer section 2 - “Recommendation 4”.*

- vii. *CECNSW is of the view that additional and particular Guidelines for all NSW schools are required that will enable both schools and parents to understand the processes that must be followed and the factors to be taken into account when determining what reasonable adjustments are required to manage behaviour and whether these adjustments are reasonable or unreasonable. These proposed NSW Guidelines should assist all parties to appreciate that a school is not required to implement unreasonable adjustments, see “Disability Standards for Education 2004, Guidance Notes” at 4.2 – “making reasonable adjustments” and “no requirement to make unreasonable adjustments”, refer section 6.*

Should the Inquiry wish to further explore these matters please contact me by email ian.baker@cecnsw.catholic.edu.au

CECNSW Supplementary Questions: Royal Commission Response Matters (Attachment 1)

Truth Justice Healing Council

Diocese of Broken Bay - examination of the Church's response to child sexual abuse

STRUCTURES, POLICIES AND PROCEDURES

Safeguarding against Child Sexual Abuse: Structures, policies and procedures - (Number 8 on T/JHC Information Template)

What structures, policies and procedures are in place to safeguard against child sexual abuse in your area?

Detail information about the structure, policy, procedure or practice in place in your area	Category (structure, policy, procedure, practice, form etc)	Are there any structures, policies or procedures currently being developed?	Are there any planned?
<p>1. Dedicated CSO Child Protection Team employed with specialist child protection practitioners - The Catholic Schools has a dedicated child protection team consisting of a Child Protection Team Leader, two Child Protection Officer's and a Child Protection Administrative Assistant servicing the 44 systemic catholic schools in the Diocese of Broken Bay. The practitioners all have significant child protection experience spanning the past 30 years. The team is responsible for all areas of child protection in schools including supporting Principals in managing significant risk of harm and wellbeing concerns of students, responding to allegations against staff, managing the Working with Children Check, delivering child protection professional development to all staff, producing all child protection policies and procedures, undertaking audits under the School Review and Development process, contributing to submissions for the Royal Commission, networking and offering advice and support to other practitioners and agencies in the child protection sector.</p>	Practice	N/A	Consideration of appointing a member of staff as a "Child Safe champion" at each school to work alongside the child protection team in ensuring each school site has a safe and supportive environment for students.
<p>2. Child Protection Policies regarding Risk of Significant Harm, Allegations Against Employees and the Working With Children Check - The CSO has three dedicated child protection policies in place. The "Managing Risk of Significant Harm and Wellbeing Concerns" policy outlines the processes for responding to students at risk of significant harm under the <i>Children and Young Persons (Care & Protection) Act 1998</i>. The "Addressing Allegations of Inappropriate Behaviour By Staff" policy outlines our obligations under Part 3A of the <i>Ombudsman Act 1974</i>. The "Working with Children Check" policy documents the requirements under the <i>Child Protection (Working with Children) Act 2012</i>. There are also other related CSO policies in place such as the DSS Pastoral Care Policy, DBB Pastoral Care and Wellbeing Framework and DSS Social Media Policy which contribute to safeguarding children against sexual abuse. In 2007 a comprehensive Child Protection Resource Manual was launched for Diocesan Systemic Schools. The manual was designed to provide practical guidance to assist all school staff in fulfilling their child protection responsibilities. The manual sets out the procedures to follow for making reports to the child protection statutory authority and gives clear guidance as to how allegations of inappropriate conduct involving a staff member are to be handled.</p>	Policy	A Child Protection "weebly" is currently being developed to enhance the availability of all child protection related forms, processes, and policy documentation for staff. It will be designed to be a one-stop shop for school staff to access relevant material in relation to meeting their child protection obligations. This will replace the current Child Protection Resource Manual for Diocesan Systemic Schools which is now outdated.	N/A

<p>3. Child Protection protocols and procedures in relation to Risk of Significant Harm, Allegations Against Employees and the Working With Children Check - The CSO has a large variety of protocols and procedures in place to address all three compliance areas of child protection.</p> <p>Managing Risk of Significant Harm - The CP team provides a specialist service to schools so that Principals, School Counsellors or other school staff can consult with a Child Protection Officer to receive advice on whether a student needs to be reported to the Department of Family & Community Services (FACS) or if the threshold for risk of significant harm (ROSH) is not met, support can be provided in relation to managing the wellbeing concerns of a child or young person. Data and records are kept on all consultations and reports made to FACS via reporting forms and the CP Team ROSH database. A case management service is also provided to schools when managing serious or complex child protection cases (such as student on student abuse) whereby a child protection officer or member of the Pastoral Care & Wellbeing Team is allocated to the school to attend parent meetings, liaise with FACS/NSW Police and refer to specialist services. Chapter 16A information exchange provisions are also in place where necessary with other prescribed bodies.</p> <p>Working with Children Check (WWCC) - The CP team oversees the implementation of the Working with Children Check for the whole of the diocesan systemic school system and Catholic Schools Office. "Guidelines for Schools for the Working with Children Check" were developed in 2013 following the introduction of the new Working with Children Check scheme. These guidelines assist schools and CSO staff in determining who needs a WWCC and when they need to have a WWCC completed. Specific procedures are in place at each school in relation to managing volunteers and contractors and all exempt volunteers and contractors who do not require a WWCC are required to complete a Declaration to confirm their suitability to be engaged in child-related work. Verifications of all WWCCs are completed centrally by the CSO Human Resources Team and a spreadsheet and database records are maintained of cleared and barred persons. Classification of all CSO positions occurred in 2016 and certain positions were approved to be "deemed" child related work by the Office of the Children's Guardian.</p> <p>Allegations Against Employees - The CP Team is responsible for handling all allegations of reportable conduct against employees. Schools are required to report all matters directly to the Child Protection team. When an allegation amounts to a reportable conduct concern the CP Team is responsible for conducting the workplace investigation. For exemption matters, Principals are provided with support to complete the investigation with oversight from the CP Team. Specific Head of Agency protocols are in place for managing allegations against employees including not in jurisdiction matters, exemption matters and reportable conduct matters. Standard templates, forms, flowcharts, support documents and checklists are in place including risk assessment forms, investigation plans, jurisdiction determination form, investigation report, template letters and guidesheets. All matters are recorded on the Head of Agency Child Protection database, including "intelligence" matters which may include historical reports of sexual abuse.</p>	<p>Protocols and procedures</p>	<p>N/A</p>	<p>In recognition of the limited involvement that the CSO has in place for allowing meaningful contributions from children and young people in the development of practices that affect them, further programs (in conjunction with the Pastoral Care & Wellbeing Team) are to be developed that allow for the voice of the student to be heard more prevalently.</p>
<p>4. Training for employees and professional development for CP practitioners - the Child Protection team has a detailed professional development strategy in place to train all school and CSO staff. The model, also aligned with the School Review and Development Program allows for schools who are on external review (approximately 8 per year) to receive two, 1.5 hour face to face sessions regarding "Promoting Child Safety - Managing Risk of Significant Harm Concerns" and "Promoting Child Safety - Allegations Against Employees". Schools who are on self review (approximately 7 per year) receive a 45 minute face to face upskilling session on a child protection related topic relevant to their school. Upskilling sessions include, 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 & 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. The remaining schools (29 schools) complete two online modules of SALT compliance training in relation to Child Protection. Essentially this equates to all 44 schools in the Diocese completing some form of child protection training annually. In addition orientation sessions held for all new school staff to the Diocese are held at the commencement of each school year in regards to an overview of child protection responsibilities in relation to managing risk of significant harm and allegations against employees. Child protection presentations are also provided to Catholic Schools Office "field" staff and leadership on an as needs basis.</p> <p>Child Protection Practitioners are also actively engaged in annual professional development opportunities addressing the complex area of child sexual abuse and creating child safe organisations including attending conferences, symposiums and presentations by imminent international experts such as Monica Applewhite and Ian Elliott and prominent Australian presenters such as Gerard Webster.</p>	<p>Practice</p>	<p>N/A</p>	<p>A more comprehensive professional development approach for volunteers in schools is required.</p>
<p>5. Recruitment and screening processes - The Catholic Schools Office have in place comprehensive recruitment practices to assist the CSO being a child safe organisation. Child related job advertisements pronounce the requirement for preferred applicants to be subject to child protection screening. Application forms for all prospective employees ask specific questions in relation to any history of applicants being subject to child protection investigations. Requirements in relation to the recruitment and selection of school staff are outlined in the "Recruitment and Selection of Teaching and General Employees" Guidelines for Principals. All staff in child-related work require a Working with Children Check and before appointment specific child protection questions must be asked of referees (former employer) before proceeding with any offer of work. Any issues highlighted in the recruitment process are referred to the Child Protection team for further assessment.</p>	<p>Policy and procedures</p>	<p>N/A</p>	<p>A more thorough and streamlined induction process for casuals, volunteers and other new staff is in the process of being considered in conjunction with Human Resource Services at the Catholic Schools Office.</p>

<p>6. School Review and Development program - The purpose of the School Review and Development program is to provide support to diocesan systemic schools to ensure compliance with regulatory requirements and to provide the framework for self-evaluation and school development under the NSW Education Act 1990 which is administered by BOSTES.</p> <p>Schools involved in either a Tier 2 self-review or an external panel review are reviewed by the CSO Child Protection Officer in a formal way. The CSO Child Protection Officer will:</p> <ul style="list-style-type: none"> - check that the school's Staff Handbook contains sections outlining procedures for: <ul style="list-style-type: none"> - handling allegations against staff of inappropriate behaviour towards children - mandatory reporting students at risk of significant harm - employment screening requirements for paid staff, external service providers and volunteers - check that the Child Protection Resource Manual (including the Professional Guidelines for School Staff in their Relationships with Students) and all Child Protection policies are accessible in hard or soft copy to all staff - check that the Parent Handbook contains a section informing parents of the school's child protection responsibilities - ensure that all schools have available, in their reception areas, a pamphlet for parents explaining to the community what the school does in terms of meeting legal child protection responsibilities - ensure that staff induction manuals/packages outline child protection procedures and refer to key documents such the Child Protection Resource Manual and the Professional Guidelines for School Staff in their Relationships with Students. - sight any school based CP PL records - check that the School Principal maintains confidential student records involving risk of significant harm or wellbeing concerns in a lockable, restricted access filing cabinet - check that appropriate Working With Children Check documents are collected at the school for all external service providers and volunteers and that their details are recorded in a database - check samples of teacher personnel files for evidence of Working With Children Check clearance and referee checking. 	Procedure	N/A	N/A
<p>7. Compliance reporting and data analysis - The CSO Child Protection team prepares annual compliance reports for the CSO Director's Group providing statistics and analysis relating to allegations against employees, reports relating to risk of significant harm and wellbeing concerns and professional learning. These reports help to identify anomalies in expected reporting from schools, potential gaps in knowledge and understanding of child protection requirements, as well as other emerging trends/issues which may need to be addressed.</p>	Practice	N/A	N/A
<p>8. Professional Networking - The CSO Child Protection practitioners are actively involved in regular professional networking meetings with external stakeholders including the NSW Ombudsman Office, NSW Office of the Children's Guardian, Department of Family & Community Services, NSW Police Child Abuse Squad, Catholic Education Commission of NSW, Catholic Commission for Employment Relations, NSW Department of Education and other non-government agencies. The networking allows for collaborative relationships to be built and contributions made to specific affairs that affect practice in the greater child protection sector (for example input into the review of the FACS Mandatory Reporter's Guideline and the NSW Ombudsman's Defining Reportable Conduct definitions). The Child Protection Team Leader is the current Chair of the NSW Catholic Systemic Schools Child Protection Practitioners Group. The group was established by the Conference of Diocesan Directors of Education NSW & ACT to provide advice on policy and operational matters pertaining to child protection and enable networking and support for Catholic Education Offices and Catholic Schools Offices child protection officers.</p>	Practice	N/A	N/A
<p>9. Internal communication and relationship building - Continual communication and relationship building occurs with schools, CSO staff and other diocesan agencies, in relation to policy, practice and developments regarding child protection. This is facilitated through regular submissions in the weekly school newsletter to Principals and CSO staff and via face to face presentations at network meetings with Principals, Assistant Principals, Senior Admin Officers, Directors Group, Pastoral Care & Wellbeing staff, and Chancery Safeguarding, etc. The constant communication and development of relationships allows for trust to be built between the schools/CSO staff/Diocesan agencies and the Child Protection Team and ensures that child protection is always at the forefront of stakeholders minds, resulting in an enhanced child safe culture within the organisation.</p>	Practice	N/A	N/A

<p>10. Responding to historical disclosures/claims of child sexual assault - Matters are either reported directly to the Catholic Schools Office or via contact with a school. Matters are immediately referred to the CSO Child Protection Team and Office of the Director for review. Consultation occurs in the first instance with the Chancery (Office for Chancery Services, Safeguarding) for advice and direction. Depending on the circumstances, case management will either be immediately handed over to the Office for Chancery Services, Safeguarding unit or the CSO Child Protection Team will have initial case management with oversight from Safeguarding, Office for Chancery Services. In circumstances where the CSO Child Protection Team carry the case management role, initial contact is made with the victim and where possible a meeting arranged to see what supports can be extended to the victim in terms of; police reporting obligations (noting no blind reports can be made); explaining the Towards Healing process including options for financial claims; exploring what pastoral support is required such as a formal apology from the Church; advising of rights in relation to legal support available; offering specialist counselling referrals and contact numbers for victim support groups; informing the victim of any investigation which may be required; and hearing the details of the abuse if the victim feels ready to disclose the information.</p>	Procedure	N/A	N/A
<p>11. Referrals to specialist services - Where there is an identified need, for example when a student requires specialist treatment for problematic sexualised behaviour due to peer on peer abuse, referrals are facilitated to prominent private practitioners who specialise in this area. Schools work with the family to ensure that support is appropriate and the needs of the student engaging in such behaviour is addressed. Victims of sexual abuse are able to access the school counselling service for generalised counselling or can also be referred to specialist services either through the Department of Family & Community Services and/or JIRT or directly through the CSO Child Protection Team or Pastoral Care & Wellbeing Team.</p>	Practice	N/A	N/A
<p>12. Curriculum - Broken Bay diocesan schools follow the NSW Board of Studies syllabuses. In particular the content addressing child safety and protective behaviours is part of the K-6 Personal Development, Health Education and Physical Education (PDHPE) and 7-10 PDHPE syllabuses which all schools in NSW are required to implement. In Years 11 & 12 the PDHPE syllabus is an elective course. The aim of child protection education programs is to assist students in developing skills in recognising and responding to unsafe situations, seeking assistance, establishing and maintaining relationships and strengthening attitudes and values related to equality, respect and responsibility. Schools explore the concept of recognising abuse in many ways such as physical, verbal, emotional and sexual abuse within the contexts of personal safety, resilience, bullying, cyber safety, violence, protective strategies, power in relationships and sexual harassment. In Years K-6 the CSO Broken Bay has developed sample units in PDHPE (based on the NSW syllabus) to support schools to implement the PDHPE syllabus which includes child safety programs in each stage of learning. In addition, the NSW Catholic Education Commission has produced "Towards Wholeness" K-6 and Towards Wholeness 7-10 which provide a Catholic perspective on the NSW PDHPE syllabuses. Schools may also utilise the services of external providers such as Interrelate or national curriculum available through the Office of the e-Safety Commission on "sexting" for example, to enhance the curriculum offered in child safety.</p>	Policy	N/A	It is intended that a review will occur of curriculum's or programs currently available nationally in the area of "protective behaviour" to determine a future approach on how this specific curriculum should be delivered in Broken Bay systemic schools in the long term.
<p>13. Code of conduct - In 2008, the Catholic Schools Office developed guidelines entitled "Professional Guidelines for School Staff in their Relationships with Students" for both teaching and support staff to assist in defining professional boundaries and acceptable practices in relation to interactions with students. These guidelines are still in place and actively promoted as the code of conduct that all school staff must adhere to. The guidelines provide information on appropriate and inappropriate behaviour in key areas of professional practice including communication with students, physical contact with students, student management and care and maintaining professional boundaries. These guidelines are typically distributed to all school staff at the beginning of every school year, provided as a resource when training is delivered, and in addition hard copies of the Guidelines must be kept in an accessible location at every school site (eg in the staff room). School staff are also expected to read and sign off that the Guidelines are understood when they undertake SALT online compliance training.</p>	Guidelines	In 2013, the Catholic Systemic Schools Child Protection Practitioners Group under the auspices of the Conference of Diocesan Directors of Education NSW and ACT (CDD) released a new code of conduct entitled "Guidelines for Professional Conduct in the Protection of Children and Young People". The Guidelines promote a common understanding of expected behaviour for all people working in or providing services in Catholic Systemic Schools. A review of the existing "Professional Guidelines for School Staff in their Relationships with Students" document and the newly created "Guidelines for Professional Conduct in the Protection of Children and Young People" is being undertaken with a view to updating the existing Guidelines where necessary.	N/A

Safeguarding Measures since the Royal Commission commenced - (Number 9 on the TJHC Information Template)

What Safeguarding Measures have you introduced into your area of responsibility since the Royal Commission (January 2013) in relation to professional standards?

Detail information about the measure introduced	Date measure introduced	Are there any measures currently being development?	Are there any planned?
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<p>Improved Professional Development strategy - By 2013 mandatory professional development for all school employees was delivered on a 5 yearly basis (aligned with the School Review & Development program) which consisted of two, 1.5 hour face to face sessions regarding "Promoting Child Safety - Managing Risk of Significant Harm Concerns" and "Promoting Child Safety - Allegations Against Employees". These sessions were in addition to Orientation sessions held for all new school staff to the Diocese which consisted of an overview of child protection responsibilities in relation to managing risk of significant harm and allegations against employees held at the commencement of each school year. In 2015 a new professional development strategy was launched in recognition of the need to increase training to all school employees regarding their child protection responsibilities. The new model, also aligned with the School Review and Development Program allows for schools who are on external review (approximately 8 per year) to receive two, 1.5 hour face to face sessions regarding "Promoting Child Safety - Managing Risk of Significant Harm Concerns" and "Promoting Child Safety - Allegations Against Employees". Schools who are on self review (approximately 7 per year) receive a 45 minute face to face upskilling session on a child protection related topic relevant to their school. Upskilling sessions include, 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 & 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. The remaining schools (29 schools) complete two online modules of SALT compliance training in relation to Child Protection. Essentially this equates to all 44 schools in the Diocese completing some form of child protection training annually. In addition orientation sessions held for all new school staff to the Diocese are held at the commencement of each school year in regards to an overview of child protection responsibilities in relation to managing risk of significant harm and allegations against employees. Child protection presentations are also provided to Catholic Schools Office "field" staff and leadership on an as needs basis.</p>	Jan-15	N/A	Rolling out of SALT online compliance training to all CSO staff deemed in child-related work.
<p>Increased Child Protection personnel - Since the inception of the Broken Bay diocese, the number of personnel within the child protection team at the Catholic Schools has fluctuated up and down. In 2013 there was the equivalent of one full-time Child Protection Officer and one full-time Child Protection Administrative Assistant. By January 2014 there was recognition of the need for additional personnel to meet the growing demands of child protection work generated by the 44 systemic schools within the diocese. This resulted in an additional 0.4 Child Protection Officer position being created. By June 2014, this additional position was increased to 0.6 (temporary). In May 2016, another additional 0.6 Child Protection Officer (temporary) position was created to again meet the ongoing work load. Therefore the current configuration of the Catholic Schools Office Child Protection Team includes the following personnel: 1 x 1.0 Child Protection Team Leader, 2 x 0.6 Child Protection Officers and 1 x 1.0 Child Protection Administrative Assistant, to service the 44 catholic systemic schools in the Diocese of Broken Bay.</p>	Jan-14	N/A	N/A
<p>Cross analysis of data - The child protection team produces annual compliance reports for the Directors Group which breaks down data in relation to reported allegation matters and consultations in regards to risk of significant harm concerns at each school. This data is then cross-analysed to identify any school who is not making contact with the CSO Child Protection Team in either area. Schools who have zero or low reporting rates are targeted for further professional development and communication from leadership to ensure they are meeting their child protection legislative obligations.</p>	Jun-13	N/A	N/A
<p>Review of all CSO Child Protection Cases - At the commencement of the Royal Commission, the diocese engaged an independent reviewer to examine all child protection files to ensure that all matters within the scope of the Royal Commission had been handled appropriately and to identify any outstanding issues which needed to be addressed, for example flagging any cases where police reports should be made but hadn't. As a result of the review any outstanding action identified was since completed.</p>	Jan-13	N/A	N/A
<p>Document search - At the commencement of the Royal Commission a memo was sent to all schools by the Director of Schools which required all schools to complete an extensive search of all files held at each school site. The purpose of the document search was to identify any possible past child protection matters which may have not been dealt with properly or dealt with without reference to the Catholic Schools Office. Any relevant documents were required to be sent to the Catholic Schools Office for review and action.</p>	Jan-13	N/A	N/A

Post Investigation Governance - The Child Protection Team in consultation with the Office of the Director created a new process to ensure that recommendations which are identified within reportable conduct matters are followed through with. The process involves a report being generated for the Director of Schools on a bi-annual basis. The report lists all recommendations made by the Child Protection Team/Investigator in any allegation matter (including not in jurisdiction, exemption and reportable allegations) and assigns responsibility for action to be undertaken. Evidence of the recommended actions having been implemented by the school or CSO must be added to the investigation file and signed off by the Director of Schools to ensure compliance.	Jun-14	N/A	N/A
CSO website - In 2014 the new Diocese of Broken Bay Community of Catholic Schools Office website was launched. The new website publishes specific information in relation to child protection and also publishes all relevant child protection policies.	2014	N/A	N/A
Screening of exempt people - As part of the overall child safe approach for schools, all schools are required to ensure that exempt individuals and contractors defined under the Child Protection (Working with Children) Act 2012, complete a declaration confirming they are not a prohibited person. This is used as an extra measure to ensure suitable people volunteering or working in schools are safe.	2013	N/A	N/A
Truth Justice and Healing Council - Throughout the Royal Commission, the Catholic Schools Office has actively contributed (along with the rest of the Broken Bay diocese) to and responded to requests by the Truth Justice Healing Council following invitations by the Royal Commission for input and feedback in relation to practices in place or ideas for improved process in relation to being a child safe institution.	2013	N/A	N/A
Activity in the Royal Commission - Since the commencement of the Royal Commission, the Catholic Schools Office has consistently reviewed activity in the Royal Commission by having standing agenda items at relevant meetings including the NSW Catholic Systemic Schools Child Protection Practitioner Group and the Diocese of Broken Bay Child Protection Head of Agency meetings with a view to ensuring all structures, policies, procedures and practices in place to safeguard children against child sexual abuse in schools are up to date and relevant.	2013	N/A	N/A
Professional Development - Child Protection Practitioners participated in relevant professional development opportunities addressing the complex area of child sexual abuse and creating child safe organisations including attending conferences, symposiums and presentations by eminent international experts such as Monica Applewhite and Ian Elliott and prominent Australian presenters such as Gerard Webster.	2013	N/A	N/A
NSW Catholic Systemic Schools Child Protection Practitioner Group - As a member of this group, the Broken Bay CSO Child Protection Practitioners contributed to special projects initiated by the Catholic Systemic Schools Child Protection Practitioner Group. The first project involved the development of an audit tool designed to allow the different Church agencies to audit their compliance with appropriate safeguarding and child protection approaches to safety. The second project involves the development of Safeguarding Leadership training designed to be delivered to the leadership of the Catholic Schools Office and Catholic Systemic Schools outlining detailed content relating to child protection.	2015	The roll out of both the Safeguarding Audit tool and Safeguarding Leadership training is due to occur later in 2016.	N/A
Updated policies & procedures - The existing child protection policy was replaced with three stand alone child protection policies including the Diocesan Systemic Schools Addressing Allegations of Inappropriate Behaviour by Staff, Managing Risk of Significant Harm & Wellbeing Concerns and Working with Children Check. Procedures relating to the Selection and Recruitment of Teachers was also reviewed and questions regarding child protection requirements were tightened including the need for applicants to disclose information relating to previous reportable conduct matters and referee questions requiring disclosure of information relating to any risk posed by applicants needing to be revealed.	Nov-14	N/A	N/A
What Safeguarding Measures have you introduced into your area of responsibility since the Royal Commission (January 2013) in relation to pastoral care of victims?			
Detail information about the measure introduced	Date measure introduced	Are there any measures currently being developed?	Are there any planned?
Continued to initiate appropriate referrals to specialist counselling support services for sexual abuse victims or those engaging in problematic sexualised behaviour where the school counselling service was not appropriate or the victim involved was now an adult (usually at the expense of the Catholic Schools Office).	2013	N/A	N/A

Participation in "Royal Commission" information meetings which allowed employees and the wider Diocesan community to openly discuss their feelings in regards to child sexual abuse in the Catholic Church.	2014	N/A	N/A
Provided feedback regarding the pre-release of "A priest in the family" film (sponsored by the Diocese of Broken Bay) which deals with secondary victims of child sexual abuse so that the launch of the film was sensitive to the needs of all stakeholders.	2014	N/A	N/A
Expanded the celebration of National Child Protection Week in September each year by ensuring all schools acknowledge and participate in at least one small activity to raise awareness of child abuse.	2013	N/A	<p>In 2015 schools were encouraged to participate in the national online survey for students between 10 – 18 years which aimed to better understand how children and young people conceptualise safety and how they think institutions should, and do, respond to their safety needs. The survey was conducted by the Institute of Child Protection Studies at the Australian Catholic University and commissioned by the Royal Commission into Institutional Responses to Child Sexual Abuse.</p> <p>In 2016, there are plans to be involved in a joint project with the Department of Family & Community Services on the Central Coast who are organising an art exhibition for school children regarding "At the Heart of the Matter - Keeping Kids Safe"</p>

GOVERNANCE AND PERSONNEL MANAGEMENT

Non-ordained lay people (especially women) - (Number 11 on TJHC Information Template)				
To what extent are lay people, particularly women, actively involved in governance and management activities in the diocese?	What roles do these lay people have within the diocese?	When did the role/s commence?	Are there any developments in progress in this area?	Are there any planned?
The CSO and schools have approximately 50:50 representation of men and women in leadership roles.	School Principals, Heads of Service (CSO), Assistant Director, School Board members.	This distribution has been consistent for at least the past 5 years.	N/A	N/A

Culture
Do you think that the culture of your area of responsibility has changed, since the start of the Royal Commission (January 2013) ?
The Catholic Schools Office takes the responsibility to protect children seriously. All staff are expected to promote child safety by having a clear understanding of their legal child protection responsibilities and act in accordance with those responsibilities. Since the commencement of the Royal Commission there has been an increased awareness of the importance of these responsibilities and a genuine desire from leadership to learn from the failures in the past so that past mistakes are not repeated.
If so, why? And how has it changed?
The commitment at both the Catholic Schools Office level and school level to this approach has been enhanced since the commencement of the Royal Commission and as a result the culture has moved to one where child protection is embedded in everything we do. This is evidenced by the new and updated structures, policies, procedures and practices which have been put in place since the Royal Commission was announced.

LITIGATION, SETTLEMENTS AND POLICIES FOR DEALING WITH PERPETRATORS - CHILD SEXUAL ABUSE

Approach to claims for child sexual abuse - (Number 12 on TJHC Information Template)		
Describe the approach you take to claims for child sexual abuse	Are there any developments in progress in this area?	Are there any planned?
Matters are either reported directly to the Catholic Schools Office or via contact with a school. Matters are immediately referred to the CSO Child Protection Team and Office of the Director for review. Consultation occurs in the first instance with the Chancery (Office for Chancery Services, Safeguarding) for advice and direction. Depending on the circumstances, case management will either be immediately handed over to the Office for Chancery Services, Safeguarding unit or the CSO Child Protection Team will have initial case management with oversight from Safeguarding, Office for Chancery Services. In circumstances where the CSO Child Protection Team carry the case management role, initial contact is made with the victim and where possible a meeting arranged to see what supports can be extended to the victim in terms of; police reporting obligations (noting no blind reports can be made); explaining the Towards Healing process including options for financial claims; exploring what pastoral support is required such as a formal apology from the Church; advising of rights in relation to legal support available; offering specialist counselling referrals and contact numbers for victim support groups; informing the victim of any investigation which may be required; and hearing the details of the abuse if the victim feels ready to disclose the information.	N/A	N/A

LITIGATION, SETTLEMENTS AND POLICIES FOR DEALING WITH PERPETRATORS - CHILD SEXUAL ABUSE

Child Sexual Abuse - Perpetrators - How does the Diocese of Broken Bay manage these persons - (Number 15 on TJHC Information Template)				
Category of person	What is your policy?	How are these persons managed?	Are there any developments in progress in this area?	Are there any planned?
Convicted	Persons convicted of a child sexual assault offence would be subject to the Diocesan Systemic Schools Addressing Allegations of Inappropriate Behaviour by Staff policy (November 2014) and the Working with Children Check policy (November 2014).	If a person becomes convicted of a child sexual assault offence, the person would be subject to a reportable conduct investigation as per the NSW Ombudsman scheme and would either have their WWCC cancelled as per the Child Protection (Working with Children) Act 2012 or be subject to a bar on their WWCC and as a result would be immediately removed from undertaking any child related work.	N/A	N/A
Substantiated Claim civil/internal	Current employees are subject to the Diocesan Systemic Schools Addressing Allegations of Inappropriate Behaviour by Staff policy (November 2014).	Following the outcome of a reportable conduct investigation as per the NSW Ombudsman scheme, a person who has had a substantiated finding of Sexual Misconduct or Sexual Offence, has their name reported to the NSW Office of the Children's Guardian. If the result of the notification is that the person is given a bar or interim bar on their WWCC, the person is immediately removed from child related work. However other disciplinary action may have already occurred prior to the decision by the NSW Office of the Children's Guardian depending on the seriousness of the matter. For instance the person may have already had their employment terminated or have been moved out of child related work at the initiative of the Catholic Schools Office.	N/A	N/A
WWCC Bar	Current employees are subject to the Diocesan Systemic Schools Addressing Allegations of Inappropriate Behaviour by Staff policy (November 2014) and the Working with Children Check policy (November 2014).	An employee subject to a bar on their WWCC is immediately removed from child related work. The options available to the Catholic Schools Office are: dismiss the worker, suspend the worker from child related work pending the outcome of an appeal, or transfer them to non-child related work at the Catholic Schools Office.	N/A	N/A
Assessed as high risk	Current employees are subject to the Diocesan Systemic Schools Addressing Allegations of Inappropriate Behaviour By Staff policy (November 2014).	If an employee has been subject to a risk assessment at the end of a reportable conduct investigation and they have been assessed as being a high risk, a number of provisions can be put in place to manage the ongoing risk if the person remains in a child related role. These options can include increased supervision and monitoring, being placed on a performance management plan, restriction or removal of certain duties, training or specialist support.	N/A	N/A

Substantiated perpetrator - Child on Child abuse	Managing Risk of Significant Harm and Wellbeing Concerns policy (November 2014).	Students who exhibit sexually abusive behaviour are reported to the NSW Department of Family & Community Services (FACS) as a child or young person who is at risk of significant harm. The Catholic Schools Office Child Protection Team and Pastoral Care & Wellbeing Team case manage the matter in conjunction with the statutory authority (FACS or JIRT - Joint Investigation Response Team) and/or NSW Police Child Abuse Squad (CAS). Risk management strategies are put in place at the school level (for example, restrictions on the playground or moving students to different classes) and referrals to specialist counselling services are initiated where necessary to support both the victim and student engaging in the sexually abusive behaviour. On some occasions it is necessary to ask the student who has engaged in sexually abusive behaviour to leave the school.	N/A	N/A

CECNSW Supplementary Questions: “Going Forward” (Attachment 2)

1. Background

In order to respond to questions posed during our hearing we would first like to remind the committee of the statistics reported in our CECNSW submission to the Inquiry. That is, attention is drawn to:

- Sections 1.2, 1.3 and 1.4. NSW Catholic Congregational and Special school enrolments.
- Section 1.8. Detailed figures and definitions for enrolment of students with Disability identified by the AGDET School’s census (State criteria and NCCD criteria)
- Section 4.2 Data arising from State and Commonwealth collections

In response to the request; “as to what needs to be done to improve the disability area going forward?”: CECNSW reminds the Inquiry of the following summary recommendations as noted in our submission....

2. Understanding Data Collections

- a. The conduct and purpose of the separate State Students with Disability (SWD) and National Comparable Collection of Data (NCCD) collections needs to be clarified by the Australian Education Council, refer section 3.

As in 2010 the requirement of the Australian Government Department of Education and Training (AGDET) for the recognition of a NSW student as eligible for funding as a student with a disability continues to be based on the requirements of the New South Wales Department of Education (<http://www.schools.nsw.edu.au/studentssupport/programs/disability.php>)

Since 2014 schools now also collect data to show how they meet adjustment requirements under the Disability Discrimination Act (DDA) and Disability Standards for Education (DSE) through the National Comparable Collection of Data (NCCD)

- b. NCCD implementation is an Australian Education Act (2013) and Regulation requirement. The NCCD applies the disability definition found in the Disability Discrimination Act 1992, which is a broad definition of disability, and can include students with mild medical impairments, as well as learning and impulsive behavioural difficulties. On average only one third of students identified by the application of NCCD criteria are also identified applying State SWD criteria.

The NCCD process requires both an understanding of DDA requirements and an analysis of each student’s adjustments for learning.

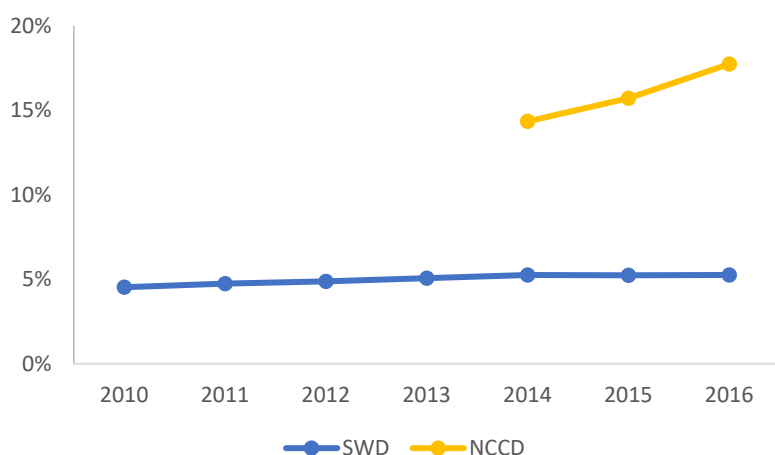
The following NCCD student information is collected for each child/student:

- i. The level of adjustment provided;
- ii. Number of students receiving each level of adjustment to participate in education on the same basis as other students; and
- iii. The student's type(s) of disability

Since 2010, the proportion of students identified as SWD has shown a small increase but remains relatively static. The change from 4.5% of total enrolments in 2010, to 5.2% in 2016 is a modest increase of less than 1% in six years.

In contrast, in the year from 2015 (the first year of full participation) to 2016, students identified under the NCCD definition have increased from 14.3% to 17.7%. This 3.4% increase is triple that of the SWD growth.

Figure 1: Growth in NCCD students vs SWD students as a percentage of total enrolments



- c. The above-cited data suggests that the minimum proportion of the school age population requiring disability support is 5% of all students.

CECNSW also further notes that the National NCCD collection is not yet reliable or robust enough to be used as a funding tool at any level of decision making.

3. Promoting Further Reform

When considering how the enquiry might progress its objectives, CECNSW highlights the following advice:

- i. The non-government schools sectors are not currently included in any NSW planning committees in regard to NDIS implementation and depend on briefings from the NSW Department of Education for updates and briefings. The non- government sector appreciates the support of the NSW Department of Education but believes that non-government schools need to be included in the membership of all relevant NSW NDIS planning committees.
- ii. CECNSW is of the view that additional and particular Guidelines for all NSW schools are required that will enable both schools and parents to understand the processes that must be followed and the factors to be taken into account when determining what reasonable adjustments are required to manage behaviour and whether these adjustments are reasonable or unreasonable. These proposed NSW Guidelines should assist all parties to appreciate that a school is not required to implement unreasonable adjustments, see “Disability Standards for Education 2004, Guidance Notes” at 4.2 – “making reasonable adjustments” and “no requirement to make unreasonable adjustments”, refer section 6 of the CECNSW submission.
- iii. CECNSW restates that the existing parent complaint processes established and oversights by NSW Education Standards Authority (NESA) should be better advised to parents by NESA.
- iv. Existing NSW Supervisor subsidy grant eligibility should be reformed so that it is based on assessed student need only, rather than on both student need and the type of school a student attends. The existing NSW Supervisor Subsidy Grant is still only available to students with Autism or a moderate to profound intellectual disability who are enrolled in a recognised special school. This Grant should be applied to all students, regardless of their school of attendance, who require substantial and extensive adjustments as identified through the NCCD process.
- v. CECNSW would support the formation of a cross sector special education group to advise school communities with respect to the use of evidence-based research in both initial teacher education disability support courses and related professional learning for teachers and Principals, including both elearning training and face-to-face professional development.

CECNSW Supplementary Questions: Arrowsmith Program (Attachment 3)

PORTFOLIO COMMITTEE NO 3 - EDUCATION

INQUIRY INTO EDUCATION FOR STUDENTS WITH DISABILITY OR SPECIAL NEEDS IN NEW SOUTH WALES SCHOOLS

HEARING: MONDAY 27 MARCH 2017 Answers to be returned to the Committee secretariat by Friday
21 April 2017

Supplementary questions for the Catholic Education Commission NSW

1. How many Catholic Education Commission NSW schools run, participate in or support the provision of the Arrowsmith Program?

Sydney Catholic Schools operates as a systemic school authority within the Archdiocese of Sydney. Sydney is the only NSW diocese currently offering the Arrowsmith Program for students with complex learning disorders.

Arrowsmith classes operate on the following Sydney Catholic Schools sites:

- One Secondary Arrowsmith class at Casimir Catholic College, Marrickville
- Two Primary classes - one class at Holy Innocents' Catholic Primary School Croydon, the other class at Sacred Heart Catholic Primary School, Mosman
- A part-time, after school hours Arrowsmith Program is offered at the Eileen O'Connor Catholic College, Lewisham. Students attend this program for four hours a week. These students are all full-time students enrolled at various Sydney Catholic Schools, Independent Schools or NSW Department of Education Schools.

Unlike the Canadian implementation model, students in the classes at Marrickville, Croydon and Mosman are enrolled in the mainstream school on the respective school site. They participate in Arrowsmith classes for part of the day and then join their age cohort to engage in curriculum that complies with New South Wales Educational and Standards Authority (NESA) requirements.

No State Literacy and Numeracy Strategy funds are used to implement the Arrowsmith program within Sydney Catholic Schools. Program costs are met by families paying a course fee to Arrowsmith in Canada, in addition to the payment of Sydney Catholic Schools' school tuition fees.

2. *How many dioceses run, participate in or support the provision of the Arrowsmith Program?*

Sydney is currently the only NSW diocese to offer the Arrowsmith Program.

3. *How many students in Catholic Education Commission NSW schools participate in the Arrowsmith Program?*

A total of 58 students participate in the Arrowsmith Program during school hours on mainstream school sites, and a further 17 students participate in a part-time after hours program at Lewisham.

Recognising that acceptance of enrolment into Arrowsmith classes within Sydney Catholic Schools, can occur at any time throughout the school year, as at 13/4/2017 the number of students participating in the Arrowsmith Program at each school site is as follows:

- Casimir Catholic College, Marrickville – 17 students
- Holy Innocents' Catholic Primary School, Croydon – 18 students
- Sacred Heart Catholic Primary School, Mosman – 23 students
- Eileen O'Connor Catholic College, Lewisham (part-time after hours program) - 17 students

4. *What steps have been taken by the Catholic Education Commission or any dioceses to assess the effectiveness of the Arrowsmith Program?*

At the conclusion of the first (pilot) year of offering the Arrowsmith Program in Sydney Catholic Schools, an external evaluation was conducted. This was facilitated by an Australian Catholic University academic. The results of the evaluation indicated that the program was having a beneficial effect on students: educationally, personally and socially.

Specifically, the evaluator noted that the Arrowsmith Program, had made a positive educational and social difference to the lives of students who had previously not experienced success in academic tasks and had difficulties in other aspects of their functioning. The evaluator also commented that parents of the students enrolled in this inaugural Sydney Catholic Schools Arrowsmith class, had investigated and trialled many intervention programs for their children. These interventions in many cases, represented significant costs to families and were ultimately unsuccessful.

In the pilot program evaluation, feedback from parents was positive, with reports of clear improvements in their children's basic day to day life skills and personal development. Growth in self confidence and sense of independence was also experienced by the students and observed by teachers, school counsellors and parents.

On the basis of these findings, Sydney Catholic Schools has continued to provide the Arrowsmith Program for students who meet the program's selection criteria. It has expanded the program to include two Primary classes and a part-time after hours class. Over the period 2013-2017, operational adjustments to the implementation model, have been made in light of feedback from key stakeholders.

Sydney Catholic Schools has a commitment to continuous improvement of programs offered to support students with diverse learning needs. Therefore regular monitoring of students' growth is an important part of students' engagement with the Arrowsmith Program.

Student performance data related to mastery of the Arrowsmith cognitive exercises is collected and regularly remitted to Arrowsmith Canada for analysis and feedback. Additionally, achievement and growth in students' mainstream classes is assessed and tracked by way of students participation in the National Assessment Program and other assessments.

From 2017, a variety of diagnostic instruments will be integrated into the assessment of Arrowsmith students in order to gauge the impact the program is having on students' academic attainment, perseverance capacity and overall wellbeing.

Other aspects of the program will be formally reviewed as required.

5. *What advice has been provided by the Catholic Education Commission to dioceses or schools regarding the Arrowsmith Program?*

CECNSW has not been involved with Arrowsmith Program participation or advice.