

**IN THE MATTER OF
THE BOARD OF INQUIRY
INTO HISTORICAL CHILD SEXUAL ABUSE IN BEAUMARIS PRIMARY SCHOOL
AND CERTAIN OTHER GOVERNMENT SCHOOLS**

Witness Statement of Kate Rattigan

Deputy Secretary, People and Executive Services

I, **Kate Rattigan, Deputy Secretary, People and Executive Services**, Department of Education (**DoE**), say as follows in response to the Notice to Produce a Statement issued by the Board of Inquiry (**the Inquiry**) and dated 16 October 2023:

A. CURRENT ROLE

1. As Deputy Secretary, People and Executive Services, I am currently responsible for the following 7 divisions:
 - (a) Communications Division
 - (b) Integrity, Assurance and Executive Services Division
 - (c) Operational Policy, School Engagement and Compliance Division
 - (d) People Strategy and Operations (Victorian Public Service (**VPS**)) Division
 - (e) Legal Division
 - (f) Employee Safety, Wellbeing and Inclusion Division
 - (g) Newly established Child Safeguarding Reform Division (since 25 September 2023).
2. My role spans numerous areas of responsibility. I am on the Executive Board of the DoE, and I am accountable for the work of the divisions within my group. This work is carried out by the executives, leaders, managers and staff in the group, through the delegations, authorisations, management structures, frameworks and plans that are in place. There are currently 9 Executive Directors in the People and Executive Services group, who report directly to

me, and 21 Directors who report to those Executive Directors. The functions that sit with the Executive Directors and Directors are supported by VPS staff who have a range of corporate and operational responsibilities, in the service of more than 1500 schools, over 85,000 government school staff, and various regional office and central functions. In total there are more than 700 staff in the People and Executive Services group.

B. WORK HISTORY

3. My work history at the DoE is set out in my resume, which is attachment **KR-1** to this statement.
4. I have been the Deputy Secretary, People and Executive Services, DoE since October 2015, first in an acting role and then in a permanent role from June 2016.

C. SUPPORT SERVICES

Qn. 25. What support services (provided, funded or used for referrals by the Department) are available to victim-survivors of historical child sexual abuse in government schools?

5. The DoE does not directly provide support services in the nature of therapeutic treatment services directly to victim-survivors of historical child sexual abuse in government schools. These support services are provided by other government departments, agencies and private providers.
6. The DoE refers victim-survivors of historical child sexual abuse in government schools to (or provides information to them about) the following support services or support service providers:
 - (a) the National Redress Scheme (which includes counselling, a redress payment and a Direct Personal Response (**DPR**));
 - (b) counselling, referral services and related advocacy from Centres Against Sexual Assault (**CASAs**);

- (c) the Sexual Assault Crisis Line, which is a statewide 24 hour service for people who have experienced both past and recent sexual assault;
- (d) Blue Knot Foundation, which provides information, counselling, referral services, redress support and workshops for adult survivors of childhood trauma and abuse;
- (e) Kids Helpline, which offers free, private, and confidential, telephone and online counselling service for young people aged between 5 and 25;
- (f) Lifeline, which is available for anyone across Australia experiencing a personal crisis or thinking about suicide.

I address the ways in which the DoE provides referrals or this information in response to questions 30 and 31.

7. The DoE makes available financial assistance for counselling to current and former students who report child sexual abuse at a Victorian government school under its counselling assistance payment (**CAP**) scheme. The CAP provides reimbursement for private counselling or psychological services, but DoE does not make referrals to those services. The CAP is intended to ensure that therapeutic assistance for victim-survivors of child sexual abuse (both current and historical) is made available and that requests are dealt with in a timely, consistent and sensitive manner. CAP may also be available for affected family members. The administration of the CAP is carried out by the Security and Emergency Management Division, which is in the Schools and Regional Services group. While there are certain minimum evidentiary requirements for CAP to be offered (addressed below), CAP can be accessed without having to file legal proceedings. Accepting an offer of CAP will not prevent victim-survivors from seeking compensation or bringing a legal claim against the DoE.
8. The DoE participates in the National Redress Scheme, through which counselling is also available to victim-survivors of institutional child sexual abuse that occurred before 1 July 2018. Whilst I understand that redress arrangements are outside the Inquiry's Terms of Reference, I have referred to

the National Redress Scheme here and elsewhere in my statement where it provides context to the supports to victim-survivors that are currently available through the DoE.

9. In brief overview, victim-survivors of institutional child sexual abuse have access under the National Redress Scheme to 3 components of redress:
 - (a) a redress payment of up to \$150,000;
 - (b) access to counselling and psychological care (either services or a lump sum payment to access services privately) depending on where they live;
 - (c) a DPR from the responsible institution, which may include an apology from the institution that acknowledges the survivor's personal experience and the impact the abuse had on them as well as an explanation by the institution on what it has done, or will do, to stop abuse from happening again. It can include other agreed healing options.
10. Victim-survivors of historical child sexual abuse in government schools who enter the National Redress Scheme can choose to accept 1, 2 or all 3 components of redress.
11. The National Redress Scheme is administered by the Commonwealth Department of Social Services (**DSS**) under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth). The Victorian Department of Justice and Community Safety (**DJCS**) is responsible for coordinating Victoria's participation in the Scheme. The Victorian Department of Families, Fairness and Housing (**DFFH**) is responsible for the implementation of the counselling and psychological care service and the DPR program on behalf of DoE and other Victorian Government institutions. In order for an application to be assessed, the institution must have joined the National Redress Scheme. The DoE, as a Victorian Government department, is a 'participating State institution' for the purposes of the National Redress Scheme.
12. Payment for services provided to Victorian applicants is met through the National Redress Scheme (noting that all participating organisations contribute funding to the National Redress Scheme).

13. The other support services to victim-survivors of historical child sexual abuse in government schools that are facilitated by the DoE are those compensated through the civil claims process, such as compensation for medical, psychological and like expenses, which falls outside the Inquiry's Terms of Reference. Where I have referred to civil claims throughout my statement, I have done so solely in order to respond to the questions to the DoE asked by the Inquiry.

Qn. 27. In relation to the support services described in response to question 25:

- (a) Which support services are specifically designed for victim-survivors of child sexual abuse?**
- (b) Which support services are specifically designed for victim-survivors of historical child sexual abuse?**
- (c) Which support services are specifically designed for victim-survivors of child sexual abuse in government schools?**

14. Whilst I have no direct knowledge about the design of the support services provided by other government departments and agencies:

- (a) the National Redress Scheme provides support services for victim-survivors of institutional child sexual abuse that occurred before 1 July 2018;
- (b) CASAs and the Sexual Assault Crisis Line provide support services for victim-survivors of all sexual abuse;
- (c) Blue Knot Foundation provides support services for people who are affected by complex trauma;
- (d) Kids Helpline, which offers free, private, and confidential, telephone and online counselling service for young people aged between 5 and 25;
- (e) Lifeline, which is available for anyone across Australia experiencing a personal crisis or thinking about suicide.

15. Whilst the CAP is not a support service itself, but rather an avenue to seek reimbursement for related expenses, it was specifically designed for victim-survivors of child sexual abuse in government schools.

Qn. 28. In the Department's view, what are the barriers to victim-survivors accessing or using those support services?

16. Barriers to accessing private counselling or psychological services reimbursed through the CAP include:
- (a) there are certain minimum evidentiary requirements for CAP to be offered, namely, supporting material from a treating medical practitioner and some form of credible evidence to indicate that the applicant was sexually abused while at a government school. The DoE will accept as credible evidence a statement from the victim-survivor indicating that the abuse occurred, and evidence that the teacher taught at the victim-survivor's school at the same time the victim-survivor attended the school;
 - (b) access to the CAP has only been expanded recently to family members of victim-survivors as secondary victims. Internal guidelines for family members accessing the CAP will be developed soon, including criteria;
 - (c) a CAP is limited to 10 sessions in the first instance before applicants are to 'reapply';
 - (d) a CAP is only available if the provider is fully registered with relevant professional governing bodies;
 - (e) potentially, a lack of awareness of the CAP, because it was rarely used in the past. CAP is promoted through the "Report abuse if you're a current or former student" webpage (which was updated on the DoE's website on 30 June 2023). CAP was also promoted on a previous iteration of this webpage. A copy of the "Report abuse if you're a current or former student" webpage is attachment **KR-2** to this statement.

17. Barriers to accessing counselling and psychological care under the National Redress Scheme include:
- (a) redress is only available to victim-survivors who experienced the abuse prior to 1 July 2018 and who were born before 30 June 2010;
 - (b) the National Redress Scheme's Assessment Framework is used to determine the level of redress payment and counselling and psychological care (payment or services) a person may receive;
 - (c) providers of counselling and psychological services are required to meet certain standards;
 - (d) an applicant must be an Australian citizen or a permanent resident;
 - (e) a person cannot apply if they are a prisoner (unless there are exceptional circumstances);
 - (f) a person has received a court order (other than by consent) for damages for child sexual abuse (which I understand is a barrier that DoE has not seen materialise);
 - (g) applications to access the National Redress Scheme must be lodged before 30 June 2027.
18. A person could apply in parallel processes under the National Redress Scheme as well as make a civil claim against the DoE. This means a person eligible under the National Redress Scheme could receive counselling assistance or a DPR even where they have previously made and settled by agreement a civil claim.

Qn. 29. In the Department's view, what processes or services are available for victim-survivors to access peer-support?

19. The DoE does not have any processes or services available for victim-survivors of historical child sexual abuse to access peer-support and does not currently have a policy or practice to refer victim-survivors of historical child sexual abuse to any such services.

Qn. 30. What role (if any) does the Department play in assisting victim-survivors of historical child sexual abuse in government schools to access and use support services?

20. Where it is sought, the DoE assists victim-survivors of historical child sexual abuse in government schools to access and use support services by reimbursing expenses for private counselling or psychological services through the CAP, as set out in my response to question 25.
21. The DoE assists victim-survivors of historical child sexual abuse in government schools to access and use support services by providing information about those services. This information is found on its “Report abuse if you’re a current or former student” webpage (**KR-2**).
22. The DoE also provides further information and referrals through its Sexual Harm Response Unit (**SHRU**), which will be addressed in detail by Elly Gay, Executive Director, Operational Policy, School Engagement and Compliance Division. SHRU was developed in early 2023 to co-ordinate whole-of-department supports in relation to reports of child sexual abuse. Initially SHRU was established to support incidents involving current staff who have been charged with sexual offences relating to children (whether or not the incidents are current or historical). SHRU works with the school principal, executives in regional offices, health and wellbeing staff in regions, and staff in the central office, to support the victim-survivor, their family, and the community. SHRU’s role has expanded and it now also receives reports of historical child sexual abuse in government schools.
23. The “Report abuse if you’re a current or former student” webpage established a direct phone line and email address on 30 June 2023, which is managed by SHRU. Prior to this, victim-survivors were directed to the DoE’s regional offices or their former school, amongst other avenues to report abuse. SHRU’s role now extends to any victim-survivor of child sexual abuse in government schools (current or historical) irrespective of whether a current or ex-staff member was involved. However, SHRU’s functions do not currently include supporting victim-survivors of abuse who have lawyers representing them in a civil claim, or who are under the National Redress Scheme, as there

are processes in place for those matters. SHRU takes a trauma-informed approach to victim-survivors who make contact via the direct phone line or email address and its response will depend upon the needs of the individual. It usually involves providing information about support services. Depending on what the victim-survivor wants or needs it may involve providing a 'warm referral' to a support service, for example to a CASA, but I understand to date the limited number of victim-survivors of historical sexual abuse who have contacted SHRU have not indicated that they wanted that level of support.

24. Since this Inquiry has commenced, DoE has developed a resource for staff who may receive contact from a victim-survivor of historical child sexual abuse so that they know how to respond with sensitivity and care, and so they can assist victim-survivors who may be contacting the department for information. The resource supports the call-taker to refer the victim-survivor to support services. The details of that role will also be addressed in detail by Elly Gay, Executive Director, Operational Policy, School Engagement and Compliance Division.

Qn. 31. How are victim-survivors directed to relevant support services by the Department?

25. The main ways in which victim-survivors are directed to relevant support services are through the "Report abuse if you're a current or former student" webpage (**KR-2**) and SHRU, addressed in question 30.

Qn. 32. How has the Department evaluated if the support services available to victim-survivors of historical child sexual abuse in government schools are effective and trauma-informed?

26. The DoE has not evaluated the support services available to victim-survivors of historical child sexual abuse in government schools because those support services are provided by other government departments, agencies or private providers.

Qn. 33. How has the Department's contemporary responses to victim-survivors of historical child sexual abuse in government schools impacted their access to support services?

(a) How does the Department's response to civil claims inform or affect a victim-survivor's knowledge of, and access to and use of, support services?

27. In response to civil claims, the DoE currently informs the lawyer for a victim-survivor of historical child sexual abuse in government schools of support services that are available. A civil claim does not affect a victim-survivor's access to and use of any of the support services outlined in my response to question 25, or reimbursement for private counselling or psychological services through the CAP. As noted in response to question 28, a victim-survivor can apply to the National Redress Scheme, and if eligible receive counselling assistance and / or a DPR. Individuals are not eligible under the National Redress Scheme if there has been a court order (other than by consent) for damages.

(b) How does the Department manage any conflicts of interest in relation to the provision of support services to victim-survivors?

28. The CAP provides an avenue for victim-survivors of historical child sexual abuse in government schools to seek reimbursement for private counselling or psychological services (of the victim-survivor's choosing, subject only to the provider being fully registered with relevant professional governing bodies) whilst a civil claim is on foot.

Qn. 36. How does the Department ensure lived experience perspectives are included in the design, implementation and evaluation of support services?

29. The DoE does not directly provide support services in the nature of therapeutic treatment services directly to victim-survivors of historical child sexual abuse in government schools. I do not have direct knowledge of how lived experience perspectives are included in the design, implementation and evaluation of support services delivered by other departments, agencies or private providers, apart from what is publicly available.

D. HEALING

Qn. 37. What actions has the Department taken to support victim-survivors of historical child sexual abuse in government schools, secondary victims and affected communities with their healing?

30. The DoE provides DPRs under the National Redress Scheme, for victim-survivors who choose this. Participating in a DPR is the choice of the victim-survivor, and they are able to change their mind or seek more time or delay or stop the process at any time.
31. DFFH has lead agency responsibility for the implementation of the DPR program on behalf of all participating Victorian Government institutions. DFFH notifies DoE when a victim-survivor has requested a DPR with the DoE.
32. A DPR generally involves a restorative engagement process between the victim-survivor and the DoE. Liaison and facilitation services are provided by DFFH whose staff spend time with the victim-survivor to understand what they are seeking through the process to ensure it is trauma-informed and victim-survivor led. They also assist the victim-survivor to identify a suitable support person from Redress Support Services (free specialist trauma-informed and culturally safe survivor centred services provided to support people before, during and after an application to the National Redress Scheme) if they do not already have one. Family members can participate in the DPR process.
33. After being notified of a DPR request, and the victim-survivor's institutional representative preferences, the DoE provides a short biography of the proposed department representative, who has received training by DFFH to become an institutional representative. Most often this person is an executive from one of the department's four regional offices.
34. The training provided by DFFH is to enable the department representative to really listen to the victim-survivor's recount of their experience, in a way that promotes healing and recovery. The training helps the department representative to understand the context of child sexual abuse and its implications and reinforces the importance of expressing empathy.

35. Once the DoE representative is confirmed, DFFH provides a briefing, and connects the department representative with the facilitator.
36. The facilitator prepares all people who are part of the process. They monitor the readiness of the victim-survivor and the DoE representative to participate safely and constructively. They ensure the victim-survivor's support person is able to provide effective support.
37. The facilitator conducts the DPR, records any agreement for further actions, and debriefs with participants afterwards.
38. The National Redress Scheme provides that a DPR can be given through a face-to-face meeting between a victim-survivor and a representative of the institution, a written letter, or any other method preferred by the victim-survivor and agreed to by the institution.
39. In a face-to-face DPR, the department representative will listen to the victim-survivor's story, their experience of abuse and its impact, and acknowledge and be accountable to the victim-survivor's experience. Sometimes the DoE will arrange the current principal or assistant principal of the school to attend a face-to-face DPR, if requested, or be involved in venue arrangements for the DPR which can be held at the school or a DoE office, if the victim-survivor wishes.
40. At the meeting and/or through a letter if requested, the department representative will express an apology which acknowledges the impact the abuse has had on the victim-survivor and accepts responsibility for what has occurred. If requested by the victim-survivor, an explanation of the steps the DoE has taken and will continue to take to prevent and respond to child sexual abuse is also provided.
41. Examples of actions that DoE has taken in response to requests related to the DPR process that have been made from victim-survivors of historical child sexual abuse at a government school include:
 - (a) Providing an apology on parchment paper.
 - (b) Expediting a written DPR for a survivor who was terminally ill so she could provide it to her children.

- (c) Handwriting a letter of apology.
 - (d) Providing a joint DPR with two survivors, at one of their homes, with a female institutional representative and facilitator.
42. Since the commencement of the National Redress Scheme, the DoE has completed 14 DPRs. 7 are currently in progress and another 9 are on hold at the victim-survivor's request. Of the 14 completed DPRs, 7 were conducted by letter, 6 were both in person and by letter and 1 was solely in person.
43. Apologies and acknowledgments are usually offered by the DoE, through the victim-survivor's lawyers, in connection with a civil claim. If the victim-survivor wishes to take up this offer, a senior executive will provide a letter of apology to the victim-survivor, as a formal record of the DoE's acknowledgement of the abuse and the wrongdoing, its effect on the victim-survivor and DoE's commitment to child safety. This usually takes place at the conclusion of the civil claim. Written apologies are now being signed by the Secretary of DoE (as opposed to other senior DoE executives) to demonstrate commitment from the highest level within the department. In recent times, the DoE has offered to provide victim-survivors with a face-to-face apology and is open to apologies earlier in the process, if that would be helpful for the victim-survivor.

Qn. 38. What actions has the Department taken in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and the Victorian Parliamentary Inquiry into the Handling of Child Sexual Abuse by Religious and Other Non-Government Organisations that are relevant to supporting healing for victim-survivors of historical child sexual abuse, secondary victims, and affected communities?

44. The Royal Commission into Institutional Responses to Child Sexual Abuse and the Victorian Parliamentary Inquiry into the Handling of Child Sexual Abuse by Religious and Other Non-Government Organisations did not make any recommendations specifically relating to the DoE supporting healing for victim-survivors of historical child sexual abuse in government schools, secondary victims, and affected communities.
45. The Royal Commission's Redress and Civil Litigation Report contained broader recommendations in relation to a single national redress scheme to

provide effective redress for victim-survivors without the need to engage in litigation. The National Redress Scheme, described above, was established in 2018 by the Commonwealth Government in response. The DoE was an early signatory to the National Redress Scheme.

Qn. 39. In relation to the actions described in your response to questions 37 and 38:

(a) How have those actions been communicated to victim-survivors of historical child sexual abuse in government schools, secondary victims and affected communities to support their healing?

46. The DoE's "Report abuse if you're a current or former student" webpage provides information to the public about DPRs available through the National Redress Scheme and apologies available through the civil claim process.
47. Since the Inquiry commenced, and in anticipation of victim-survivors coming forward, DoE has also promoted the DoE's "Report abuse if you're a current or former student" webpage to schools, via the DoE's main channels of communication with schools, including the School Update, directly sending emails to affected schools and also an intranet page where the weekly School Update editions and associated articles are published. DoE has been supporting impacted schools to communicate with their communities about historical child abuse and sharing a link to the DoE's "Report abuse if you're a current or former student" webpage, where schools choose to, by providing template letters, content for newsletters and the like.

(b) How could that communication be improved?

48. Communication could be improved by communications to victim-survivor advocacy groups, principal associations, Parents Victoria and other education peak bodies.


Qn. 40 What reviews or evaluations has the Department undertaken or commissioned to assess the effectiveness of these actions?

49. The DoE has not undertaken or commissioned any formal reviews or evaluations of the actions referred to in my answer to question 37.
50. I am aware from publicly available information that the National Redress Scheme has been reviewed. The DoE also participates in the Victorian Government National Redress Scheme Working Group which provides feedback about redress policies, procedures and operational issues across all Victorian Government institutions.

Qn. 41 How does the Department ensure lived experience perspectives are included in the design, implementation and evaluation of actions to support healing?

51. I understand that the DPR process that is part of the National Redress Scheme, which DoE participates in, was designed having regard to lived experience.
52. Recently, in relation to civil claims, the DoE has commenced seeking information from victim-survivors of historical child sexual abuse about the types of details the victim-survivor would like DoE to include in a letter of apology. The DoE has also sought feedback from victim-survivors' legal representatives for their views on what might be helpful in an apology.

Signature:

A large black rectangular redaction box covering the signature area.

Printed name: Kate Rattigan

Date: 3 November 2023