

**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 Stephen Andrew Fraser

Deputy Secretary, School Education Programs and Support

I, **Stephen Andrew Fraser, Deputy Secretary, School Education Programs and Support**, Department of Education (**DoE**), say as follows in response to the Notice to Produce a Statement issued by the Board of Inquiry and dated 16 October 2023:

A. CURRENT ROLE

1. As Deputy Secretary for School Education Programs and Support, I have portfolio responsibilities for policy and programs supporting improved learning, wellbeing, health and engagement outcomes in Victorian schools, including Koorie outcomes, international education, Tech Schools, statewide equity and access programs, mental health reform, disability and inclusion.

B. WORK HISTORY

2. My work history at the DoE is set out in my resume, which is attachment **SF-1** to this statement.

C. CONTEMPORARY CHILD SAFETY PRACTICES

Qn. 14. What legislative framework and child safety policies and practices are in place as at the date of this notice in government schools, including:

(a) what Relevant Policies and Practices are in place to respond to allegations or incidents of child sexual abuse in government schools?

3. Both the Wellbeing, Health and Engagement Division and the Inclusive Education Division hold a policy responsibility for wellbeing and safety policy

and practices as they relate to children and young people in Victorian government schools.

4. Responsibility for child safety policy in relation to preventing and responding to child sexual abuse sits within the DoE's Wellbeing, Health and Engagement Division, a Division of the School Education Programs and Support Group, which I lead. The Division's work spans a range of student safety, health promotion and engagement programs and policies, including student attendance, mental health reforms, anti-bullying programs, healthy eating, healthy sexualities, drug and alcohol prevention, communicable diseases, and physical activity.

Prevention

5. The DoE's Wellbeing, Health and Engagement Division is the policy owner for child safety policy and advice for schools in relation to preventing child sexual abuse, and all forms of harm and abuse to children and young people, in government schools.
6. Two key pieces of legislation provide the framework for child safety, including prevention of child sexual abuse, in the government school system. The legislative framework informs both the DoE's and individual government school's policies and practices to ensure children are safe and feel safe.
7. Under s17 of the *Child Wellbeing and Safety Act 2005 (CWS Act)*, the Minister for Child Protection may make and specify Child Safe Standards.
8. The Victorian Government established the Child Safe Standards and Reportable Conduct Scheme after the tabling of the Parliamentary Betrayal of Trust Report in 2013. The Child Safe Standards were first operationalised in Victorian government schools in 2016.
9. The Child Abuse Royal Commission then recommended ten National Child Safe Standards in 2017. These were enacted through the ten National Principles for Child Safe Organisations in 2019, when they were endorsed by all members of the Council of Australian Governments.
10. Victoria's 2016 Child Safe Standards were updated in 2022. Victoria's Child Safe Standards 2-11 align with the National Principles. Victoria's Standard 1,

which requires organisations to provide culturally safe environments where the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued, is unique to Victoria.

11. In Victoria, implementation of the Child Safe Standards is led by the Department of Families, Fairness and Housing (**DFFH**), as lead Department for the Minister for Children, with DoE identified as a relevant agency, along with the Commissioner for Children and Young People (**CCYP**) and the Department of Justice and Community Safety.
12. Attached to this statement are copies of:
 - (a) Victoria's Child Safe Standards 2016, which is attachment **SF-2**;
 - (b) Victoria's Child Safe Standards 2022, which is attachment **SF-3**;
 - (c) National Principles for Child Safe Organisations 2019, which is attachment **SF-4**.
13. The other key piece of legislation (in addition to the CWS Act), is the *Education Training and Reform Act 2006 (ETR Act)*, under which schools must comply with any relevant Ministerial Order.
14. In the case of child safety, Ministerial Order 1359 gives effect to the current (since 1 July 2022) Child Safe Standards. Ministerial Order 1359 replaced Ministerial Order 870, which gave effect to the former Child Safe Standards, enacted since 2016.
15. Ministerial Order 1359 requires schools to embed a culture of 'no tolerance' for child abuse and comply with the Child Safe Standards 2022 and other prescribed minimum standards that relate to child safety.
16. Attached to this statement are copies of:
 - (a) Ministerial Order 870, which is attachment **SF-5**;
 - (b) Ministerial Order 1359, which is attachment **SF-6**.
17. Implementation of Ministerial Order 1359 is underpinned by a range of guidance, resources, training, regular compliance checks and support for schools.

18. PROTECT is the DoE's online repository of resources supporting the implementation of the Child Safe Standards. These resources include information and advice for schools on how to protect children, create a child safe environment, identify and respond to signs of abuse.
19. The website is available to all members of the public, and is found at <https://www.schools.vic.gov.au/child-protection-and-child-safe-standards-protect>. The section of the website providing advice on the Child Safe Standards (<https://www.vic.gov.au/child-safe-standards-schools-guidance>) recently gained the highest score for positive feedback of any section of vic.gov.au (96.8% over 12 months) and has been highlighted as an example of best practice for its high standards for simple language and accessibility.
20. PAL is the DoE's online Policy and Advisory Library. PAL is also available to all members of the public, and is found at <https://www2.education.vic.gov.au/pal>.
21. PAL contains a link to the School Policy Templates Portal, which is only accessible to DoE Employees. The School Policy Templates Portal contains templates for policies at the school level.
22. The resources and policies that support implementation of the Child Safe Standards are extensive. The "Child Safe Standards Action List" is the recommended starting point for government schools to identify what they need to do to address the Child Safe Standards. It contains a checklist with links to various policies and other materials.
23. Attached to this statement are copies of some of the template resources and policies available on PROTECT and PAL, which include:
 - (a) "Child Safe Standards Action List", which is attachment **SF-7**;
 - (b) "Child Safety and Wellbeing Policy Template" which is attachment **SF-8**;
 - (c) "Child Safety Code of Conduct Template", which is attachment **SF-9**;
 - (d) "Child Safety Risk Register Template" which is attachment **SF-10**;
 - (e) "Child Safety Training presentations" for:

- (i) School councils, which is attachment **SF-11**;
 - (ii) School staff, which is attachment **SF-12**;
 - (iii) School volunteers, which is attachment **SF-13**.
24. The Child Safe Standards 2022 are also minimum standards for school registration. Under the ETR Act, all providers of school education must ensure that they meet Minimum Standards for school registration set out in that Act, the *Education and Training Reform Regulations 2017* and Ministerial Orders, including the Child Safe Standards, both upon registration and on a continuing basis throughout their operation as a school. This means that all Victorian schools must be compliant with the Child Safe Standards as a condition of their registration and as a condition of their continued operation.

Response

25. The DoE's Wellbeing, Health and Engagement Division is also the policy owner for child safety policy and advice for schools on how to respond to child sexual abuse in government schools.
26. The Wellbeing, Health and Engagement Division does not become directly involved in individual incident responses. It sets the policy expectations for school-based responses, based on the requirements of the ETR Act, the Child Safe Standards, and good practice, and communicates these requirements to schools along with appropriate training and guidance. The Inclusive Education Division, which is also within the School Education Programs and Support Group, also has policy oversight for responses supporting students' wellbeing including policy and practice guidance for Student Support Services Officers (**SSSOs**), mental health practitioners, and other regionally based workforces (such as Health and Wellbeing Key Contacts).
27. Responsibility for incident response is held by:
- (a) the Incident Support and Operations Centre (**ISOC**), for immediate advice to school principals. David Howes, Deputy Secretary Schools and Regional Services will address the role of ISOC;

- (b) the Employee Conduct Branch (**ECB**), for acting on allegations against employees. Bella Stagoll, Executive Director Employee Conduct Branch will address the scope and functions of ECB;
 - (c) the Sexual Harm Response Unit (**SHRU**), for end-to-end case management to assist schools. Elly Gay, Executive Director Operational Policy, School Engagement and Coordination will address the scope and functions of the SHRU;
 - (d) responsibility for the responses supporting students' wellbeing by SSSOs sits with regional and area teams. David Howes, Deputy Secretary Schools and Regional Services, will address this responsibility.
28. The legislative framework for identifying and responding to child safety concerns includes:
- (a) the Child Safe Standards found in the CWS Act, as outlined at paragraphs 7 - 12;
 - (b) the Reportable Conduct Scheme found in the CWS Act, which creates the CCYP's role. The CCYP oversees and monitors the handling of allegations of child abuse by relevant government departments, religious and non-government organisations, undertakes independent investigations, scrutinises and audits systems and processes for handling allegations, and monitors and reports on trends. In the case of schools, this includes oversight and monitoring of all allegations of child abuse against staff working in schools, including registered teachers;
 - (c) the Child Information Sharing Scheme, made under the CWS Act. The Scheme is governed by the Child Information Sharing Scheme Ministerial Guidelines, which explain how prescribed information sharing entities (including schools) should handle confidential information responsibly, safely and appropriately. Information in relation to child sexual abuse at schools meets the threshold for information sharing; and
 - (c) mandatory reporting, required by the *Children, Youth and Families Act 2005*. Under mandatory reporting, all 'mandatory reporters', including

teachers, must report to Child Protection if they form a reasonable belief that a child has suffered or is likely to suffer significant harm as a result of abuse or neglect (noting the focus is on parents and the home environment).

29. To meet the obligations under this legislative framework, the DoE requires schools to use Four Critical Actions for Responding to Incidents, Disclosures and Suspicions of Child Abuse to respond to incidents, disclosures and suspicions of child abuse:
- (a) responding to an emergency;
 - (b) reporting to authorities;
 - (c) contacting parents and carers;
 - (d) providing ongoing support.
30. If the source of child sexual abuse is within the school, such as a staff member, volunteer or contractor, the abuse must be reported to Victoria Police. Government schools must also report internally to the DoE via:
- (a) ECB;
 - (b) ISOC; and
 - (c) Operational Policy, School Engagement and Compliance Division (**OPSEC**), for:
 - (i) SHRU support;
 - (ii) reporting to the Victorian Registration and Qualifications Authority (**VRQA**);
 - (iii) out-of-cycle child safety compliance assessment;
 - (iv) other business areas as required to provide appropriate supports.
31. Resources, policies and training to build the capability of school staff to identify, act on and report child safety concerns, including information on the Four Critical Actions for Responding to Incidents, Disclosures and Suspicions of Child Abuse, are available through PROTECT and PAL.

32. Attached to this statement are copies of some of the policies available on PROTECT and PAL, which include:
- (a) “Managing and Reporting School Incidents” policy (**SF-14**), which guides schools’ responses to all forms of incidents that may have a negative impact on student health, safety and wellbeing;
 - (b) “Protecting Children — Reporting and Other Legal Obligations” policy (**SF-15**), which guides schools through their reporting and legal obligations, including mandatory reporting and reportable conduct obligations, to protect children and young people from abuse;
 - (c) “Identifying and Responding to All Forms of Abuse in Victorian Schools” policy, which is part of PROTECT and supports school staff to act if they suspect, receive a disclosure, or are witness to any form of child abuse. This is attachment **SF-16A-J**, and comprises:
 - (i) Identify child abuse (**SF-16A**);
 - (ii) Reporting and legal obligations (**SF-16B**);
 - (iii) Report child abuse in schools (**SF-16C**);
 - (iv) Identify and respond to student sexual offending (**SF-16D**);
 - (v) Child sexual exploitation and grooming (**SF-16E**);
 - (vi) Child protection privacy and information sharing (**SF-16F**);
 - (vii) Responding to other concerns about the wellbeing of a child (**SF-16G**);
 - (viii) Online learning for schools (**SF-16H**);
 - (ix) Identifying and responding to all forms of abuse in Victorian Schools (**SF-16I**);
 - (x) Four Critical Actions (**SF-16J**);
 - (d) Parent Complaint Policy – Victorian Government Schools (<https://www2.education.vic.gov.au/pal/complaints/policy>), which is attachment **SF-17**;
 - (e) Child Safe Standards Policy, which is attachment **SF-18**;

- (f) Reportable Conduct Policy, which is attachment **SF-19**.

Qn. 17. What Department policies and practices are in place as at the date of this notice to ensure that teaching and other staff were advised of, trained in and implemented Relevant Policies and Practices in government schools?

33. The PROTECT resources referred to in my answer to question 14 are in place to ensure that teaching and other staff are aware of the policy expectations as set out in PAL to promote child safety and identify, act on and refer child safety concerns.
34. In the months preceding the release of the current Child Safe Standards in July 2022, the Wellbeing, Health and Engagement Division advised schools of their new requirements by communicating supporting guidance, resources and training via the School Update. The School Update is issued weekly to all government school leaders. It is the primary mechanism the DoE uses for advising and reminding schools of their policy obligations, including for child safety. The School Update is also used to advise of and promote resources and training available to schools to support them to meet these obligations. School leaders, in turn, share this information and advice with their staff.
35. A range of introductory training was provided by the DoE to support schools to transition to the new Child Safe Standards in 2022, including:
- (a) online introductory briefings for the new Child Safe Standards, delivered to 1,232 school staff (delivered by the Wellbeing, Health and Engagement Division); and
 - (b) 35 hands-on workshops, attended by 1,296 school staff, to support schools to update their local school policies and processes to align with the requirements of the new Child Safe Standards (delivered by the Operational Policy, School Engagement and Compliance Division).
36. The Wellbeing, Health and Engagement Division also developed training presentations for schools to deliver to school councils, school staff and volunteers to contribute to:
- (a) annual staff training requirements under Child Safe Standard 8 - child safety knowledge, skills and awareness. Child Safe Standard 8

requires schools to equip staff and volunteers with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training;

- (b) induction requirements under Child Safe Standard 6 - suitable staff and volunteers. Child Safe Standard 6 requires that people working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

37. In addition to the above, the DoE also provides:

- (a) the *Protecting children: Reporting and other legal obligations* eLearning module for mandatory reporter staff in government and non-government schools. This training supports mandatory reporters to learn how to protect the safety and wellbeing of children and young people in their care. School staff who are mandatory reporters must complete this module once per calendar year. School staff who are not mandatory reporters are strongly encouraged to complete the module once per calendar year. During 2022-2023, 42,623 government school staff completed this training;
- (b) training on child safety and the Minimum Standards. This is optional training for school leaders delivered by OPSEC, through the Victorian Academy of Teaching and Leadership's 'Law and Order' program.

Qn. 20. How are the relevant legislative frameworks, child safety practices and Relevant Policies and Practices at the date of this notice communicated to students, parents and school communities in government schools?

- 38. Child Safe Standard 4 requires that families and communities are informed and involved in promoting child safety and wellbeing.
- 39. To implement and embed the Child Safe Standards 2022, particularly Child Safe Standard 4, the Wellbeing, Health and Engagement Division produced a range of resources to support schools to inform and involve families and communities in the promotion of child safety and wellbeing. These resources are publicly available on the DoE's PROTECT website at <https://www.vic.gov.au/child-safe-standards-schools-guidance>.

40. The Child Safety Action List includes actions schools must take to meet the standards, including Child Safe Standard 4. The Child Safety Action list directs schools to a template *Child Safety and Wellbeing Policy (SF-8)*, which schools must adapt to reflect their own approach for engaging with families and the school community, who have an important role in monitoring and promoting children's safety and wellbeing and helping children to raise any concerns. Schools must make this policy visible and available to their school community.
41. The School Policy Template Portal which is linked to PAL (which requires a log in for government schools) includes a section on the Child Safe Standards where Victorian government schools can access resources to communicate with students, parents and school communities:
 - (a) the PROTECT poster (**SF-20A**);
 - (b) web and newsletter sample content for family engagement (**SF-20B**);
 - (c) simplified child safety posters and colouring sheets provided by the Department of Families, Fairness and Housing at <https://providers.dffh.vic.gov.au/resources-child-safe-standards>. (**SF-20C** and **SF-20D**).
42. The Wellbeing, Health and Engagement Division also supports schools to communicate child safety practices to students through the delivery of the Respectful Relationships curriculum, and consent education.
43. The Victorian Curriculum provides the basis for teaching and learning about respectful relationships and identifies the knowledge, skills and understanding for students to be able to engage in respectful, safe and consensual relationships.
44. The curriculum is designed to equip students with the language, knowledge and skills to identify safe and unsafe behaviours including grooming behaviour, and the confidence, knowledge and skills to seek help. The DoE supports schools to deliver this curriculum through two teaching and learning programs called the *Resilience, Rights and Respectful Relationships* and *Building Respectful Relationships*. These teaching and learning programs

tailor the topic of consent and protective behaviours for different age groups, including:

- Early and mid-primary school: focuses on body autonomy, appropriate and inappropriate forms of touch, expressing permission or consent in communications with others, and help seeking in relation to abuse and harassment by peers or adults;
- Later primary school: provides instruction about what constitutes sexual harassment, sexual assault and abuse, strategies for help-seeking, peer support and positive bystander responses, and the concept of consent in relationships;
- Secondary school: teaches students about sexual consent, sexual harassment, sexual assault and abuse, respect within intimate relationships, positive bystander responses, and provides strategies for help-seeking, peer support and positive bystander responses.

Qn. 22. What reforms have been made to improve Relevant Policies and Practices in government schools since the Royal Commission into Institutional Responses to Child Sexual Abuse and the Victorian Parliamentary Inquiry into Abuse in Religious and Non- Government Organisations?

Reforms to Relevant Policies and Practices since the Victorian Parliamentary Inquiry

45. After the tabling of the Parliamentary Betrayal of Trust Report, the Victorian Government established the Child Safe Standards, as set out in [8]. The guidance on the PROTECT website and 'Identifying and Responding to All Forms of Abuse in Victorian Schools' policy (attachment **SF-16A-J**) were established in 2016, the year the first Child Safe Standards became operationalised in Victorian government schools. The DoE's supporting policies, guidance and resources addressed in [22], [23] and [34] were updated when the 2022 Child Safe Standards were implemented.

Reforms to Relevant Policies and Practices since the Royal Commission

46. Recommendation 7.7 of the Royal Commission into Institutional Responses to Child Sexual Abuse was:

Consistent with Child Safe Standard 6: Processes to respond to complaints of child sexual abuse are child focused, institutions should have a clear, accessible and child-focused complaint handling policy and procedure that sets out how the institution should respond to complaints of child sexual abuse. The complaint handling policy and procedure should cover:

- a. making a complaint*
- b. responding to a complaint*
- c. investigating a complaint*
- d. providing support and assistance*
- e. achieving systemic improvements following a complaint.*

47. At the time of the recommendation in 2017 the DoE had in place its Identifying and Responding to All Forms of Abuse Policy (**SF-16A-J**). This was supported by guidance on the PROTECT website.
48. DoE considered that its Identifying and Responding to All Forms of Abuse Policy and the PROTECT guidance satisfied the requirements of recommendation 7.7 and no further action was required to address this recommendation. As noted above, the DoE's supporting policies, guidance and resources addressed in [22], [23] and [34] were updated when the 2022 Child Safe Standards were implemented.

Qn. 23. How does the Department ensure Relevant Policies and Practices comply with best-practice?

49. The Wellbeing, Health and Engagement Division takes various steps to ensure that the DoE's child safe policies and practices comply with best practice.
50. The Wellbeing, Health and Engagement Division has collaborated with cross-government departments and agencies to ensure DoE policy and guidance is consistent and coherent with state policy. It participated in cross-department working groups to support the establishment of new child safety legislation, policy and practices and to ensure a consistent and coherent approach to child safety policy. This included:

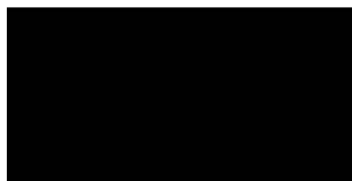
- (a) a working group led by DFFH on the development of the Child Safe Standards 2022 and associated legislative changes between October 2020 and June 2021.
 - (b) a working group led by CCYP on the development of advice on how to be a child safe organisation between July 2021 and June 2022.
 - (c) a Child Safe Standards working group established in July 2021 and continuing today, between DoE, Independent Schools Victoria, Catholic Education Commission of Victoria and VRQA to develop a new Ministerial Order and update Child Safe Standards policies and guidance for schools and discuss emerging child safety issues.
 - (d) consulting on the development of the guidance, policies and templates with the Australian Boarding Schools Association, Australian Education Union, Australian Principals Federation, CCYP, Independent Education Union Victoria/Tasmania, Principals Association of Specialist Schools, Victorian Association of Secondary School Principals, Victorian Council of Social Services, Victorian Principals Association, Victorian Student Representative Council and Victorian Aboriginal Education Association.
51. There is regular ongoing consultation with peak bodies (Australian Education Union, Australian Principals Federation, CCYP, Principals Association of Specialist Schools, Victorian Association of Secondary School Principals, Victorian Council of Social Services, Victorian Principals Association, Victorian Student Representative Council and Victorian Aboriginal Education Association about implementation of the Child Safe Standards. There is ad hoc consultation with the Youth Affairs Council Victoria, Centre for Excellence in Child and Family Welfare and the Koorie Youth Council, including in the months preceding the release of the Child Safe Standards 2022.
52. The Wellbeing, Health and Engagement Division and the Inclusive Education Division also consult regularly with regional and area-based teams, including Health, Wellbeing and Inclusion workforces (such as SSSOs, as referred to in paragraph 26) and those delivering direct support to students, to ensure their professional opinions and experiences are heard and factored into the ongoing review of policy, guidance and resources.

53. The DoE's Wellbeing, Health and Engagement Division has been working with the Victorian Student Representative Council – Victoria's peak organisation for student voice and empowerment – to develop a new student complaint resource since the introduction of the current Child Safe Standards in July 2022. The development of this resource has been overseen by a Complaints Management Reference Group, inclusive of principal and teacher representatives and supported by DoE staff. The resource is due to be released before the end of the year and will support schools to enact their responsibilities under Child Safe Standard 3. Child Safe Standard 3 is concerned with children and young people in relation being empowered to their rights, participating in decisions affecting them and being taken seriously.

Qn. 24. How does the Department ensure lived experience perspectives are included in the design, implementation and evaluation of Relevant Policies and Practices?

54. The DoE has relied on the Child Safe Standards first introduced after the Parliamentary Betrayal of Trust Report, and updated after the Royal Commission into Institutional Responses to Child Sexual Abuse. Those Child Safe Standards were designed in direct response to the lived experience perspectives that were provided to the Inquiry and Commission.
55. The DoE consults regularly with support workforces with direct experience of working with victim survivors as set out in my response to question 23 above.

Signature:



Printed name: Stephen Andrew Fraser

Date: 3/11/23