



SUBMISSION TO
Industry, Education, Training and Industrial
Relations Committee

On the
EDUCATION AND TRAINING LEGISLATION
AMENDMENT BILL 2011

SEPTEMBER 2011

INTRODUCTION

Independent Schools Queensland (ISQ) was established in 1968 as a non-profit organisation to represent and promote the interests of Queensland's independent schools. ISQ currently represents some 185 independent schools in Queensland enrolling approximately 110,000 students.

ISQ welcomes the opportunity, on behalf of its members, to make this submission to the Industry, Education, Training and Industrial Relations Committee.

CONTEXT

Independent Schools Queensland strongly supports initiatives that ensure the ongoing safety and wellbeing of children. Independent schools take child safety and care very seriously ensuring there are clear policies and guidelines within the school and that these are understood and followed. The sector has a strong record for acting to protect children from harm.

MANDATORY REPORTING OF SEXUAL ABUSE TO POLICE

Independent Schools Queensland strongly supports any provisions that provide improved protection for children. Member schools currently comply with legislation related to 'harm' and to 'sexual abuse by a school employee' which, together, require staff members to 'report sexual abuse, or suspected sexual abuse' of any student by any person. The Association does, however, have concerns about extending the reporting requirements to include 'likely sexual abuse'.

Research into professionals who are legally required to report suspicions of child abuse and neglect confirm a number of difficulties in relation to frequency and accuracy of such reporting. It appears there is widespread professional ignorance of the law and procedures involved in reporting; the inability to recognise indicators of abuse; and reluctance to report because of perceived problems in the services available to the child (Reiniger et al, 1995¹; Haeringen et al, 1997²; Hampton and Newberger, 1980³).

¹ Reiniger, A., Robison, E. & McHugh M. (1995), *Mandated Training of Professionals: A Means for Improving Reporting of Suspected Child Abuse*, Child Abuse and Neglect, Volume 19, Issue 1, January 1995

² Haeringen, A., Dadds, M. & Armstrong K. (1997), *The Child Abuse Lottery – Will the Doctor Suspect and Report? Physician Attitudes Towards and Reporting of Suspected Child Abuse and Neglect*, Child Abuse and Neglect, Volume 22, Issue 3, March 1998

³ Hampton, R. & Newberger E. (1985) *Child Abuse Incidence and Reporting by Hospitals: Significance of Severity, Class and Race*, American Journal of Public Health, Vol. 75, Issue 1, American Public Health Association

Independent Schools Queensland is of the view that all of the above difficulties in reporting abuse will be exacerbated by the addition that requires school staff to 'guess' or 'assume' what might happen in future. The danger is that staff will report the smallest suspicion and thus overload an already overworked system; or will fail to report on the basis that predicting 'likely sexual abuse' is fraught with error.

DELEGATION OF THE DUTY TO REPORT SEXUAL ABUSE

Independent Schools Queensland does **not** support this change to the legislation. As the legislation now stands reporting requirements are clear. The report is to the school principal or to a member of the school board. A change to the legislation could result in, conceivably, any number of people deemed appropriate delegates. For example, a child protection officer, school chaplain, school counselor etc. Providing less clear cut lines for reporting has the potential to increase the risk to young people as the person who is ultimately responsible becomes blurred the more people involved in the reporting hierarchy.

Further as a matter of good governance, it would be normal for any delegation by a school board of any responsibility would be to the Principal. Given that the Principal is already subject of the provisions to report to police, this would appear to potentially narrow the opportunity for a staff member to report a matter of concern.

Independent Schools Queensland does not believe that the duty of a board member to report is an onerous one. In fact, given the importance of these matters, namely, the safety and wellbeing of children, it is considered appropriate that board members, who are generally held in high esteem within a school community, should have this duty.

Independent Schools Queensland supports the amendment to ensure that reporting of sexual abuse is directly to police.

TEACHER REGISTRATION

Independent Schools Queensland supports this change to the legislation, including the provision of an 'eligibility application'.

DISCIPLINARY ORDERS OF QCAT

Independent Schools Queensland supports the amendment that enables QCAT to make disciplinary orders to prohibit a person from applying for registration or for permission to teach for a stated period of time or for life.

CONCLUSION

Government has a constitutional obligation to ensure the protection of all Australian children and schools are well placed to support governments in this. Independent schools strongly support any provisions that keep children in their care safe and secure. Independent Schools Queensland does not, however, believe that (1) extending reporting requirements to include 'risk of sexual abuse' or (2) changing the reporting guidelines to include delegates other than the school principal and board members, improves child safety. On the contrary, there appears to be potential for both of these changes to lessen the safety of young people.

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