



# Department of Education and Early Childhood Development

Office of the Secretary

2 Treasury Place  
East Melbourne, Victoria 3002  
Telephone: +61 3 9637 2000  
DX 210083  
GPO Box 4367  
Melbourne, Victoria 3001

SEC 21765



Ms Jennifer Coate  
State Coroner  
Coroners Court of Victoria  
Level 11, 222 Exhibition Street  
MELBOURNE 3000

Dear Judge Coate

## **Investigation into the death of [REDACTED] – Court Ref. No. 1434/2008**

The Department of Education and Early Childhood Development (the Department) acknowledges receipt of the Inquest findings and recommendations made on 7 September 2012 by the Coroners Court of Victoria in relation to the death of [REDACTED], and wish to advise as follows:

### **Relevant Background**

#### Legislative context

The *Children, Youth and Families Act 2005* (Vic) provides for, amongst other things, the protection of children.

Section 184 of the Act states that a mandatory reporter who, in the course of practising his or her profession or carrying out the duties of his or her office, position or employment, forms the belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse, must report that belief and the reasonable grounds for that belief as soon as practicable. The person should make a report after each occasion on which he or she becomes aware of any further reasonable grounds for that belief. In this context, a mandatory reporter includes the following:

- any person who is registered as a teacher under the *Education and Training Reform Act 2006* (Vic); and
- the principal of a Government school or a non-government school within the meaning of the *Education and Training Reform Act 2006* (Vic).

Sections 28 & 29 the Act also permit any person to make a report to the Department of Human Services if they have a significant concern for the wellbeing of a child.

Section 183 also permits any person to make a report to the Department of Human Services or a member of the police force if they believe, on reasonable grounds, that a child is in need of protection.

The *Child Wellbeing and Safety Act 2005* (Vic) establishes, amongst other things, principles for the wellbeing of children. These principles include the following:

- Society as a whole shares responsibility for promoting the wellbeing and safety of children.
- Services for children and families should be designed and developed to readily identify harm and damage to the child and to provide for intervention by providers of services to remove or ameliorate the causes of that harm or damage.
- The providers of services to children and families should co-operate with other services and professionals to work in the interests of the child and family.

#### Policy context

The Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs has released the *National Framework for Protecting Australia's Children* (2009). This Framework confirms that protecting children is everyone's responsibility – parents, communities, governments and business. The National Framework provides the foundation for ensuring the safety and wellbeing of Australia's children and aims to deliver a substantial and sustained reduction in levels of child abuse and neglect over time. More information about the Framework is available at: <http://www.fahcsia.gov.au/taxonomy/term/29>.

In Victoria, the Department of Human Services, Child Protection, the Department of Education and Early Childhood Development, Licensed Children's Services and all Victorian schools have entered into a joint protocol that provides for a unified and consistent approach to protect the safety and wellbeing of all Victorian children and young people. This protocol, known as '*Protecting the Safety and Wellbeing of Children and Young People*', can be found at:

[http://www.dhs.vic.gov.au/\\_data/assets/pdf\\_file/0010/582571/safety-wellbeing-of-young-people-protocol-2010.pdf](http://www.dhs.vic.gov.au/_data/assets/pdf_file/0010/582571/safety-wellbeing-of-young-people-protocol-2010.pdf).

Since this time, the Victorian Government announced the *Protecting Victoria's Vulnerable Children Inquiry* to inquire and make recommendations to reduce the incidence and negative impact of child neglect and abuse in Victoria. On 27 January 2012, the Report of the Protecting Victoria's Vulnerable Children Inquiry was released and made 90 recommendations to the Victorian Government.

In this context, the Department now wishes to take this opportunity to provide you with a written response to each of the Coroner's recommendations:

**Recommendation 1:** *That the Department of Education and Early Childhood Development complete and introduce an on-going evaluation of its mandatory reporting training provided to teachers in order to monitor its efficacy in achieving its stated aims.*

In response to this recommendation, the Department advises that the Coroner's recommendation is in the process of being implemented.

Prior to the Coroner's findings and recommendations, the Department took the following action:

- All staff in government schools were required to attend a comprehensive training session on mandatory reporting obligations.

- Principals of Victorian government schools were required to provide one briefing session per semester to all staff at the school on mandatory reporting obligations.
- All new staff were required to attend a comprehensive training session to ensure that they were aware of their mandatory reporting obligations.
- To ensure consistency, training is now based on a joint protocol between the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian schools titled *Protecting the Safety and Wellbeing of Children and Young People.*"
- On 1 March 2011 the Department released another resource titled *Guide to Managing a Disclosure of Child Abuse*. This resource provides guidance to school staff about managing the disclosure of information by a child relating to child abuse.
- In July 2011 the Department reviewed and amended the information and advice provided in the School Policy and Advisory Guide that related to mandatory reporting. It now provides information and guidance to school staff about the following:
  - mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse
  - making a mandatory report to the Department of Human Services Child Protection
  - identification and awareness of the indicators of abuse.

Current information and advice can be found at:

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>.

- In July 2012, the Department implemented an eLearning module for use by government, independent and Catholic schools as well as licensed children's services, and health and welfare agencies. All mandated staff in government schools are required to complete the module annually. Non-mandated staff are also encouraged to undertake the training. Since its introduction, over 28,500 teachers and staff in Victorian government schools have completed the training.

In 2013, the Department will review and evaluate the implementation of this training and information to ensure that it is effective in empowering staff to manage incidents of mandatory reporting.

The evaluation will facilitate continuous improvement to training and information provided to staff in government schools.

**Recommendation 2:** *That the Department of Education and Early Childhood Development ensure that its on-going professional development obligations to its teachers address the identified barriers to the reporting of child abuse.*

In response to this recommendation, the Department advises that the Coroner's recommendation is in the process of being implemented.

Prior to the Coroner's findings and recommendations, the Department introduced the eLearning module mentioned above. Part of the module includes information relating to common barriers to the reporting of child abuse.

Once the evaluation of the training and information is complete, the Department proposes to improve the quality, content and effectiveness of the training and information related to the barriers to reporting of child abuse.

**Recommendation 3:** *That the Department of Education and Early Childhood Development accept and implement Recommendation 10 of the Protecting Victoria's Vulnerable Children Inquiry contained in Chapter 7: Preventing Child Abuse and Neglect. Specifically, that the Department develop a wide-ranging education and information campaign for parents and caregivers of all school-aged children on the prevention of child sexual abuse.*

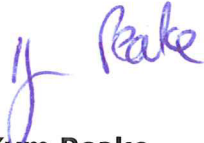
In response to this recommendation, the Department advises that the Coroner's recommendation is in the process of being implemented.

In relation to this recommendation, it is important to note the following:

- The implementation of this recommendation will be conducted in partnership with other Victorian Government departments and agencies including the Department of Human Services, Department of Justice, Office of the Child Safety Commissioner and Victoria Police.
- Representatives from each of these departments and agencies have met to discuss, plan and implement the recommendations of the *Protecting Victoria's Vulnerable Children Inquiry*.
- In late 2012, representatives from the Department advised the Committee of this recommendation from the Coroners Court of Victoria. The Committee confirmed its commitment to implementing this recommendation in conjunction with ongoing work in this area.

If there are any questions in relation to this matter, please contact Ms Carol Kelly, Executive Director, Student Inclusion and Engagement Division, Department of Education and Early Childhood Development, on [REDACTED], or by email: [REDACTED]

Yours sincerely



**Kym Peake**  
Acting Secretary

14 / 1 / 2013